

# State of Connecticut Division of Criminal Justice

Kevin T. Kane, Chief State's Attorney



## Connecticut Youth Services Association

# Juvenile Review Boards Where We Are & Where We're Going

**CYSA JRB Conference - New Britain**  
**June 2015**

Prepared by: Francis J. Carino,  
Supervisory Assistant State's Attorney

**A copy of this presentation is  
available at  
[www.francarino.com](http://www.francarino.com)  
in the “Civilian Training/  
Presentation Modules” section.**

## Topics to discuss:

- ✓ Ideas from New Zealand - ideas to consider;
- ✓ Scope of JRB review - what should we look at;
- ✓ JRB membership issues - who should sit on the JRB;
- ✓ Confidentiality related issues - what can be shared;
- ✓ JRB Contract Amendment - suggested amendment;
- ✓ Regional JRB protocol - how does it work;
- ✓ What does the future hold?

# Ideas from New Zealand\*

## Long-term system improvements:

- special police – officers that understand kids, the limitations of juvenile court and the diversion concept;
- professional case managers – trained government employees

# Ideas from New Zealand

## Short-term system improvements:

- professional training for case managers;  
*What training topics would interest current case managers?*
- utilize evidence based intake assessment instruments;
- have the victim make list of recommendations for diversion (What they would like to see happen?);

### Provides an opportunity:

- for victim to be heard;
- to create reasonable expectations;
- hear what is important to the victim;

# Ideas from New Zealand

## Short-term system improvements:

- have the child pick diversions from the list (JRB should still impose other appropriate diversions) to allow the child to:
  - understand the impact on the victim;
  - know what is important to the victim; and
  - have the opportunity to “buy into” the diversions;
- invite the family to bring to the JRB meeting one or two relatives, school or community support persons to:
  - to see if the family has such supports; and
  - cultivate support for success outside of the JRB (child may succeed because they won't want to disappoint Grandma, their coach, minister or scout leader);



## Other Ideas

### Short-term system improvements:

- ask the parent & child what they would recommend;
- delay making the decision to accept or reject the case;  
*Gives the child a chance to prove they can succeed.*
- speak to the child and parent separately;

## Scope of JRB Review

JRB should look into all relevant family issues, not just the incident that brought the child to the JRB;

The child's world consists of their home, school and community. All three should be explored.

Help resolve the family's issues that are at the root of the misconduct, not just "punish" for the wrongdoing.

Case manager can advise if certain areas or issues are "off the table" before the meeting.



## JRB Membership Issues

Membership should include local professionals that are:

- knowledgeable and experienced about adolescent behavior and the juvenile justice system;
- familiar with the community;
- willing to commit to consistent participation on the JRB;

JRBs generally consist of local:

- Youth Service Bureau staff;
- School officials (administrators, if available);
- Law enforcement officials;
- Juvenile court (probation, prosecutor, defense attorney);
- Service providers;
- Faith community representatives;
- Members of the business community;
- Community members;

## Confidentiality Related Issues;

The purpose of the JRB is to:

- identify any issues that caused the child's misconduct;
- help the family address those issues;
- hold the child accountable for the misconduct and deter them from future misconduct;
- restore the victim and community harmed by the child's actions;
- build a relationship between the child and law enforcement;
- offer the child and family an alternative to the juvenile court to accomplish these goals;
- provide support to the child and family as they work through the issues;

## Confidentiality Related Issues;

### ***Remember:***

- ✓ The JRB is not part of the court system.
- ✓ Families choose to participate in the JRB diversion rather than going to court.
- ✓ Information shared during a JRB meeting is for the purpose of identifying and proposing solutions to the issues that underlie the child's behavior.
- ✓ Information shared should not be further disclosed unless disclosed for a reason that is consistent with the purpose of the JRB.

## Confidentiality Related Issues;

### *Information coming into the JRB:*

Case manager should inform the JRB of any sensitive topics for the family.

Information about the family, known by the members, should be shared if relevant to the issues before the JRB. *Unverified gossip, rumors or irrelevant matters should not be discussed.*

The JRB should have access to all accurate and relevant information to help identify problem areas and develop a treatment plan.

Case manager should discuss these points with the family during the intake process and the family can decide whether they want to participate in the JRB process.



## Confidentiality Related Issues;

### *Information coming out of the JRB:*

Case manager should inform the family that the information shared during the JRB meeting is confidential and will not be shared outside of the process.

- ▶ The family should also be informed however that information shared during the JRB meeting may be disclosed to the proper authorities if the information:
  - requires a mandated reporter to make report to DCF
  - concerns the commission of a serious crime
  - constitutes a violation of a school policy or regulation

The family can then decide whether they want to participate in the JRB process.

*The JRB process is not intended to shield the child from appropriate legal or administrative consequences.*

# Amendment to the JRB Contract

## JUVENILE REVIEW BOARD

### CONTRACT / WAIVER OF RIGHTS / RELEASE OF INFORMATION

#### **Part I: Introduction**

You have been referred to the Juvenile Review Board for allegedly \_\_\_\_\_, which is against the law. "Allegedly" means, "not yet proven in court." You have the right to go before a judge in the Juvenile Court and have the judge decide, based on all of the evidence, whether or not the state can prove that you actually committed this offense. If the judge finds that the state cannot prove the case against you, the case would be dismissed and there would be no record of it. If the judge finds that the state has proven the case against you, you will be convicted, or adjudicated to be a child from a family with service needs, and you will have a juvenile court record. If you are convicted, or adjudicated to be a child from a family with service needs, you will likely be placed on probation or supervision and be required to comply with several conditions set by the court including visit regularly with a probation officer, attend school, participate in special programs and submit to random drug/alcohol testing. If you fail to obey the orders of probation or supervision, you could be removed from your home and community and placed in a residential facility or a state institution for up to eighteen months.

Because this is your first offense, or you don't yet have an extensive record, and there was no serious injury or damage, you have another option. This option is called "diversion." Diversion means that instead of going to Juvenile Court, your case is "diverted" to the Juvenile Review Board. The Juvenile Review Board is not part of the court. It is a group of people who work professionally with children and youths, such as counselors, principals and social workers. This group helps the police and the schools take care of cases like yours by suggesting ways in which a child or youth can make up for or deal with the unlawful thing that he or she has done. One kind of diversion is doing community service work, like working as a volunteer in a hospital or nursing home for short time. The Juvenile Review Board's recommendations depend upon the particular circumstances of each case such as your age, the act you committed, your attitude and your school and family situation.



# Amendment to the JRB Contract

On the other hand, if you did commit the offense for which you are charged, you may prefer to give up these rights and agree to have the Juvenile Review Board handle your case.

Second, to give the Juvenile Review Board some basis for making a recommendation, you must give permission for the Juvenile Review Board to look at your school records and get information from school personnel. This will help the Juvenile Review Board determine if what you did is related to other things you have done or problems you may be having in school. The Juvenile Review Board also may want to get information from your counselor, if you are in counseling outside of school. The Juvenile Review Board will keep this information confidential so no one except the people on the Juvenile Review Board will ever see or hear the information.

Third, if your parent(s) brought the charges against you, they cannot decide to just forget about the case and expect that it will go away. Once the Juvenile Review Board hears the case, if you do not agree to the recommended diversion, the case will be returned to the police who may then send it to the Juvenile Court.

Fourth, the law gives the victim, any person harmed by your actions, certain legal rights. In court, they have the right to learn your name and address in the event they decide later to sue you or your parents in a civil court for their losses. They also have the right to appear in court to see what happens with your case and to tell the judge about how they feel about what you did. To preserve the victim's rights in the Juvenile Review Board process, you must agree to allow the Juvenile Review Board to release your identity to the victim, if requested, and allow the Juvenile Review Board to tell the victim how your diversion was handled if they ask for that information.

**Fifth**

if the recommended diversion of the Juvenile Review Board includes counseling or therapy, you and your family are not obligated to use the counseling or therapy services offered by the local Youth Services

**Finally, although the matters discussed at the Juvenile Review Board are confidential, meaning they will not be disclosed to anyone outside the Juvenile Review Board process, if information is disclosed during the process that constitutes a violation of the law or a school policy or regulation, or that would require a mandated reporter to make a report, that information may be disclosed to the appropriate authorities.**

## Regional JRB Protocol

- ✓ Used for children who get charged with misconduct in another town;
- ✓ Particularly useful to towns with adjoining borders;
- ✓ Also helpful where regional malls or regional schools exist;
- ✓ Provides for a child to be referred to their local JRB, through their local police department, by the police where the misconduct occurred;

JRB: AHM Juvenile Review Board

Contact: Sabena Escott

*Name*

860-228-9488

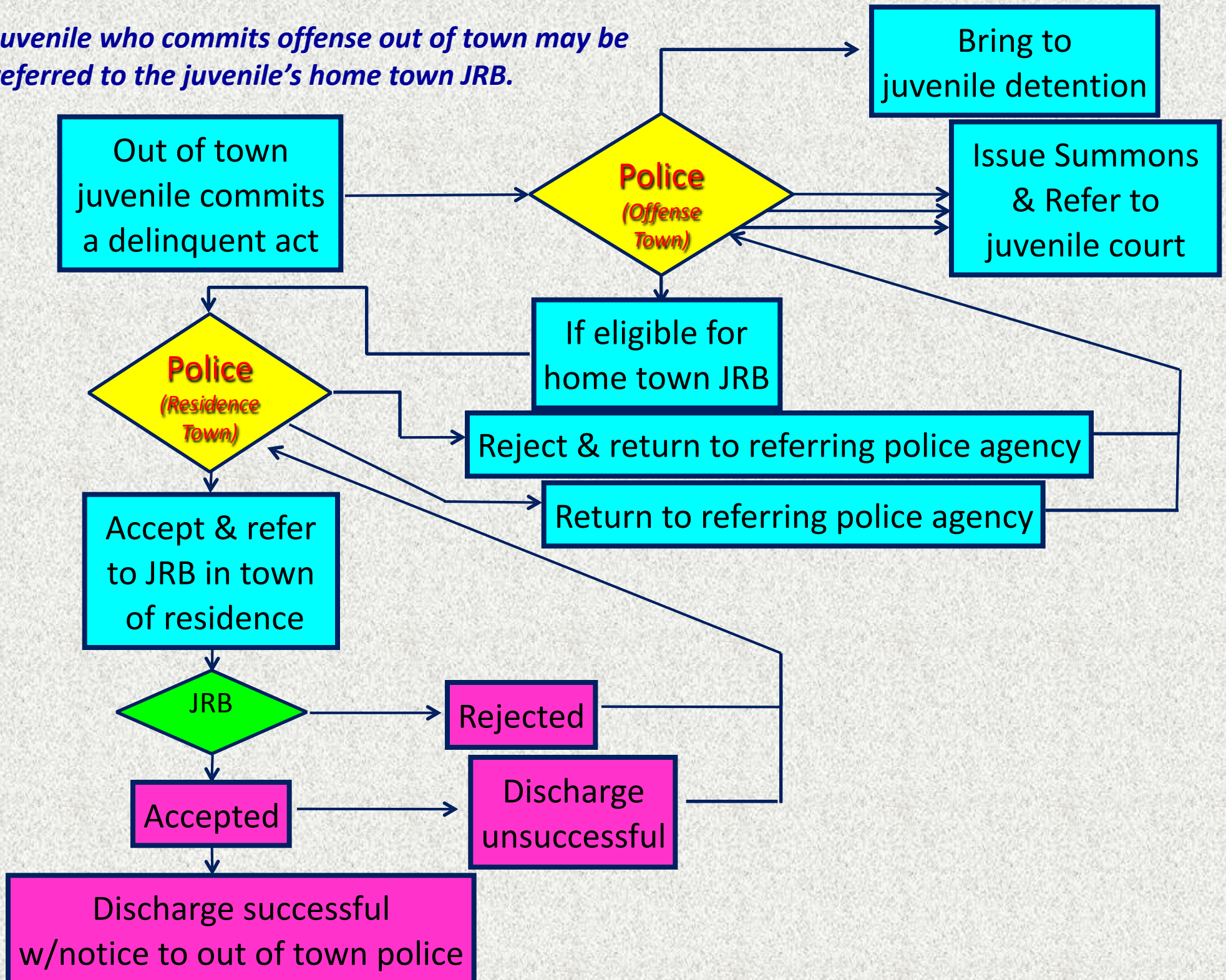
*Phone*

SabenaE@ahmyouth.org

*E-mail*

<b>TYPES OF CASES ACC (DELINQUENCY/</b>	<b>REFERRAL SOURCES (POLICE, SCHOOL,PARENT</b>	<b>ELIGIBILITY CRITERIA</b>	<b>REFERRAL PROCEDURE</b>
<b>DELINQUENCY (UNDER 18)</b>	Police	1st offense, not a felony, admit responsibility, family agrees	Resident Trooper discusses JRB w/family. If they agree, case referred to JRB.
<b>FWSN (UNDER 18)</b>	Police	1st offense, admit responsibility, family agrees	Resident Trooper discusses JRB w/family. If they agree, case referred to JRB.
	School	1st offense, admit responsibility, family agrees	School administrator discusses JRB w/family. If they agree, case referred to JRB.
	Parent	1st offense, admit responsibility, family agrees	Parent discusses JRB with YSB. If family agrees, case referred to JRB.

*Juvenile who commits offense out of town may be referred to the juvenile's home town JRB.*



**What does the future hold?**







## Concerns:

- ▶ YSB Funding cuts
  - ▶ *Data talks!*
- ▶ Legislative mandates
- ▶ State agency intrusion } (\$ = control)
- ▶ Softening of the court process
- ▶ Lack of training resulting in poor programs
- ▶ Lack of data to illustrate effectiveness
- ▶ Loss of program effectiveness

***Prepared by:***

**Francis J. Carino**

**Supervisory Assistant State's Attorney**

**Office of the Chief State's Attorney**

**300 Corporate Place**

**Rocky Hill, CT 06067**

**Tel.: (860) 258-5826**

**Fax: (860) 258-5858**

**Voice Pager: (860) 490-0647**

**E-mail: [francis.carino@ct.gov](mailto:francis.carino@ct.gov)**

**CT Juvenile Law website: [www.francarino.com](http://www.francarino.com)**