

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

## UPCOMING JJPOC MEETINGS:

JJPOC Meetings are held the third Thursday of every month at 2 p.m., at the Legislative Office Building in Hartford.



## A Journey Through Connecticut's Juvenile Justice System Reform



### Background

When talking about Juvenile Justice reform, a look at the past is the best place to see the progress that has been made.

In 1992, Connecticut's juvenile justice system was faced with significant problems. It was plagued with overcrowding, unsafe, unsanitary and overly punitive detention conditions. This led to a class action lawsuit filed in October 1993 for deficiencies in the state run facilities and treatment of youth. Pretrial detention centers had poor quality of education and mental health services, and there was a lack of alternatives to detention programming for children and youth. In addition, there were no evidence-based practices in place and no data existed to evaluate for process or outcomes.

Many youth were being detained for status offenses and misdemeanors and many suffered from acute mental health or drug problems with few or no services being provided. The lawsuit and increasing juvenile crime rates led to 1995 legislation and policies intended to make the system tougher. "Zero Tolerance policies" gave prosecutors more latitude to transfer juvenile cases to the adult court and relaxed confidentiality rules so that families of the victims could learn about the sanctions placed on juveniles. While the system was being made tougher, it was recognized that investments were needed in services and supports for the juveniles. The 1995 law included new funding for the Judicial Branch's Office of Alternative Sanctions to create new programs for delinquents in the community as an alternative to both detention and incarceration.

The juvenile justice system was also impacted by two organizational

factors between 1996 and 2001. In 1999, the Judicial Branch consolidated the juvenile and adult probation offices, juvenile detention centers, family services, bail commission and the Office of Alternative Sanctions into the Court Support Services Division (CSSD). This new division became a vehicle for rethinking juvenile justice and creating opportunities for improvement. In 2001, the Connecticut Juvenile Training School (CJTS) was opened. This facility, built as a secure correctional facility, did not represent the changes needed to improve conditions through a therapeutic approach and educational services, and became the subject of controversy for many years to come.



In 2002, CJTS held only 10% of youth in confinement for violent crimes more serious than simple fighting. 85% of youth in confinement were held for criminal mischief, drug possession, breach of peace, disorderly conduct or larceny. At that time, Connecticut had the highest rate of youth incarceration in New England. Also, thousands of 16 and 17 year-olds per year were arrested and tried as adults. In addition, severe racial disparities existed in the juvenile justice system and more than 75% of those confined were Black or Latino.

### Critical Pieces of Reform from 2002 – 2012

In the aftermath of opening CJTS, juvenile reforms became even more critical. A new law in 2005 prohibited the detainment of status offenders for violating probation or court order and a 2007 law created special programs to support them. The changes in the law called for status offenders and their families to be diverted from the Juvenile Court to community based programs called the Family Support Centers that offered a wide

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range of programming including mediation, crisis intervention, access to therapy, educational advocacy and to many other family counseling initiatives. The results of this major policy shift on status offenders brought about some very encouraging results:

- The number of status offenders detained fell from 493 to 0.
- Status offense case referrals dropped from 4,560 in 2006 to 2,475 in 2009.
- Status offender cases formally processed in court reduced from 50% of cases in 2006-07 to under 5%.
- 70% fewer status offenders re-arrested for delinquency and improved behaviors were documented at home and in school.
- The Juvenile Probation division of CSSD committed to the principles of the risk reduction: use of validated assessment tools; training in motivational interviewing and collaborative case planning and management; investment in home-based and cognitive behavioral therapies; and quality assurance on its practices and programs. This resulted in the continued reduction in recidivism starting in 2007 and continuing even today.



In 2007, the Connecticut legislature passed the Raise the Age legislation, increasing the age of youth tried in adult court to 18. From January 1, 2010, when the Raise the Age law went into effect for 16 year-old youth, to June 30, 2012, over 8,000 youth were removed from prosecution and punishment as adults. 17 year olds became eligible for juvenile court processing on July 1, 2012 and subsequently, the 17 and under population in Connecticut correctional system decreased from 403 in 2007 to 151 in July, 2012. Moreover, the expected increased caseloads in the juvenile system did not come to pass due to declining crime rates, expanded diversionary practices and overall reduction in offender recidivism.

New laws in 2011 continued the reform journey:

- Expanded the right to re-enroll in previous school district after release, including after an offense for which the student could be expelled.
- Required immediate enrollment when transferring from DCF/DOC unified school districts and transfer of school credits.
- Required school records be transferred to detention facilities.
- Prohibited police from placing youth in detention after arrest without Superior Court order or appearing before a judge.
- Required bi-annual reports on disproportionate minority contact and steps taken to reduce racial disparities in the juvenile justice system.

In addition, the state's juvenile probation offices also began refusing to process some cases for truancy and choosing instead to return summons to the senders based on lack of evidence that schools had undertaken serious efforts to return youth to school. This same procedure was used on police summons that did not rise to the level requiring court action. This put more pressure on schools and communities to address both status offenses and other low level crimes without court involvement.

## Juvenile Justice Policy and Oversight Committee and the Tow Youth Justice Institute

Continued reform in the JJ system was seen in 2013. Legislation called for piloting of the Raise the Grade program to better coordinate between DCF and school districts in order to improve academic achievements of youth in state custody. It also established a committee on the use of the Pew-MacArthur Results First model for cost-benefit analysis; this called for the use of evidence-based programming and costs-saving initiatives in the juvenile justice system.

With many significant improvements already underway in 2014, the State of Connecticut established the Juvenile Justice Policy and Oversight Committee (JJPOC) to oversee the continued reform of the juvenile justice system. The committee was tasked with:

- Recommending changes in state law regarding juvenile justice.
- Crafting a standard definition of recidivism.
- Setting goals for reform.

- Assessing the impact of Raise the Age.
- Assessing the quality of education within the juvenile justice system.
- Planning for implementation of Results-Based Accountability (RBA) by agencies.
- Analyzing the existence of disproportionate minority contact (DMC) across the juvenile justice system.
- Reporting to the state on the quality and effectiveness of a variety of programs in community supervision, congregate care, diversion, behavioral health, and other areas.

Alongside the establishment of the JJPOC, the Tow Foundation and the University of New Haven created the Tow Youth Justice Institute (TYJI) in October 2014 to ensure juvenile justice reform continued to move forward. Beyond the scope of juvenile justice, a broader framework of youth justice, embraced by the TYJI, allows this work to look more holistically at education, opportunity, equity, and positive development for youth throughout their lives. This is accomplished through collaborative planning and policy development, training, research and advocacy efforts.

There were many reforms passed in 2015, some through the efforts of the JJPOC and others through executive and legislative leadership including:

- Stringently inventorying and reporting of evidence-based programs used by all juvenile justice-related agencies.
- Establishing a Children’s Mental, Emotional, and Behavioral Health Plan Implementation Advisory Board.
- Clarifying requirements for risk and needs assessments by DCF for high-risk youth, including specifications that such procedures apply to girls in custody.
- Aligning Connecticut laws on parole and lengthy sentences of minors with US Supreme Court ruling in Miller v. Alabama, including retroactively eliminating sentences of life without parole and shortening time to parole.
- Prohibiting out-of-school suspensions and expulsions of children in pre-K through 2nd grade.
- Including behavioral health and disciplinary issues in school health screenings.
- Extending restrictions on use of restraint and seclusion in public schools to all students, not just those in special education programs.
- Requiring memorandum of understanding between school districts that employ school resource officers with local police departments specifying the role of officers in schools, clarifying the definition of school-based arrest, and requiring collection and disaggregation of data on suspensions, expulsions, and arrests.
- Changing a number of juvenile proceedings, including transfers to adult court, raising the minimum age for certain transfers to 15, and data tracking by the Judicial Branch.
- Requiring all juvenile facilities to comply with recommendations of the National Prison Rape Elimination Commission.

In 2016 reforms continued, largely through the efforts of JJPOC’s passionate and dedicated members:

- Limiting the grounds for detention to public safety, assure court appearance, and hold for another jurisdiction.
- Closing the Connecticut Juvenile Training School (CJTS) and Pueblo as expeditiously as possible, no later than July 2018, in accordance with a plan jointly developed by DCF.
- Eliminating truancy and defiance of school rules as status offenses in order to divert youth from the juvenile justice system.
- Adopting a nationally recognized recidivism reduction framework.
- Establishing a permanent JJPOC data work group to link data maintained by Executive Branch agencies and the Judicial Branch.
- Developing a school-based diversion plan to address mental health service needs to reduce arrest and other school disciplinary actions.
- Developing a comprehensive plan for reentry services for youth who have been placed in confinement, before and after release.
- Training for police in the use of restorative justice practices, trauma-informed approaches and other youth related areas.



**Representative Toni Walker Chairing the JJPOC meeting**

When the JJPOC work groups were established in 2015, they identified the following goals to be achieved by 2018:

- Increase diversion of children and youth from juvenile court by 20%. ***In October, 2016, there was already a 15% decrease since 2015; and a 37% decrease in delinquency referrals over the past 12 years.***
- Decrease the number of children and youth confined (incarcerated) in state-run facilities by 30%. ***In October 2016, there was a 27% decrease since 2015 and a 42% decrease over 11 years.***
- Decrease the rate of recidivism among juvenile offenders by 10%. ***In October 2016, there had been a 7% reduction since 2015 and a 15% decrease over the past 10 years.***

In addition to these three major goal areas, the JJPOC developed recommendations regarding behavioral health and education. The inclusion of these additional areas represents the intersections between juvenile justice and other fields affecting youth.

## What's next for Juvenile Justice

While not specifically laid out with a measurable goal, several other critical factors have been identified by the JJPOC as important to the achievement of its three strategic goals. Significant effort needs to be placed on ending the school-to-prison pipeline, improving safety and health conditions and phase out secure facilities, supporting youth in their communities, and eliminating racial and ethnic disparities across the juvenile justice system.

Today, Connecticut is widely considered a model for how a state can improve its juvenile justice system, while improving public safety and overall youth outcomes. Increasingly, youth charged with minor offenses are diverted from court involvement, and may instead receive behavioral health supports and other programming proven effective.

For youth involved in the court system, the state has passed laws



ensuring evidence-based practices, greater access to education and behavioral health care, and improvements in legal processing. The state also now regulates many issues stemming from school discipline policies that may otherwise push youth into unnecessary court involvement.

As an early adopter of many reform policies based on a better understanding of crime deterrence and youth developmental psychology, Connecticut has earned recognition for its leadership, continued reforms and innovations that will allow the state to uphold this reputation.

Recommendations for 2017 legislation are pending, awaiting the passage of a state budget. However, much of the work outlined by the JJPOC this year complements, enhances and moves forward legislation and advances approved from previous years. For reforms based on a framework of youth justice to successfully take hold, they must be accountable to communities throughout the state, building toward improved, equitable outcomes for all youth.

At the October meeting of the JJPOC, presentations from the work groups will be made sharing the successes against the goals set forth for increasing diversion, and decreasing recidivism and incarceration.

Watch for our October Issue Brief which will highlight these results.



For more information on the JJPOC and juvenile justice reform in Connecticut, please contact Erika Nowakowski, Director of Youth Initiatives at the Tow Youth Justice Institute at the University of New Haven @ enowakowski@newhaven.edu.



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