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| <p style="text-align: center;"><b>East Haven<br/>Police<br/>Department</b></p>  | <b>Type of Directive:</b><br><b>Policies &amp; Procedures</b>               |  | <b>No. 439.2</b>                 |
|  | <b>Subject/Title:</b><br><b>Juvenile Review Board</b>                       | <b>Issue Date:</b><br><b>July 29, 2014</b>         |                                  |
|  | <b>Issuing Authority:</b><br><b>Honorable Board of Police Commissioners</b> | <b>Effective Date:</b><br><b>September 1, 2014</b> |                                  |
| <b>References/Attachments:</b><br><b>Policies &amp; Procedures #: 801</b><br><b>Connecticut General Statutes § 11-8 and 11-8a</b>                                |   | <b>Review Date:</b><br><b>Annually</b>             | <b>Rescinds:</b><br><b>439.1</b> |
|  |   |  | <b>Amends:</b><br><b>N/A</b>     |

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the Juvenile Review Board (JRB).

## II. POLICY

- A. The Juvenile Review Board will be an East Haven Police Department program to provide an early means to identify and assist youth (age 18 and under) who are troubled or in trouble.
- B. Referral to the East Haven Juvenile Review Board is intended to be an alternative to the referral to juvenile court. The Juvenile Review Board will accomplish its purpose through considering juvenile cases referred to it and offering recommendations regarding the best method of dealing with the youth's particular needs.
- C. The Juvenile Review Board's recommendations may include individual or family counseling, psychiatric evaluation, work or monetary restitution, or participation in-group or other activities. In many instances, these services are presently available, but unknown, or unused, by the youth, family, school or police.

## III. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Membership on the board shall be accorded to representatives of agencies, organizations and members of the community, which have direct responsibility, contact, or concern with the youth and their families. The appointment(s) will be made by the Chief of Police or his designee.

- B. The Chief of Police or his designee will attempt to distribute membership on the Board depending on willingness to serve as follows:
  - 1. Police Department
    - a. Youth Division
    - b. Other members of the Police Department
  - 2. Board of Education
  - 3. East Haven Youth Services
  - 4. Juvenile Probation Officer
  - 5. Clergy/Community Leaders
- C. The town attorney will be available to the Juvenile Review Board.
- D. Meetings shall be held as often as necessary to consider cases or administrative matters. Attendance shall be recorded in the minutes of the meeting.
- E. Board files will be maintained by the Records Division of the Police Department in accordance with State laws.

#### **IV. PROCEDURES**

- A. A matter is eligible for Juvenile Review Board consideration if it involves a juvenile contact for Larceny 6<sup>th</sup>, Criminal Mischief 3<sup>rd</sup>, Criminal Trespass 3<sup>rd</sup>, Creating a Public Disturbance, Disorderly Conduct, Breach of Peace 2<sup>nd</sup>, Simple Trespass, Reckless Burning, Possession of Fireworks, and other minor offenses deemed appropriate by the investigating officer or school official.
  - 1. The Juvenile Review Board will usually only accept referrals involving juveniles for their first offense. It will be at the discretion of the Juvenile Review Board to accept a referral for subsequent offenses.
- B. A matter NOT eligible for Juvenile Review Board consideration shall include but not limited to Family Violence offenses, School Violence offenses, drugs, and felonies.
  - 1. “Family Violence” means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family and household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.
  - 2. “Family or household member” means parents and their children presently residing together or who have resided together; and persons who have a child in common

regardless of whether they are or have been married or have lived together at any time and persons in, or have recently been in, a dating relationship.

3. "School Violence" means violence and the threat of violence on school grounds and during programs and activities. School violence usually involves anyone caught with a firearm, explosives or other objects considered to be a weapon.
  - a. For the purpose of this directive, a physical fight that does not involve weapons or the threatened use of weapons and there are no serious physical injuries will not be deemed to be school violence.

C. Officers will investigate the complaint and if a referral to the Juvenile Review Board is deemed appropriate, the officer will contact the juvenile's parent, issue a Notice of Violation form to the parent, and then complete a thorough investigation report. The report then will be submitted to their supervisor for review and approval. This report when approved will then be submitted to the Records Division who will then notify the Department's Juvenile Review Board member.

1. Authorization by the parent and the juvenile shall be required before a child's case can be brought before the Juvenile Review Board and before any information can be shared between and among agencies.
2. If the parents and/or juvenile refuse to sign the Notice of Violation or any Review Board authorization forms; the case will be handled by the original investigating officer.
3. If the juvenile says he/she is not guilty of the offense, the case will be handled by the original investigating officer.
4. Under NO circumstances will it be the Juvenile Review Board's responsibility to determine if the offense occurred, or if the accused is innocent or guilty of the offense.

D. Pre-Hearing:

1. Before any case is even considered by the Juvenile Review Board, the Juvenile Review Board process should be explained fully to the family and the family must agree to participate and have the case considered by the Juvenile Review Board.
2. The child and family must acknowledge responsibility for the behavior being presented to the Juvenile Review Board. Unlike cases handled by the court, there is no presumption of innocence in cases handled by the Juvenile Review Board. Any case where there is a claim of innocence, or of any legal defense that might be presented in a court case, will be ineligible for the Juvenile Review Board process and should be referred to the court for resolution.

3. It must also be fully explained to the child and family that certain rights that would be available if the matter was referred to the court will not be available if the Juvenile Review Board process is utilized. Such rights include the right to remain silent, to have an attorney, to have a trial, and to confront any witnesses against them.
4. All appropriate intake forms and releases should be fully explained and executed.
5. As part of the pre-hearing process, all available and relevant information regarding the offenses alleged to have been committed and the background of the child and family whose case will be considered by the Juvenile Review Board should be gathered.
6. Where appropriate, the victim should also be contacted so the process can be explained to them and their input solicited.

E. The Initial Hearing.

1. Before the child and family actually appear before the Juvenile Review Board in person, the facts of the case, the elements of the offense, and any available background on the child and family should be presented to the Juvenile Review Board members so they will have a basic understanding of the offense and background of the case that they are about to hear.
2. Every hearing should begin with a brief statement of the facts of the case provided by a designated representative to the Juvenile Review Board. That representative may be a Police Officer, Youth Services Caseworker, School Representative or Caseworker assigned to the Juvenile Review Board.
3. For non-criminal, school related status offenses, a K-12 educator should present the facts of the case to the Juvenile Review Board along with any available and relevant background information and any recommendations that would be helpful to the Juvenile Review Board.
4. For criminal cases and non-school related status offenses, a police officer should present the facts of the case to the Juvenile Review Board, with a brief explanation of the elements of the offenses alleged, along with any available and relevant background information and recommendations that would be helpful to the Juvenile Review Board. Any victim input should also be disclosed at that time as well.
5. When the child and family actually appear before the Juvenile Review Board, the Chairperson should welcome and summarize for the family the role of the Juvenile Review Board and the procedures for the hearing.
6. The Chairperson should have each of the Juvenile Review Board members introduce themselves by name and position within the community to help establish who the child and family are addressing during the proceeding.

7. The Chairperson should reiterate to the child and family that an important initial component of the process is for the Juvenile Review Board to determine if the case will be heard by the Juvenile Review Board or will be referred to court. While the child and family have agreed to the process, the Juvenile Review Board has discretion to reject a case and suggest that it be referred to the court for resolution.
8. The Chairperson should then offer the child an opportunity to explain the circumstances that led to the referral and ask open ended questions to elicit from the child the facts of the case to determine the child's understanding of facts and circumstances of the case, the level to which the child takes responsibility for their actions, and the extent that the child is aware of the consequences of their conduct.
9. The Chairperson should then invite the Juvenile Review Board members to ask questions of the child and the family regarding the incident as well as any action that has been taken by the family, school or any other entity in response to the incident up to the point of the hearing. The child should also be asked to explain why they think the Juvenile Review Board should handle the case rather than recommending that it be referred to the court. Such questioning should be orderly and professional and be relevant to the issues of the case. Juvenile Review Board members should demonstrate a heightened sensitivity to the child's actions in the context of social and emotional behavior versus criminal behavior where appropriate. The Chairperson should ensure that proper decorum is observed during the hearing, that Juvenile Review Board members are afforded a reasonable opportunity to ask questions and that the child and family are treated with respect and given an opportunity to answer the questions asked while maintaining reasonable time limitations.
10. When the questioning is complete, the family should be asked if they have any questions for the Juvenile Review Board. Any questions asked of the Juvenile Review Board should be fully answered.
11. The family should then be advised that the Juvenile Review Board will now discuss the case privately and inform them of the results of their deliberations. (Parents have noted from previous cases how beneficial it is to have the police officer escort the child and family outside at this point in the process. At that time, the officer is encouraged to speak one on one with the child in the capacity as a mentor/role model. This is an excellent time to remind the child (one on one) of their responsibilities as a citizen of the community.)
12. When appropriate, adult family members may be asked to stay and speak with the Juvenile Review Board to gather additional input before determining if the case will be accepted and, if accepted what diversions will be proposed for the child.
13. The Juvenile Review Board should then meet and discuss the case to identify the

issues and needs that are to be addressed and to discuss appropriate diversions that will be recommended to address those that have been identified. When choosing the diversions that will be proposed, the Juvenile Review Board should consider the identified issues and needs, including any emotional or mental health factors, as well as the specific nature of the facts of the case, the child's age and background, amount and nature of family support systems and the availability of the diversions.

14. Once an agreement is reached regarding the recommended diversions, including a reasonable time for compliance, the family should be brought back before the Juvenile Review Board and the proposed diversions explained and discussed with the family.
15. If the family does not agree to the proposed diversions, the family should be informed that the Juvenile Review Board will not handle the case and that it will be returned to the referring agency with a recommendation that the matter be referred to the Juvenile Court.
16. A diversion contract should be completed and a date for the Final Hearing should then be set.

F. The Interim Hearing: (If needed)

1. Before the hearing, the Juvenile Review Board should be apprised of the reason for the interim hearing and the status of the proposed diversion contract and should discuss the recommended outcome of the hearing.
2. The family should then be brought into the hearing and informed of the reason for the hearing and given an opportunity to respond.
3. If any amendments will be made to the diversion contract, they should be discussed and agreed to by the family.
4. If the family does not agree to the proposed amendments, the family should be informed that the Juvenile Review Board will close the case at that point and that it will be returned to the referring agency or original investigating officer with a recommendation that the matter be referred to the juvenile court.
5. If the family agrees with the proposed amendments, the diversion contract should be amended to reflect the changes.
6. The date for the Final Hearing should be confirmed or reset.

G. The Final Hearing.

1. Before the hearing, the Juvenile Review Board should be apprised of the status of the proposed diversion contract and should discuss the recommended outcome of the hearing.
2. For cases where the process was successfully completed, the family should then be

brought into the hearing and asked about the status of the recommended diversions. This provides the child who successfully completed the process with the opportunity to explain to the Juvenile Review Board how the diversions were performed and what lessons were learned. The child should be encouraged to discuss any community service that was performed, any journals that were kept, any positive activities that were engaged in and their thoughts about the process. It also provides the Juvenile Review Board with the opportunity to express their pride with the success of the child and to offer encouragement and support for the child's efforts throughout the process.

3. For cases where the process was not successful, the decision to return the case to the referring agency with a recommendation to refer the matter to court can be made with or without the family present. In most cases, the final hearing should still be held to provide the opportunity for the Juvenile Review Board to explain why the case is being closed unsuccessfully and what the family can expect to happen next. The Juvenile Review Board can still offer support and encouragement to the family despite the fact that the Juvenile Review Board process did not come to a successful conclusion. The family is still a member of the community and, as such, should still be encouraged to address the issues that brought them before the Juvenile Review Board in the first place.
4. The family should be informed again about the confidentiality of the Juvenile Review Board process, records and information gathered, and they should be reminded that access to the Juvenile Review Board process will not be available again in the future, but that the people they met and the resources they discovered during the process will continue to be available if needed in the future.
5. Where appropriate, families should be encouraged to submit anonymous letters of appreciation regarding the Juvenile Review Board process. Such letters can be used to promote and illustrate the value of the Juvenile Review Board to the community.
6. The records of all Juvenile Review Board cases shall be stored in a separate locked area to maintain confidentiality. Closed cases shall be physically destroyed in accordance with the Connecticut General Statutes § 11-8 and 11-8a. Reference Policies and Procedures # 801. Only statistical or demographic information will be retained.

#### H. Confidentiality/Records.

1. The discussion of cases shall be held in executive session, where only Juvenile Review Board members shall be present.
2. Individual case names or other identifying information shall not appear in the minutes.
3. Information shall be released to other persons or agencies (other than Juvenile Court or Juvenile Probation) only with the permission of the Parent/Guardian and juvenile.