

OPPORTUNITY

The Truth About The Juvenile Justice System: Separating Facts from Fiction

Background

The Juvenile Justice System in Connecticut has been largely successful. It follows best practices. Legislative changes are made based on facts and data. Legislation derived from the Juvenile Justice Policy and Oversight Committee is open to discussion and voting by members including state legislators, prosecutors, public defenders, state agencies, judges, police, state advocates, victim advocates, community-based organizations, adults and youth. Connecticut has been a model in the country on how to successfully and safely reduce the juvenile justice system and expand diversion and services for youth.

A general consensus among national, state and local experts in studying the data around juvenile justice reform is the understanding that mental and behavioral health challenges and exposure to trauma often are the cause for a youth's entry into the system. Higher rates of youth incarceration are not inevitable; rather, they are driven by policy choices.



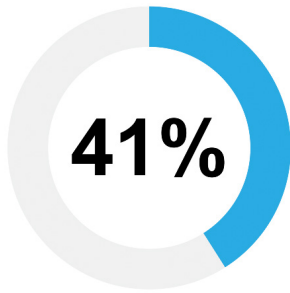
In this brief, we will summarize the facts about juvenile crime and what our state has done to improve and reduce it. By doing so, we are not minimizing the impact that crime has on the victim, but offering an understanding of the facts in context of the discussion.

Current Narrative

The headlines read that car thefts and juvenile crime are out of control and harsher punishment is needed because recent reforms to the juvenile system went too far. This rhetoric reflects a failure to understand Connecticut's juvenile laws and is a mischaracterization intended to create a sense of panic to roll back evidence-based improvements to Connecticut's youth justice system that have been focused on increased public safety, community well-being, and youth rehabilitation and achievement.¹

Despite the headlines, there has been no significant increase in overall juvenile crime in recent years, including motor vehicle thefts. It's important that we understand the true scope of the problem before identifying potential solutions. The feeling that harsher punishment is needed can be dispelled with these facts, meaning that using detention and incarceration can have the opposite effect that people are looking for.²

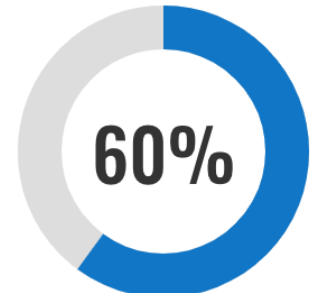
Forty-one percent of all referrals to juvenile court in 2018 were first-time referrals, demonstrating that opportunities exist to expand diversion. Five low level offenses represented more than half (55%) of all misdemeanor referrals to juvenile court in 2018. These same five offenses represent nearly 60% of all first time misdemeanor referrals. Diversion is a more cost-effective public safety strategy than court processing for low-risk youth.



In 2018, 41% of all referrals to juvenile court were first-time referrals

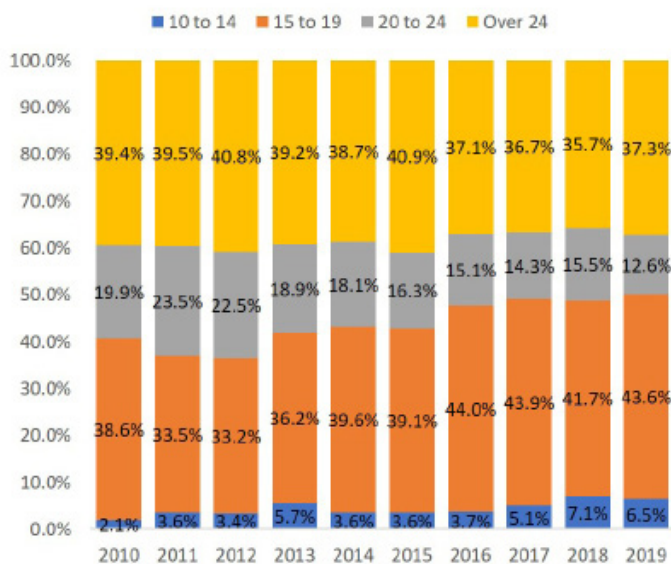


Five low level offenses represented 55% of all misdemeanor



The same five offenses represent nearly 60% of all first time misdemeanor referrals.

The myth that youth are the only perpetrators of motor vehicle thefts is woefully inaccurate. On average, in 2020 individuals under 18 accounted for only 36% of all MVT arrests and from 2010- 2019, individuals under 18 accounted for only 28% of all MVT arrests.³

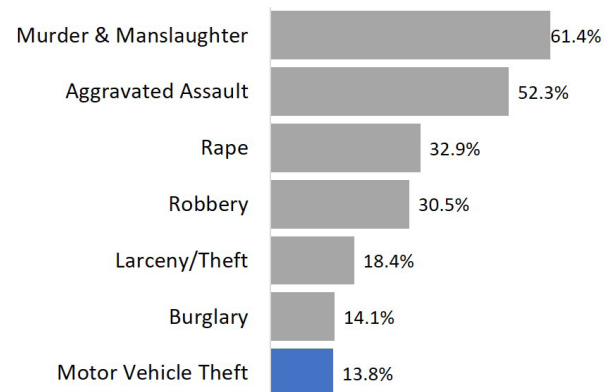


Source: DESPP *Crime in Connecticut* data.

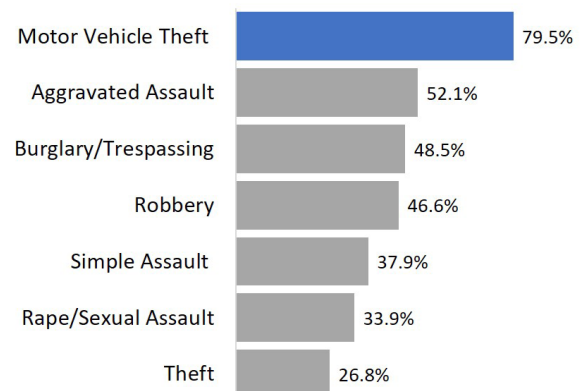
On average:

- 2020 Individuals under 18 accounted for 36% of all MVT arrests
- 2010- 2019 Individuals under 18 accounted for 28% of all MVT arrests
- 1998-2009 under 18 accounted for 48% of all MVT arrests
- 1992-1997 under 18 accounted for 34% of all MVT arrests

The clearance rate for auto theft cases (the # of arrests when compared to the # of reports) is very low⁴ (approx. 10%) meaning that 90% of the crimes go unsolved and we cannot arrest our way out of car thefts



Source: Pelka, M., Boudoin, K., Henry, K., Lohr, P. (2021, February 8). Preliminary Analysis of Motor Vehicle Theft Data [PowerPoint slides].
BJS, National Crime Victimization Survey, 2019. FBI NCIC, Crime in the United States 2019. Pew Charitable Trusts, "What the data says (and doesn't say) about crime in the United States," <https://www.pewresearch.org/fact-tank/2020/11/20/facts-about-crime-in-the-u-s/>

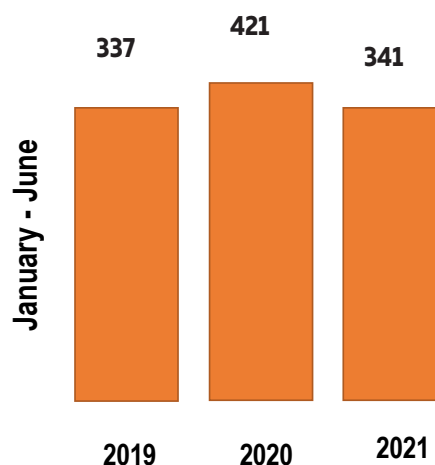
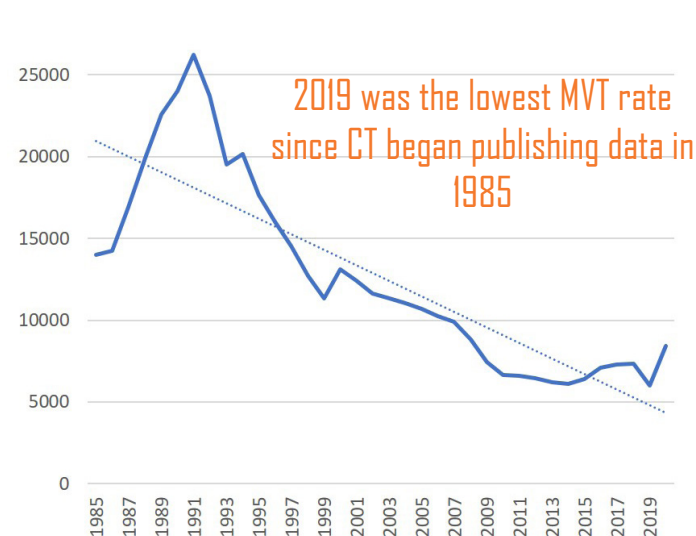


“While community concerns about crime are very important and should drive collective urgency regarding effective solutions, data does not support the claim that historical changes to our juvenile justice laws are causing an increase in auto thefts or car break-ins, particularly as most juvenile crime has steadily decreased in Connecticut, and car thefts are a national phenomenon. Public dollars should invest in programs (existing and new) that have proven effective in Connecticut and other jurisdictions.”⁵

Youth receiving more long-term developmentally appropriate services leads to lower rates of recidivism. A great deal of work has been done to ensure community-based services are available.

Facts about Car Thefts and JJ legislation

There was a slight uptick in 2020, however, the 2020 numbers are consistent with the 3 prior years and, on average, still at a historically low rate.



Source: "Facts + Statistics: Auto Theft," Insurance Information Institute, www.iii.org/fact-statistic/facts-statistics-auto-theft; "Text: The %20bureau%20released%20preliminary%20national%20crime%20information%20center."

Vehicle thefts trended downward in the 26 years since they peaked in 1991. Between 1991 and 2019 CT has seen a 77% decrease compared to a 43% reduction nationally⁶

The Judicial Branch Court Support Services Division reported that the 2021 year to date numbers (January to June) of car thefts appear to be trending behind 2020 and 2019 (the year with the lowest recorded number of car thefts). A direct comparison of Auto theft related arrests shows 2021 on par with 2019 and 19% less than 2020.

In addition, 89% of CT's 169 cities/towns had fewer than 10 juvenile arrests for MV theft in 2020.⁷ A report from The National Insurance Crime Bureau (NICB) indicates that, "considerations such as pandemic, economic downturn, loss of juvenile outreach programs, and public safety budgetary and resource limitations are likely contributing factors" in 2020.⁸

There has been a 93% increase nationally in Motor Vehicle Theft with keys left inside since 2013.⁹ This begs the question of behavior prior to key fobs. Did the same individuals leave their keys in the ignition before fobs and push buttons became the current technology?

Reports that "our hands are tied" and "nothing can be done" to hold children accountable in the juvenile court are categorically untrue. There are legal tools available that are not being used. If any child involved in a crime is not referred to the juvenile court, the juvenile justice system can't be said to have failed to hold them accountable.

In most cases, a young person is released to their parent's custody at the time of arrest with a summons to appear in court. As part of the court process, in most cases, the youth is assessed by probation and, if appropriate, placed on supervision if adjudicated for the offense and required to attend programs and services. In some cases, the young person is sent to juvenile detention on or after the first court hearing or transferred to the adult system.¹⁰

During an initial contact with Police, they have the options to:

- Issue a warning and release the child.
- Confer with parents and release the child.
- Make a referral to a community-based organization.
- Make a referral to formal diversion services, where available (JRB, YSB, etc.).
- Make an arrest.
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If the police believe the child is a risk to public safety, they can ask a judge for an order to detain the child immediately. Youth are sent to detention in Connecticut when:

- There is probable cause that the young person committed the offense and is considered a risk to public safety. This includes a look at the history of offenses
- The young person is considered to be a risk not to appear in court or fails to follow court orders
- The young person needs to be held for a different jurisdiction

However, law enforcement rarely asks for detention orders at the time of arrest.

Legislation under Public Act 19-110 specifically included certain MV offenses and prior history as a basis for finding that a child poses a risk to public safety. It created a program designed to deal specifically with motor vehicle theft by young people. The Act allows the court to suspend delinquency proceedings for up to 6 months to allow the child to participate in services aimed at addressing their needs and risks - factors that often contribute to the child committing the offense in the first place. If the child satisfactorily completes the services and complies with probation/court orders, the charge(s) can be dismissed.

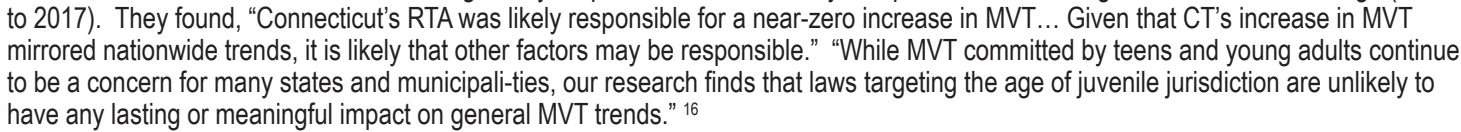
As of March 25, 2021, **128** children have participated in the program since October 1, 2019. **92%** have had no subsequent arrest within 3 months after discharge, and **82%** have no subsequent arrest within 6 months after discharge. ¹¹ Public Act 21-104 will now require the Judicial Branch to provide data on that very issue.

In addition, children (age 15 and older) charged with the most serious offenses are automatically transferred to the adult court. The juvenile court also has the discretion to transfer other children to the adult court following a hearing where the court must consider the child's prior offenses, any intellectual disabilities or mental illness and the services available in the juvenile court to meet the child's needs. Despite perceptions to the contrary, children transferred to the adult court often receive a lighter sentence than they would receive in the juvenile court.

Another disturbing fact that is important to note is the majority of transferred youth in Connecticut are Black, a persistent concern in this state and the CT Department of Corrections. "Black boys are policed like no other demographic. They are policed on the street, in the mall, in school, in their homes, and on social media. Police stop black boys on the vaguest of descriptions – "black boys running," "two black males in jeans, one in a gray hoodie," "black male in athletic gear." Young black males are treated as if they are "out of place" not only when they are in white, middle-class neighborhoods, but also when they are hanging out in public spaces or sitting on their own front porches."¹²

In Jennifer Eberhards's book *Bias: Uncovering the hidden prejudice that shapes what we see think and do*, she explains that implicit biases surface when we are thinking and moving too fast, and that slowing down allows us to make a shift so "we're less likely to act on bias". ¹³ Her research has found that when people are exposed to black faces for milliseconds, they will "pick up guns and knives sooner". In addition to this "shooter bias", it has been found that public defenders prioritize cases involving white defendants which leads to further mistrust of the justice system by, especially, men of color. ¹⁴





Raising the age to 18 has not caused juvenile crime to increase. Treating 16 and 17 year old's as juveniles did not embolden them leading to more crime as they are out of the system. According to a 2019 study by Circo and Scranton, both violent and property crimes consistently decreased during a 10-year period which includes years prior to Raise the Age and after Raise the Age (2008

Facts about Youth in Confinement and Their Ties to Community

“Many of our maltreated youths cross over into the juvenile justice and other systems of care, as child abuse and/or neglect increases the risk of arrest as a juvenile by 55% and the risk of committing a violent crime by 96%.”¹⁸ Dual status youth experience more “complex trauma” than youth in the general population -- meaning “exposure to multiple traumatic events, often of an invasive, interpersonal nature, with the potential to have more wide-ranging and long-term impact.”¹⁹ Youth who are served by child welfare, justice or both are often shaped by parental or guardian absence or neglect. These youth are more likely to engage in behavior that will bring them into early, frequent and prolonged contacts with the juvenile justice system and are often underserved and/or do not generally receive the services intended to address their histories of abuse, neglect and/or trauma.

In addition, according to Vera Institute of Justice, 70% of children of incarcerated parents suffer from emotional problems of anxiety, withdrawal, shame or depression. “For many children, a parent’s arrest is the moment when their invisibility is made visible; when it is made clear to them just how easily they may be overlooked within the systems and institutions that come to claim their parents.”²⁰ Children and family members often feel they are victims of the criminal justice system and their needs are not acknowledged and they are not given a voice.



After entering the Juvenile Justice System, when young people leave residential juvenile justice placements, they face many challenges during their reentry, including having unstable home settings or lack of family support, struggling to remain in school, lacking the skills needed for employment, experiencing a gap in behavioral health services and

facing challenges with inadequate housing. A lack of transition planning for juveniles makes successful reentry and integration into the community extremely difficult. Any of these situations can contribute to recidivism.

Research studies have documented the relationship between police and the community as especially inequitable for youth who are 1) from urban environments, 2) from lower socio-economic areas, 3) male, and 4) a minority.²¹

“Structural changes and reconciliatory initiatives that recognize the victimization of individuals who reside in neighborhoods as well as the harms to the whole community can prevent these harms from happening again and build capacity for communities to flourish.”²²

Arresting them does little to change their behavior.²³ As first responders to these situations that threaten the safety and well-being of children and families, police officers are in an ideal position to help the process of recovery. Diversion programs offer police a tool to bring these individuals into intensive support programs that can resolve root causes.



Like many other states including California, Massachusetts, Wisconsin, Minnesota, Illinois, Colorado, Pennsylvania and New York, Connecticut is implementing Restorative Justice Practices in schools, communities, and the juvenile justice system. The Restorative Justice response to juveniles is largely due to the emergence of research²⁴ evidencing the positive impact that Restorative Justice programs have had on reducing recidivism²⁵ in juvenile offenders. Misperceptions about RJP, given its unique practice model and focus on restoration rather than on punishment, abound that it is a “soft” approach to crime and lacks accountability. In fact, restoration invokes values that align with adolescent development and positive youth development including responsibility and accountability, and fostering listening skills.

Summary

This is what we know about the current narrative and claims that juvenile crime is up and youth are not being held accountable.

Motor Vehicle Thefts

- Vehicle thefts trended downward in the 26 years since they peaked in 1991. Between 1991 and 2019 CT has seen a 77% decrease compared to a 43% reduction nationally
- A direct comparison of car thefts in the first six months of each year shows 2021 on par with 2019 and 19% less than 2020.
- 90% of the MVTs go unsolved and we cannot arrest our way out of car thefts
- On average, in 2020 individuals under 18 accounted for only 36% of all MVT arrests and from 2010- 2019, individuals under 18 accounted for only 28% of all MVT arrests.
- Data does not support the claim that historical changes to our juvenile justice laws are causing an increase in auto thefts or car break-ins, particularly as most juvenile crime has steadily decreased in Connecticut, and car thefts are a national phenomenon.
- 89% of CT’s 169 cities/towns had fewer than 10 juvenile arrests for MV theft in 2020.
- There was a slight uptick in 2020, however, the 2020 numbers are consistent with the 3 prior years and, on average, still at a histori-

cally low rate.

- A report from The National Insurance Crime Bureau (NICB) indicates that, “considerations such as pandemic, economic downturn, loss of juvenile outreach programs, and public safety budgetary and resource limitations are likely contributing factors” in 2020.
- There has been a 93% increase nationally in Motor Vehicle Theft with keys left inside since 2013.

Juvenile Justice Reform

- Juvenile Justice reform has been largely successful utilizing best practices and data. Higher rates of youth incarceration are not inevitable; rather, they are driven by policy choices.
- Reports that “our hands are tied” and “nothing can be done” to hold children accountable in the juvenile court are categorically untrue.
- Reports that “our hands are tied” and “nothing can be done” to hold children accountable in the juvenile court are categorically untrue.
- After any arrest (including car thefts), the police can go to the court and ask the judge for an order to detain.
- Current law also allows the court to incarcerate youth in a juvenile detention center at the time of arrest (or later) if the child poses a risk to public safety and there’s a need to hold the child for failure to respond to court process.
- Legislation under Public Act 19-110 specifically included certain MV offenses and prior history as a basis for finding that a child poses a risk to public safety.
- Children (age 15 and older) charged with the most serious offenses are automatically transferred to the adult court.
- The juvenile court also has the discretion to transfer other children to the adult court following a hearing where the court must consider the child’s prior offenses, any intellectual disabilities or mental illness and the services available in the juvenile court to meet the child’s needs.

Youth in Connecticut

- Children experiencing trauma may place themselves in harm’s way for traumatic accidents or violence because of impulsivity and poor supportive relationships.
- Research highlights that dual status youth are younger at the time of their first arrest, have higher rates of recidivism, are detained more often and for longer periods of time, experience more frequent placement changes, are more likely to experience school failure, and generally have more extensive mental health needs than youth who do not touch both systems.
- “Many of our maltreated youths cross over into the juvenile justice and other systems of care, as child abuse and/or neglect increases the risk of arrest as a juvenile by 55% and the risk of committing a violent crime by 96%.”
- A lack of transition planning for juveniles makes successful reentry and integration into the community extremely difficult. Any of these situations can contribute to recidivism.
- Children who experienced abuse or neglect early in life were also more likely to be younger at their first arrest, to recidivate, and to become chronic offenders.
- Connecticut already has a Community-based Diversion System Plan and a School-based Diversion Plan codified in legislation in 2018.
- The Juvenile Justice Policy and Oversight Committee represents a broad array of stakeholders for decision making

What’s next

Now is not the time to make changes to a system that has undergone successful reform. There is no disputing the data. The investments being made in diversion programming and services have been effective in reducing juvenile crime. Knee jerk reactions leading to harsher punishments and incarceration will lead to increased recidivism and reduced public safety.

We applaud the Center for Children’s Advocacy and the Village for Families and Children for their 8 point re-framing and action steps that ask for responses to the car theft issue that is dominant in the press “be significantly more careful and measured than has been continually portrayed.” In summary,²⁶ they suggest:

1. Instead of talking about “juveniles running rampant” we must instead turn the discussion to one about children who rely on state systems for their care and development and the fact that we need to do better. The current discourse is slowly turning into a demonization of urban kids and fear mongering among suburban residents. The polarization doesn’t help. In fact, it hurts and quite frankly,

has the potential to undermine all reforms we have put in place over the last ten years. It also badly misinterprets the data, ignores the underlying racial issues and masks any honest identification of gaps in service delivery.

2. Approach the problem with a prevention strategy by providing incentive funding to cities and towns to establish public campaigns to educate their residents about the need to lock their cars. Other communities have conducted bill board and other campaigns urging the same. Unless this problem is approached from a prevention perspective, we will never tackle the problem at the front end.
3. Incorporate meaningful and engaging tutoring and after school programs, with transportation, for the 6-8 graders who show signs of chronic absenteeism. Most of the youth engaged in car thefts have patterns of disengagement from school with persistent histories of school failure, and chronic absenteeism. These patterns start back in middle school and worsen particularly with the 8th to 9th grade transition. We need to put a prevention strategy in place to service these kids at an earlier point in time.
4. Provide employment programs and drivers license programs for youth in urban areas in the year they turn 16. We should use our educational, child protection and juvenile justice systems to link young people with job opportunities and drivers license programs. The current summer youth employment program is a good start, but its reach needs to be expanded and similar opportunities need to be available during the school year.
5. Initiate a response based in restorative justice to youth car thefts. Detention and juvenile justice facilities are just beginning to adopt this framework. We need a restorative justice diversion program where the youth who stole a car is actually meeting with the owner – in a carefully constructed venue with trained facilitators. It needs to be about repairing the harm to the individual and the community.
6. Start services when the youth is first arrested. Many youth have to wait to get services until their case is adjudicated and they are placed on probation. Youth should be able to access all services (state subsidized and community-based) immediately upon arrest.
7. Expand and initiate credible messenger programs and family navigator programs. It is proven time and again that those with lived experiences have credibility to engage justice-involved youth in those communities which are feeders to the system. The same need exists for parents. When parents decline services for their youth, they should have the opportunity to engage with family navigators, to help understand and address any barriers.
8. Intensify services to the small number of high-end kids committing multiple car theft offenses. It is the high end repeat offenders that need more intensive services, some of whom stabilize in a structured out of home setting, only to return home and re-offend. The re-entry service delivery system needs to be re-examined and intensified.



To read the reframing document, please visit, <https://bit.ly/3kID4dN>.

Who we are

The Tow Youth Justice Institute (TYJI) at the University of New Haven has been a force for change since its inception in 2014. As part of the Henry C. Lee College of Criminal Justice and Forensic Sciences, TYJI has been a visible instrument to engage students, faculty and the community in discussions about the juvenile justice system and the reforms that have taken place in our state.

One of our roles has been to staff the Juvenile Justice Policy and Oversight Committee, established in 2014 through Public Act 14-217 to oversee the continued reform of the juvenile justice system. We are honored to hold that position but our commitment extends beyond that role. We are a thoughtful team of passionate individuals who want to see a more equitable youth justice system that promotes reducing the racial and ethnic disparities that plague our state. We have held on and off campus events to help educate others in the realities of juvenile justice reform, the work that has had success, and the work still to be done.

Connecticut is seen as a leader in many ways as it pertains to evidence-based, data driven juvenile justice reforms. The numbers don't lie. There have been significant reductions in juvenile crime across the board. Anyone who believes otherwise, should read the many publications that have borne that out. We pride ourselves on being a resource across the state, so visiting our website, towyouth.newhaven.edu is a great place to start. There, you can also find our other issue briefs.

We stand behind all of the juvenile justice reform that has taken place in Connecticut which have led to better outcomes for our youth and increased public safety. We ask everyone to pause and think about the negative impact of reversing effective juvenile justice reforms.

Footnotes

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2. Fact Sheet: Understanding Juvenile Car Thefts, CTJA, February, 2021
3. State of Connecticut Motor Vehicle Theft Trends, March 18, 2021, with updates (July 27, 2021), Ken Barone, Institute for Municipal and Regional Policy, Including Preliminary 2020 Data Source: "Facts + Statistics: Auto Theft." Insurance Information Institute, www.iii.org/fact-statistic/facts-statistics/autotheft#:~:text=The%20bureau%20released%20a%20preliminary,FBI's%20National%20Crime%20Information%20Center.
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10. Fact v. Fiction Series on CT Juvenile Justice Reform, Susan I. Hamilton, MSW, JD, Division of Public Defender Services, Director of Delinquency Defense and Child Protection, March 25, 2021
11. Ibid
12. Kristin Henning and Angela J. Davis, "Opinion: How Policing Black Boys Leads to the Conditioning of Black Men" NPR Code Switch, May 23, 2017, <http://n.pr/2qkKNvA>
13. Implicit Bias - What is it? How do we define it? Do we have it? Issue Brief, Source: What Police Departments and the Rest of Us Can do to Overcome Implicit Bias According to an Expert, TIME, March 27, 2019, Jennifer Eberhardt
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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.

Please visit our website at towyouth.newhaven.edu and follow us on social media [@towyouth](https://twitter.com/towyouth) or call 203-932-7361 with questions or for more information.



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