

MINUTES OF THE JOINT SPECIAL CHESHIRE TOWN COUNCIL AND ORDINANCE REVIEW COMMITTEE MEETING HELD ON MONDAY, NOVEMBER 10, 2014, AT 7:30 P.M. IN ROOM 207, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Sylvia Nichols, Chairperson; Liz Linehan, James Sima; Council Chairman Timothy Slocum; Council members Patti Flynn-Harris, Robert Oris, Thomas Ruocco, David Schrumm, Peter Talbot.

Staff: Michelle Piccerillo, Human Services Director; Deputy Chief Robert Vignola, CPD; Eric Tracey, CPD Youth Officer; Loren Weber, CPD School Resources Officer.

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. DISCUSSION AND POSSIBLE ACTION: JUVENILE REVIEW BOARD

Ms. Nichols stated there was information on the Juvenile Review Board (JRB) in the Council packets, along with Mr. Sima's submission of a hard copy of a slide presentation from the State of Connecticut on which JRB is based.

Town Manager Milone introduced staff involved with the proposed JRB, and reviewed his memo of November 6th to Town Council members.

Mr. Milone highlighted some of the information in his memo. Page #1, Para. #2, makes it clear that the JRB is not a mandated program. It is a voluntary action based on the judgment of professionals in the Human Services and Police Departments who identified a need for this program. It was pointed out by Mr. Milone that he relies on the professionals who work for him, and in their judgment there is a need for a JRB in Cheshire.

The cost impact is understood by Mr. Milone, who explained that Human Services has graduate/unpaid interns who work regular hours and will provide staff support for the JRB case management, so there is no financial impact.

In the packet, Mr. Milone noted there is a flow chart/attachment #1 prepared by Ms. Piccerillo and Deputy Chief Vignola. This flow chart shows every step in the JRB process and involvement of every staff person and their support. A JRB will not have fiscal consequences, and Mr. Milone said he would not suggest creation of anything that would financially impact the Town budget.

Mr. Milone stated that the benefits of a JRB are significant; there will be cost avoidance (para. #3); reduction in escalation of youth transgression issues; and a qualitative benefit by not bringing young kids to court. Mr. Milone commented on the incredible

network of social services referral agencies available to Cheshire, the network for referrals, guidance, direction, and these networks will be a great resource and outlet to be utilized depending on the needs and problems encountered with the juveniles.

Para. #4, Page 1 – Mr. Milone discussed the concerns of the Council not being notified about the creation of the JRB. He gave a brief history of the prior JRB in Cheshire, from about 10 years ago, which was an administrative function. For the proposed JRB, Mr. Milone stated the staff followed the template established by the State in the guidelines for creation of a JRB, and the model followed is scripted by the State for the Town of Cheshire. This is important for total compliance and not re-inventing the wheel for the JRB program, especially when there is a significant grant involved.

The Town Attorney reviewed and confirmed that the Cheshire JRB follows State guidelines and is consistent with what the JRB should be. Town Attorney Smith informed Mr. Milone to get Council approval of the JRB, by resolution, not by ordinance.

Mr. Milone noted that the JRB was discussed during the Human Services Department budget presentation in March 2014, and it was a high priority for the department and director's goals and objectives. The formation of a JRB, which is an administrative function under the established guidelines, was not brought to the Council until it was ready for presentation to the Ordinance Review Committee. Mr. Milone stated this was his direction to the staff.

Page #2, Para. #2 – The question of the Town's liability was another concern raised, and Mr. Milone stated there is a legal opinion from Town Attorney Markowicz (attachment #2). This legal opinion concludes that municipal immunity laws apply to JRB activities and injuries arising from the JRB ordered community service. The legal opinion states that the Town would have exposure *"if the Town knowingly or recklessly placed a child in harm's way"*; and this has always been the case with Cheshire's municipal immunity.

Page #2, Para. #3 – The concern about experienced professionals and specialists chosen as volunteer members of the JRB to render decisions was reviewed and discussed by Mr. Milone. Town staff followed the State template in terms of the types of people and their backgrounds that should be sought for Board membership. These members will be competent, well associated within their professional networks, capable, and willing and able to serve. They will be from the following disciplines: law enforcement, juvenile court probation/parole office, school representatives, Youth Service Bureau staff and community members. The information on the composition of the JRB will be shared with the Council; the people will be fully vetted; and names will be provided to the Council upon appointment by the Human Services and Cheshire Police staff.

Mr. Milone noted that regulations on selection of JRB members has always been the prerogative of Youth Services staff with the approval of the Police Chief. He stated that Cheshire has always relied on competent volunteers to provide excellent guidance

and direction on all boards and commissions. The JRB is no more of a threat, concern, or reduction in the quality of that level of service than other boards and commissions on which there is reliance.

It was mentioned by Mr. Milone that in the evaluation process there are guidelines for a review mechanism. The documentation is 21 pages of information to be completed by the applicant (guidelines, rules, regulations); 7 pages of guidelines for JRB; and there is inclusion of evaluation criteria.

Mr. Milone read an excerpt from the evaluation criteria into the record, which states the Police Chief or his designee shall conduct formal evaluations of the JRB program after the first 6 months of operation and every year thereafter on the anniversary of the commencement of the program.

Mr. Milone stated that Town staff will provide the Council with information and milestones, and the Council can “sunset” the program to justify its existence.

In his memo, Mr. Milone pointed out that the parents or youth offender can opt out of the JRB. In so doing, they choose to be subject to the regular court system proceedings.

Mr. Milone commented on the Council giving him lots of latitude in terms of professional guidance and judgment. One of the things he has translated this to is a set of management principles cited in the last paragraph of his memo. To further professionalize the way the Town does business, advocate for staff, giving them the tools they need to pursue the things to serve the community, is establishment of management principles. The Town strongly advocates implementation of best practices, purposeful leadership, enhanced services at little or no additional cost. Mr. Milone stated the creation of the JRB encompasses these tenets and is consistent with the mission of the Town personnel in its continued pursuit to provide a high quality of life for our residents. He said staff's mission and purpose is to provide the highest level of services at the lowest cost, and meet the needs of the people they serve.

In concluding his statement, Mr. Milone hopes the Council feels confident the mission has been achieved, and said there are staff resources to carry out the JRB program and it will be successful.

Human Services Director Ms. Piccerillo submitted information on surveys from 16 JRB programs in Connecticut. The survey shows an overall positive experience from the young people who participated in the JRB program. A copy of the survey (attachment #3) is attached to the minutes.

Ms. Piccerillo reviewed the Juvenile Review Board Case Process with the Council. It starts with the initial complaint/referral from the School Administrator/SRO Investigating Officer, goes through Police Supervisor case review, case is JRB eligible/not eligible or referred to Juvenile court, Youth Office meets with youth, parents/guardians and presents JRB, option accepted by family, assignment of case by Human Services

Director to JRB, Case Manager/Intern meeting with youth and parents for intake, case prepared for JRB, signing of all contracts and documents, JRB meeting with case presented, JRB deliberation and delivers consequences, Case Manager meets with youth and family to review consequences, contacts with referrals and resources, youth and parents cooperate, oversight provided by Case Manager until requirements are met, final case review and case is closed. For uncooperative youth and parents, if the case requirements are not met, case is referred to juvenile court. At any point in the process, the family and youth can opt out of JRB and the case goes to juvenile court.

Mr. Talbot asked about the time frames for JRB process and court process, and if there is a big difference.

In response, Chief Vignola advised that the time frame is based on the act; some cases take more time through juvenile court, up to 6 months; a JRB case has a shorter time frame. In speaking with the State Prosecutor, Chief Vignola explained he wants the process expedited, but some court referrals take weeks to begin.

Youth Officer Tracey stated there would be time saved going through the JRB process; the court route depends on how the court wants to handle a case; and it could be 2+ months without any action other than a youth counseling session. Officer Tracey stated it is more beneficial to the child and family to go with the JRB program, which would be 4 to 5 weeks versus months for a court appearance.

Ms. Linehan questioned the time frame for the prior JRB program and if the case load was too high to handle.

This is the 3rd time around for the JRB program in Cheshire and Chief Vignola reported the last board was in the early 2000's. There was a minimum case load. He noted the Cheshire Police Department believes in community policing and JRB is one of the steps involved. The proposed JRB would have 7 members.

The Council was told by Ms. Piccerillo that over the years things have changed; a juvenile is now 18 years old (up from 16); the number of offenses has increased; and it is expected the JRB will see a bigger case load than before.

Chief Vignola cited CPD statistics on juvenile offenses. July 2012 to the present, 141 referrals to juvenile court; October 1 to October 31, 2014, 21 cases qualified for JRB; January 2014 to October 2014, 85 cases qualified for JRB; July 2013 to July 2014, 88 cases qualified for JRB; this averages 8 cases per month, plus some cases coming from the schools.

Ms. Piccerillo stated the JRB can handle 6 to 10 cases per month. If there are too many cases, they can be turned away and over to the court system.

A question was raised by Ms. Nichols on an offense by many kids at one event, i.e. alcohol related event.

The number of cases cited by CPD are individual cases, and with group cases, Ms. Piccerillo said there can be group consequences, if the case is accepted by JRB.

The “privacy” factor was cited by Ms. Nichols who asked what happens when there is more than one offender involved in an incident.

Ms. Piccerillo stated that JRB members sign a confidentiality agreement, and even with a group offense, the cases are handled on an individual basis.

Ms. Flynn-Harris pointed out Ms. Piccerillo’s involvement with CYSA for many years and using CYSA resources for the Town and the JRB.

The Council was informed by Ms. Piccerillo that she serves on the Connecticut Youth Services Association, CYSA Board; she has been elected Vice President of CYSA; and CYSA provides presentations to communities about starting a JRB. Ms. Piccerillo and Chief Vignola met with CYSA representatives regarding the proposed JRB program in Cheshire.

With regard to an overload of cases for the JRB, Ms. Flynn-Harris asked about referrals to the juvenile court for more severe cases.

Officer Tracey stated this would depend on the child, what is in the best interests of the child, and the benefit of their coming to the JRB or the court system.

Ms. Flynn-Harris commented on Council’s question of “whether there is a need for a JRB in Cheshire”, and the fact that a child going to court is a private thing. She noted that Council may not be aware of a situation of kids being handled by the Human Services Department in a private manner.

Mr. Oris offered clarification on his concerns of how the JRB issue came back to the Council and the timing involved. He was not aware this issue was coming to the Council for approval, and he expects an appropriate amount of review time before voting on an issue.

Mr. Oris said the JRB is a good program, and anytime we can keep our youth out of the State system is a positive thing. As a Councilor, Mr. Oris said he has concerns about the cost to the community, potential liability to the community and volunteers, and a process in place to evaluate the success (or not) of the JRB program. He said it is important to self assess and insure doing something for the right reasons, making a difference with a program. After hearing the information on the cost components, Mr. Oris is comfortable with this issue. He asked what will be put in place to measure the program’s success and reporting to the Council on a regular basis.

According to Ms. Piccerillo, measuring the success of the Human Services and Youth Service Programs is difficult from a numbers perspective. For the JRB, there would be

reporting on the number of cases referred to the Board; number of cases accepting the JRB option versus juvenile court process; each youth/family exiting the JRB process will complete an evaluation form about their experience with the process; and her goal is to check in with families one year forward and know where the youth is at. Ms. Piccerillo said there would be information through CPD about the kids in the JRB program who enter the court system in the next year(s).

Chief Vignola stated self critique is important in the JRB program, and his responsibilities include conducting an annual audit and report on the Board. He noted that the JRB process for a youth and family is a "one time deal" with few exceptions. If the program goes well the number of offenders will decline, and this is the ultimate goal.

For the JRB, Ms. Piccerillo said there is a formal evaluation by the Police Chief after 6 months, and there can be monthly reports on the number of JRB cases as part of the CPD report to Council.

Mr. Oris talked about his concerns on confidentiality with temporary graduate interns handling case management. He asked if there is a confidentiality agreement and if controls are in place.

Human Services Department graduate interns sign a confidentiality agreement, and Ms. Piccerillo said this is part of the case management plan. The interns work 8 to 9 months in Cheshire and are bound by the same confidentiality as Town employees; they work with many other confidential matters and issues within the department; and there has never been one instance of confidentiality concerns.

Mr. Milone pointed out these graduate interns have careers over their heads, and for violation of confidentiality, they would never work in their profession again.

Stating the JRB is not governed by the State, Mr. Oris said Cheshire can tweak its board as it wants.

In response, Ms. Piccerillo said the JRB must follow certain State guidelines, but some changes can be made as necessary.

Regarding the Board volunteers, Mr. Oris said they have some liability, and if something happens they would be held liable.

Mr. Milone restated the fact that the Board members have immunity under the Town insurance policies, and this is the same for volunteer members of all boards and commissions.

One issue is the Town taking on parental responsibility, and Ms. Linehan stated she did research on JRB programs and spoke with someone involved with another town's JRB. She cited a case where checks were taken from mailboxes by a young child, the case went to JRB and there was a holistic approach to the family needs. Ms. Linehan said

we cannot forget about the kids, and the Council has done due diligence on many of the JRB issues, and now we need to give our youth the opportunity to flourish.

With regard to the parental responsibility issue, Chief Vignola said there is more parental involvement bringing a kid to JRB versus going to court. In the JRB process the parent(s) and child are involved together; there is discussion about doing better as a parent; the process can bring a family together; and this system is helpful within the guidelines of parent involvement.

In the JRB process, family therapy is mandated, and Ms. Piccerillo said parents must attend the sessions. She noted the Town runs the alcohol education program as an alternative to school suspension, and parents are required to participate in the program with their kids. For some of the JRB community service the entire family performs the service and is involved.

Ms. Flynn-Harris reported she knows kids who have gone through the JRB process in the past, and it has helped parents, but not taken away parental responsibility.

Ms. Nichols also cited her knowledge about someone who committed an offense of destroying a mailbox, fulfilled the consequences of constructing and replacing the mailbox and formed a long time relationship with the owner of the home.

Mr. Schrumm referred to the JRB case process, and talked about the police officer or school administrator having the first judgment on a situation with a youth offender.

Adult and juvenile courts are different and Chief Vignola said the JRB looks at minor juvenile offenses which the court may not want to take on.

As youth officer, Mr. Tracey said he and his supervisor make the decision on whether a youth offender goes to juvenile court or JRB.

There was a brief discussion about "bullying" and Ms. Piccerillo advised there is a protocol in place in the school system on bullying. Kids go through the process in place, there is family counseling, and the school system and Human Services Department work collaboratively on the bullying issues.

Mr. Slocum asked about the composition of the JRB being Town staff and/or retired staff, and the Council never voting on these selections.

The process for JRB membership has been halted at this point in time, and Ms. Piccerillo said the membership decision remains with the Police Chief, Deputy Chief and Human Services Director. The Board would have 7 members and a set of alternates -- all will be Cheshire residents with professional affiliation to sit on the Board, i.e. school system, mental health professionals, juvenile court prosecutors, attorneys etc.

Ms. Flynn-Harris stated the Council members are not the professionals, that the Town staff are the professionals, and a former Cheshire JRB had active mental health professionals serving on the Board.

Mr. Sima sent information to the Council regarding the JRB, and had questions about FOI considerations and requirements, notes being taken (or not) at Board meetings.

This has been checked with the Town Attorney, and Mr. Milone advised under the regulations there must be record keeping, notes/minutes taken, but they are not subject to FOI.

Chief Vignola pointed out that the JRB is dealing with juveniles and record keeping and minutes taken, and all of this comes under the CPD Youth Officer.

Mr. Sima commented on referrals to the JRB coming from the CPD or school system; the JRB having 7 members (increased from 5 members); and asked about record keeping, where they are kept, how long records are kept, and youth reaching 18 years old and the records go away.

In reply, Chief Vignola explained that the process must go through the State Librarian to destroy any records. Juvenile records are kept at the CPD Youth Division Office, under secure lock and key.

There are State retention records on everything. Mr. Milone said depending on the retention schedule the records must be held until the time there is approval for destroying them from the State Retention Supervisor. A document must be sent to the State with indication of the nature of the files, how long they have been held, etc.

With the CPD New World computer system, Chief Vignola said there are no concerns about the documents being retained.

For paper documents, Officer Tracey said there are secure file cabinets available at the CPD, and noted there are two jackets for every juvenile court case.

Mr. Sima talked about identification of trends, service gaps, etc. going on in town, and asked if these would be tracked. With the JRB in place for 2 or 3 years with repetition of the same issues, he asked if staff comes back to Council, says it is not working, and what is done at that point.

It was stated by Chief Vignola that staff does not want the JRB to just fade away. If there is a sunset the proper channels will be followed to determine if things are going well or not. At the present time there is great interest from people who want to serve on this board.

Ms. Piccerillo believes many of the issues before the JRB will be mental health related, and this is what is now seen in the Human Services offices.

The JRB will be watching kids who have gone through the process, and Chief Vignola advised that their juvenile status is sealed. Tracking one offender is difficult due to confidentiality issues.

According to Mr. Sima the biggest issue is composition of the JRB and who sits on the board. The Council is authorizing a JRB, and anything going wrong falls back on the Council. He believes the Council should have a say on where the board members come from, i.e. police department, clergy, school system, youth services, and he wants structure on the makeup of the composition of the board. Mr. Sima wants the board appointments to fall under the auspices of the Council appointment process.

Ms. Nichols agrees the composition of the board should be diverse but not determined by the Town Council...but determined by the Police Chief and Human Services Director. This board should be made up of a variety of disciplines.

The Council was told by Ms. Piccerillo that the board composition is outlined in the guidelines from the State.

Ms. Flynn-Harris pointed out that formation of the JRB is not by ordinance, but by Council resolution, and said the Council should not be micro-managing an administrative function.

The Southington CT JRB appointment process was read into the record by Ms. Nichols. It was noted that the Southington Town Council approves appointments of all JRB members.

Mr. Milone asked for the Council's confidence in the Town staff professionals who have worked 9 months on the JRB. They have a great network of professionals in the Cheshire community, and the Council is basically saying there is no confidence in the professional staff to do the right thing. The staff are the experts with the intention to form a JRB that works and is successful.

Mr. Sima sees people resigning from the board with a need to fill a position, without anyone there, and it ends up being one group or another filling a position. This is his concern, and he wants to insure the board stays structured. With the Southington JRB the Council appointed someone to the board without talking to Social Services prior to the appointment.

This happens with attrition, and Mr. Milone noted it happens with boards and commissions, so there is no perfect way to make appointments. He said staff will provide Council with all the documentation that has been developed, and will get some slight refinement.

Mr. Schrumm stated the Council has the right to have a say on the membership of the JRB, number of members, etc. If Cheshire is on the hook for what the JRB does or does not do, there should be a point where Council has the right to make decisions.

The JRB is not a commission or committee or ordinance, and it was re-stated by Ms. Flynn-Harris that this JRB is an administrative function of the Human Services Department. She said that within Town departments there are sub-committees that function certain ways, within the structure of their department, personnel, work, etc.

Mr. Ruocco questioned any plans for attracting people to serve on the JRB, such as personal contacts, postings, etc.

In that regard, Chief Vignola advised he is being contacted by many people interested in membership on the JRB. People are aware of the formation of the JRB following an article in the Cheshire Herald.

All JRB members will be Cheshire residents, and Ms. Piccerillo stated nothing formal has been in place for JRB membership. The State guidelines will be followed with board representation from many areas of the community.

Mr. Ruocco asked about board members being familiar or knowing the youth and family involved in a case, and how this is to be handled.

There will be a code of conduct, and Mr. Milone said board members will recuse themselves from a case involving someone they know. He reiterated the fact that Chief Dryfe will do an extensive 6 month evaluation and there will be an annual evaluation of the JRB. These reports will be given to Council. The information on the number of JRB cases will be included in the CPD monthly report to the Council. Over sight of the JRB falls under the auspices of the Police Chief.

The Council discussed the tabled motion on the JRB from the October 28th meeting. This motion must be taken off the table and an amended motion submitted for Council action.

Suggested wording for the amended motion:

MOTION to bring the resolution on the Juvenile Review Board (JRB) off the table. The Town Council approves establishment of a Juvenile Review Board in accordance with the guidelines established by the State of Connecticut; the JRB will conform with all the rules and regulations of the Connecticut Youth Services Association (CYSA); the JRB will have seven (7) members recommended by the Police Chief and Human Services Director, and approved by the Town Council.

A recommendation was made by Mr. Oris for term limits of JRB members so people can be re-evaluated; and he suggested there be an application process for people to

complete for board membership; and that the application be available on the Town's web site.

Town Manager Milone will e mail the 27 page draft of guidelines to the Council for review before the November 12th meeting.

4. **ADJOURNMENT**

MOTION by Ms. Linehan; seconded by Mr. Sima.

MOVED to adjourn the meeting at 9:22 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk