



JJ Reform and the Importance of the Community Based Diversion System

Background

In 1975, Public Act 75-487 (An Act Concerning the Establishment and Operation of Youth Service Systems within the State) established the Youth Service Bureaus (YSB) as an “agency operated directly by one or more municipalities, or a private agency designated to act as an agent of one or more municipalities, for the purpose of evaluating, planning, coordinating and implementing” community-based services.

Diversionary practices and the usage of YSBs expanded over time and, in 2015, the Juvenile Justice Policy and Oversight Committee (JJPOC) adopted a strategic goal to increase diversion over a three-year period. A diversion workgroup was convened to develop strategies to achieve this goal. At the same time, Connecticut continued to decriminalize status offenses (examples provided later in this brief) and a coordinated system of supports and best practices was in greater need. Through Public Act 16-147, the JJPOC was required to submit a plan, including cost options, for the development of a Community-Based Diversion System.

In 2018, the Community-Based Diversion System was codified in state statute, focusing on “identifying and addressing the underlying needs/symptoms of delinquent behavior and putting early intervention supports in place.” Delinquent behaviors can be a normal part of adolescent development, which is a time of exploration and risk-taking, often marked by being impulsive and susceptible to peer pressure. But in other instances, they can signal underlying problems at home or in school that need closer attention. The YSBs became the central point of referral for youth needing services by not only juvenile courts but also law enforcement and schools.

There are currently 103 YSBs serving 139 communities across CT. They range in size and scope, from the smallest, staffed by a single part-time employee in a municipal office, to the largest, which is a private, nonprofit agency that provides a wide range of services to 10 municipalities. YSBs in larger cities focus their activities on administrative efforts that coordinate the many public and private providers in the community that offer a wide array of youth services.

In addition, Connecticut has Juvenile Review Boards (JRB) which are a diversionary process designed to serve youth that are referred to, or are eligible to be referred to, juvenile court for a delinquency or status offense matter. The first JRB was created in Enfield, CT in 1968. There are currently 89 JRBs serving 139 communities in Connecticut. The composition of the JRB members most often includes the YSB, school personnel, law Enforcement, juvenile probation, the Department of Children and Families, community providers and community members. Most JRBs fall under the umbrella of the YSB with only roughly 10% run by another entities. In 2016, with support from the State’s Attorney’s Office, The Connecticut Youth Services Association (CYSA) created and copyrighted JRB Protocols and Procedures.

CYSA leads, strengthens and supports a unified network of Youth Service Bureaus dedicated to promoting the well-being of CT's children, youth and families.

The Need

Decades of research have shown that formally processing youth in the juvenile justice system does not prevent future crime and, instead, increases the likelihood of future criminal behavior by deterring psychosocial development. In fact, research demonstrates three key justifications as to why youth should avoid system intervention:



1. Court involvement for low-risk youth often does more harm than good and takes limited resources away from focusing interventions on youth whose behavior poses a public safety risk.
2. Most low-risk youth grow out of their behavior and stop reoffending without system intervention.
3. Diversion is a more cost-effective public safety strategy than court processing for low-risk youth. As a result, diversion is an effective solution to directly address racial and ethnic disparities in the juvenile justice system and promote equity.

Research also shows that disparities occur when law enforcement, court officials or other practitioners use their discretion differently when dealing with individuals of different racial and ethnic backgrounds. By making diversion automatic for certain low-level offenses, youth are held accountable in a similar manner.

A national review of alternative approaches to delinquent behavior found that the Massachusetts Juvenile Justice Policy and Data Board, in April 2018, passed “An Act Relative to Criminal Justice Reform” which among other things removed Juvenile Court jurisdiction for certain lower-level offenses. This means that youth can no longer be found delinquent for certain offenses and first offenses for lower-level misdemeanors. Massachusetts found that youth participating in diversion programs were less likely to reoffend than youth who were formally processed into the system. As a result, there has been a reduction in use of the juvenile justice system for lower-level offenses. Florida created a civil citation program, whereby youth are issued a citation in lieu of an arrest via statute. Under Chapter Law 2018-127, civil citation or similar pre-arrest diversion programs are established for misdemeanor offenses in each judicial circuit of the state. Each judicial circuit’s civil citation or similar pre-arrest diversion program must specify the misdemeanor offenses that qualify a juvenile to participate in the program and the program’s eligibility requirements.

In addition, the minimum age of juvenile jurisdiction in Connecticut is currently 7 years of age. (More on this to come later.) That means that youth over the age of 7 have been processed as juvenile offenders for behaviors that in most cases are a function of brain development and exposure to trauma. As an overall trend, youth under 12 are mainly referred for misdemeanors. In the past three years, an average of 78% of referrals among this population were for misdemeanors. The majority of cases for youth under 12 are handled non-judicially. In 2018 and 2019, almost 80% of all cases were handled non-judicially. In addition, the number of cases not accepted have increased. **Based on risk assessment of supervised youth, the data shows a vast majority are identified as low or null risk. Looking at 2019 specifically, about 84% of referred youth under 12 were identified as low or null risk.** The recidivism rate for youth referred prior to July 1st, 2018, is about 27.4%, with those clients only ranging between the ages of 8 and 11.



Another key factor contributing to the needs youth have for services is homelessness. Nationally, youth with less than a high school diploma or GED had a 346% higher risk of becoming homeless. Black or African American youth had an 83% higher risk, and Hispanic, non-White youth had a 33% higher risk of homelessness. Studies found that 50 to

75% of youth experiencing homelessness had been arrested, while 50 to 60% had been incarcerated. Drug abuse, mental health issues, and lack of access to services were associated with increased criminal activity for homeless youth. The length of time a youth remains homeless/disconnected has a direct correlation to increased frequency and likelihood of being involved with the criminal justice system. They also found that services that included housing, employment, and behavioral health supports were most effective.

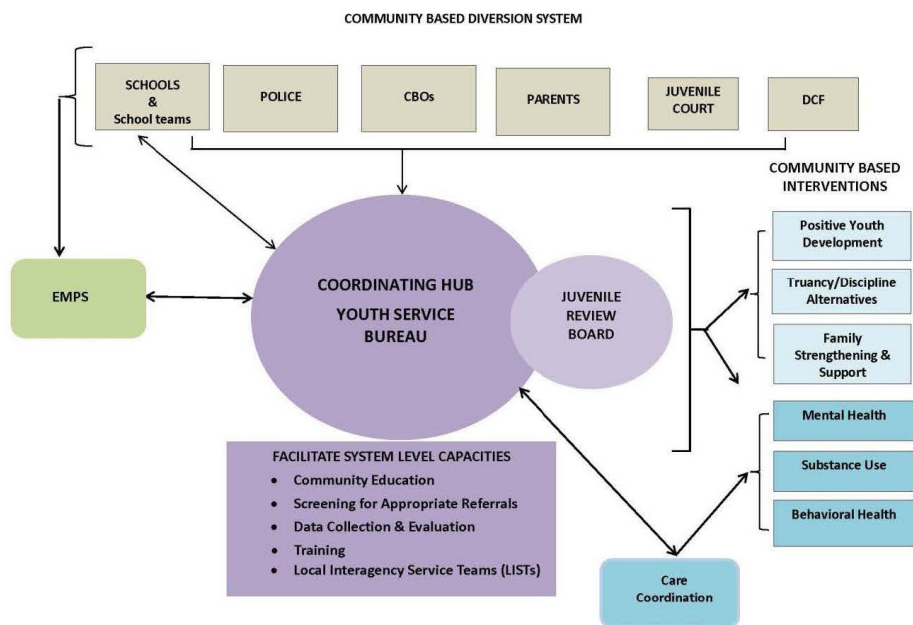


In Connecticut, it's estimated that 5,000 youth under 25 years of age have experienced homelessness or have been unstably housed and disproportionately, they are youth of color (37% black; 36% Latinx). A Statewide Minor Homelessness Taskforce has been established to develop a coordinated approach to ending youth homelessness for youth coming out of the justice system or at risk of entering the system. They will address the gaps in homelessness data for minors (creating a functioning "by name" list), use a multi-system case conferencing model designed to integrate/coordinate systems for minors with cross sector partners (including Youth Service Bureaus, Child Welfare, Judicial Branch, etc.), and provide training on the intersections of youth justice and homelessness.

The Role of the YSB and JRB

Community-Based Diversion focuses on identifying and addressing the underlying needs/symptoms of the behavior and putting early intervention supports in place. In order to increase diversion, it is critical to include police, schools, families, the court and child welfare systems, as well as other stakeholders such as faith-based organizations and neighborhood groups. This collective "community" of diversion supports requires a "coordinating hub" to mobilize and streamline the array of community-based interventions with a capacity to meet the individual needs of at-risk children. The YSBs have been identified as the Coordinating Hubs in each community.

The YSBs conduct two levels of programming: Tier 1 programming includes short-term events (e.g., an informational session on cyber bullying, vaping or other relevant topics) and large group events (e.g., assemblies, family days, etc); Tier 2 programming is longer-term (generally 20 hours or more), focused on youth development and intensive enough to have an impact on youth behavior and development in school and community. In addition, mental health services are frequently provided (e.g., individual, family and group therapy). The programming YSBs provide are either direct service, contractual or referral to other agencies. Services YSBs provide include:



Positive Youth Dev	95%	Outreach	70%
Prevention	92%	Counseling	69%
Recreation/Youth Dev	85%	Employment	45%
Juvenile Review Board	83%	Community Service	44%
After School Program	81%	Birth to 5 services	31%

Focus in Connecticut

In June 2019, leadership from Connecticut's three branches of government partnered with the Council of State Governments on their IOYouth initiative. A Statewide Task Force was formed to assess whether recent juvenile justice system reforms have been implemented as intended and have had the expected impact. The Task Force's charge was to determine what next steps are needed to ensure that policies, practices, and resource allocation decisions are aligned with what the research says works to strengthen public safety and improve outcomes for youth. Under the guidance of the Task Force, the Council of State Governments (CSG) Justice Center conducted a year-long comprehensive assessment of Connecticut's juvenile justice system from referral to reentry, including extensive analyses of case-level juvenile justice. They presented recommendations to the JJPOC in July 2020. One area they are supporting is the continued strengthening of the community-based diversion system model. By strengthening the Community Based Diversion System it will ensure our state is appropriately and effectively responding to the children and youth diverted from juvenile justice system.

In January and February of 2021, the Juvenile Justice Policy Oversight Committee (JJPOC) approved recommendations for 2021 legislative consideration. Two of the recommendations will rely on the states Community Based Diversion System. The first approved recommendation focuses on "right sizing the system" by raising the minimum age of jurisdiction while also addressing racial and ethnic disparities in juvenile justice system. The recommendation is to raise the minimum age of juvenile court jurisdiction from seven years old to twelve years old on July 1, 2021. In addition, a second recommendation would decriminalize and remove from juvenile court jurisdiction the following behaviors beginning January 1, 2022:

1. Simple Trespass
2. Creating a Public Disturbance
3. Possession of cannabis-type substance (under .5 ounce only)
4. Use/Possession/Delivery of drug paraphernalia (related to under .5 ounce of cannabis-type substance)

The analyses conducted as part of the IOYouth statewide assessment revealed that a significant number of referrals to juvenile court were for low level offenses, and that many of these youth received dispositions with supervision.

- In 2018, 41% of all referrals to juvenile court were first-time referrals, demonstrating that opportunities exist to expand diversion.
- In 2018, 5 low-level offenses (Breach Peace, 2nd Degree, Larceny, 6th Degree, Disorderly Conduct, Interference w/ Officer/Resisting Arrest, Possession Controlled Substance or > .5 oz. of Cannabis) represented 55% of all misdemeanor referrals to juvenile court, and these same offenses represented nearly 60% of all first-time misdemeanor referrals.
- While delinquent referrals to juvenile court declined 25% since 2014, disproportionality in referrals has remained the same. The rate at which Hispanic youth are referred to juvenile court is 2.2 times higher than that of white youth and the rate for non-Hispanic Black youth is 4.8 times higher than that of white youth.
- At the same time, 40% of first-time infraction referrals and 40% of first-time misdemeanor referrals were disposed to non-judicial supervision.

Law enforcement, schools, and other systems would instead refer youth to a Youth Service Bureau (YSB) or other local agency in lieu of an arrest if services are necessary.

A second part of the approved recommendation is to propose legislation that would establish a pre-arrest juvenile diversion model that holds youth accountable for low-level misbehavior while diverting them from any court processing or formal arrest record. Expanding alternatives to arrest options for youth who have committed low-level offenses or low-level behaviors frees up limited resources of the juvenile justice system to support youth that are higher risk and have committed more serious offenses. Developing these alternatives will also directly address disproportionate contact that youth of color may have with the juvenile justice system and provide them with access to diversionary services more quickly than through the juvenile



court. Additionally, research demonstrates that low risk youth, with very minimal supervision and services, typically grow out of their adolescent behavior, and that over supervising these youth can actually create more harm than good.

Pro-social experiences are the result of any program, service, or activity that builds skills to enhance behaviors and instill values that are positive, helpful, and directed towards the benefit of individuals, or society as a whole. Juvenile diversion initiatives feature interventions which promote healthy bonds with, and respect for, prosocial members within the juvenile's family, peer, school, and community network, and provide an assortment of highly structured programming activities, including education and/or hands-on vocational training and skill development. Through the Community-Based Diversion System, early identification, assessment and intervention, the individual criminogenic, social/emotional, behavioral, mental health and academic needs of at-risk pre-delinquent and delinquent children and youth can be addressed within the context of their family, school, and community such that no child or youth is entered into the juvenile justice system without having exhausted appropriate community resources.



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***This Issue Brief is in collaboration with Erica Bromley,
Juvenile Justice Liaison, Connecticut Youth Services Association.***

Resources

- Connecticut Youth Service Bureaus Biennial Report, July 2017-June 2019, Positive Youth Development, Diversion from the Juvenile Justice System, and Connecting Youth and Families to Community-based Support Services
- Juvenile Justice Policy and Oversight Committee 2020-2021 Recommendations as Adopted on January 21st and February 18th, 2021
- Community-Based Diversion System Plan
- Status Offenses Issue Brief
- IO Youth Initiative presentation, 12-4-20
- JJPOC 2019 – 2021 Strategic Plan

The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy.

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