

Safe and Sound

*A new approach to juvenile justice
and its effect on public safety and spending in Connecticut*



A report by the Connecticut Juvenile Justice Alliance
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Executive summary

In the past decade, Connecticut made major juvenile justice reforms.

- Keeping children who had committed no crimes out of the courts
- Reserving restrictive, expensive sanctions for serious offenses
- Diverting children to community-based services
- Addressing behaviors and avoiding future contact with the law

Now the juvenile court caseload has dropped dramatically, and Connecticut locks up fewer children. An extensive review of the data shows that public safety has not suffered. In fact, the opposite is true. Furthermore, taxpayers have benefitted from a shift away from reliance on expensive and often counterproductive measures. As a result of Connecticut policy and practice over the last decade:

- Taxpayers saved money as the state emphasized cheaper, more effective programs.
- Juvenile crime fell.
- Juveniles committed fewer violent crimes.
- Recidivism rates dropped.
- Efforts to divert children from the courts and incarceration have been successful in keeping kids out of trouble while saving taxpayer dollars.
- Affordable community programs have reduced recidivism.

Clearly Connecticut's philosophical shift has created gains. Serving children proactively in the least restrictive and least expensive parts of the system – or ideally outside the system – works. Evidence-based programming works. Addressing the root causes of behavior works. Connecticut should employ these proven and cost-effective strategies in earnest to address serious remaining issues.

Gains in juvenile justice reform may be threatened in an era of budget cutting. As the data clearly illustrate, this would be tragically short-sighted: bad for children, bad for public safety and ultimately bad for taxpayers.

The system is improving but far from ideal. Crucial challenges remain:

- Children of color are over-represented and treated more harshly for the same offenses.
- Arrests are too common in our schools.
- Many children still enter the system unnecessarily.
- Penalties for identical behaviors vary based on where children live and on their race.
- All 17-year-olds are still inappropriately sent to the adult system.
- Too many Connecticut children are placed out-of-state.

1. Public Safety

Arrest data

Youth crime in Connecticut is down 25 percent over the past decade. In 1998, there were 29,572 arrests of minors in the state.ⁱ Note that we are considering anyone under the age of 18 a minor, though the state in 1998 automatically sent anyone age 16 or older to the adult criminal justice system. By 2008, only 21,976 such arrests were made.ⁱⁱ The overall youth population in Connecticut is decreasing slightly, but not enough to account for this decrease in crime. Federal Census projections show the state's youth population decreasing less than 4 percent between 2000 and 2009.

There was also a sharp decline in serious violent crimes committed by youth between 1998 and 2008.

Crime	1998 arrests	2008 arrests
Murder	23	13
Manslaughter	0	1
Forcible rape	69	51
Aggravated assault	946	921

Setting aside manslaughter, where the sample size is a single case, aggravated assault is the only category where the drop in violent crimes did not exceed the drop in the youth population.

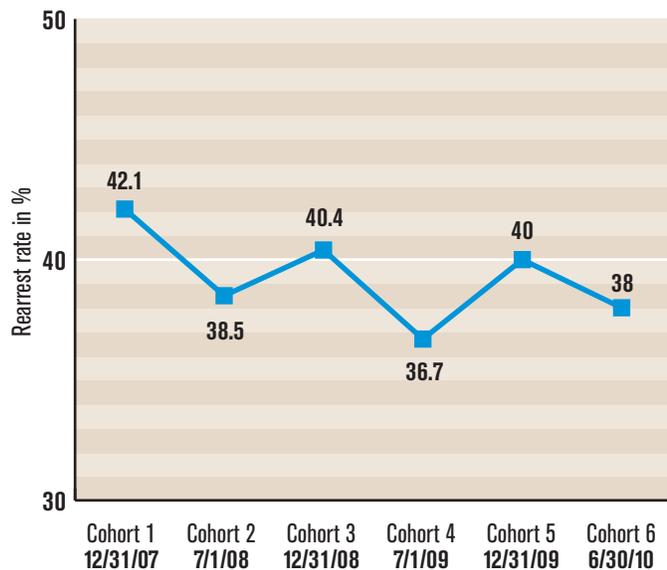
Recidivism data

One of the most important measures of any adult or juvenile justice system is recidivism. Yet recidivism rates nationwide are often disappointing and notoriously hard to reduce. In Connecticut, we are making headway.

An examination of the rearrest rate at 24 months after referral to juvenile court shows a downward trend between 2007 and 2009.

Unfortunately, there is no national recidivism rate to use as a point of comparison, because states use different metrics to calculate recidivism, e.g. any contact with the law, an offense that leads to a court appearance, a formal delinquency charge, etc. But a survey of data from other states shows that Connecticut's numbers are favorable compared with other states that use similar reporting methods.^{iv}

Rearrest rate at 24 months after referral to juvenile court, 2007-2009ⁱⁱⁱ



Any drop in recidivism makes a significant contribution to cost-savings and public safety. Given that the average confinement in the Connecticut Juvenile Training School costs taxpayers about \$133,920^v, it is easy to see how every youth we turn away from delinquency creates

enormous savings for the state. Each percentage point drop in recidivism means about 110 fewer delinquent acts, 110 fewer police calls, court cases, and so on.

Analysis

Today's Connecticut, with a smaller, treatment-oriented system, is a safer place than yesterday's Connecticut with a larger more punitive system.

Connecticut's young people are committing fewer crimes and significantly fewer violent crimes now than they were a decade ago. It is, of course, impossible to show that this was the direct result of changes in the state's juvenile justice system. But we can conclusively say that predictions that diverting more young people out of deep involvement with the system would harm public safety were simply wrong.

With a rising concentration of high-risk youth in the juvenile justice system, it would be reasonable to expect recidivism rates to rise. The opposite is true. Possible explanations:

- The system's current rehabilitation efforts are more effective.
- The low-risk children formerly in the system contributed little to recidivism rates precisely because they did not belong in the system in the first place.
- Concentrating resources on high-risk youth improves their results.

2. Diverting children from the system

The juvenile justice system was designed to protect community safety while promoting the rehabilitation of children who commit crimes, generally referred to as "delinquent acts" in minors. It is not designed to:

- Serve as an enforcer of school discipline
- Function as a behavioral health system
- Act as a family counseling center

Certainly many children in the system for delinquent acts also have educational, behavioral health or family issues, and the system should strive to help children and families in these areas. Many more children have these same issues but no strong history of delinquency. Entering the juvenile justice system will put them in contact with peers whose behavior is far worse. That is one reason why system involvement consistently leads to more delinquent behavior.^{vi} Furthermore, the system is a more expensive place to obtain help than community-based programs.

Offering status offenders help outside of the juvenile justice system has been overwhelmingly successful. While we praise the state's improved mental health services within the juvenile justice system, we also urge that such services be more widely available in communities to prevent system involvement altogether.

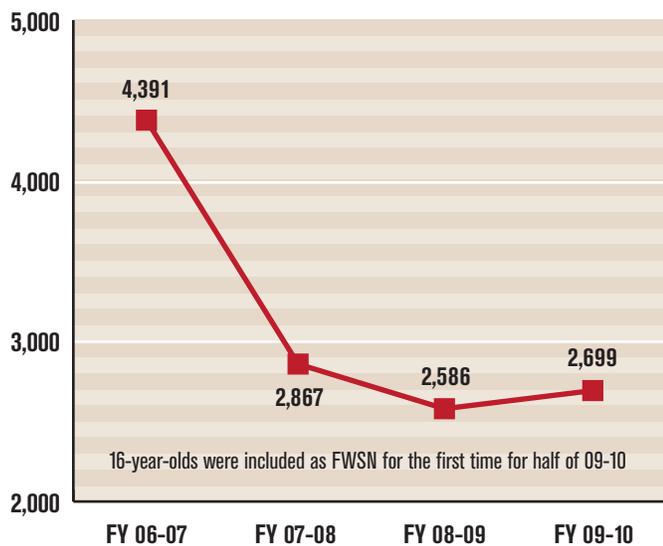
Status offense data

The state may become involved when children commit status offenses: risky behaviors that are not crimes but are illegal for minors, such as running away or skipping school. In Connecticut, these are called Family With Service Needs, or FWSN, cases. In the past, these children frequently ended up in detention. Typically a judge would issue an order that the child must, for example, attend school. The next time the youth was truant, he or she would be in violation of a court order and could be locked up.

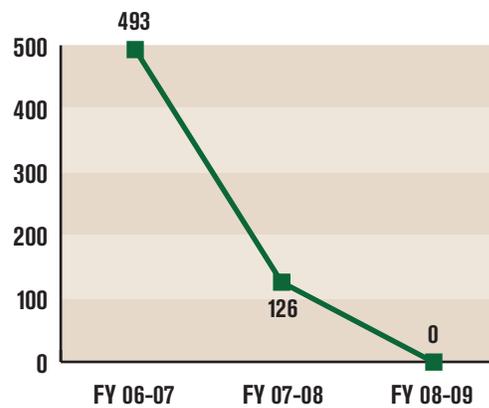
FWSN reforms became law in 2007 to:

- End the practice of sending FWSN children to detention
- Keep FWSN cases out of the juvenile justice system through better utilization of and access to community-based services
- Improve outcomes for children, youth and families

Changes in FWSN referrals to court^{vii}



FWSN children sent to detention^{viii}



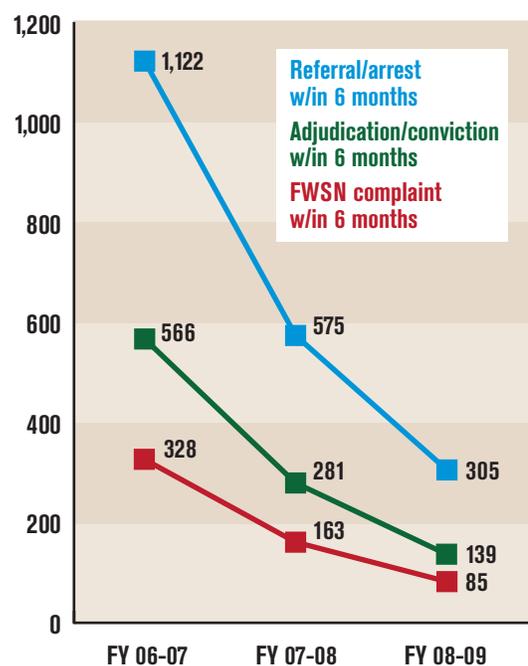
Child outcomes

Since the law change, FWSN children received more services in their own communities. In some cities, state-funded Family Support Centers offered status offenders and their families rapid access to a broad range of services. Since the implementation of FWSN reform, Connecticut has seen:

A 6 percent drop in FWSN children who had a subsequent FWSN referral or an arrest. Since the FWSN system itself has been shrinking, the change in raw numbers is even more dramatic: 1,122 FWSN clients had further legal involvement within six months in 2006-2007. In 2008-2009, that number came down to 305.

Families who used the Family Support Centers reported qualitative improvements in areas such as familial and peer relationships, as well as school attendance and grades.

FWSN outcomes, 2006-2009



Taxpayer savings

- The daily cost of detention ranges averages \$377 per day^x, depending on the facility. None of the more than two thousand children referred to the FWSN system in 2008-2009 went to detention.
- There were also savings in court costs. Where half of all FWSN cases once went to court, by FY 2008-2009, only 4 percent of cases reached that level. Thus these children did not require the attention of some of the most highly paid professionals in the system: judges, state's attorneys, public defenders and marshals.
- As detailed above, children are less likely to have new FWSN cases or delinquency.

Diversion Data

The state has adopted several programs to divert low-risk youth from the juvenile justice system.

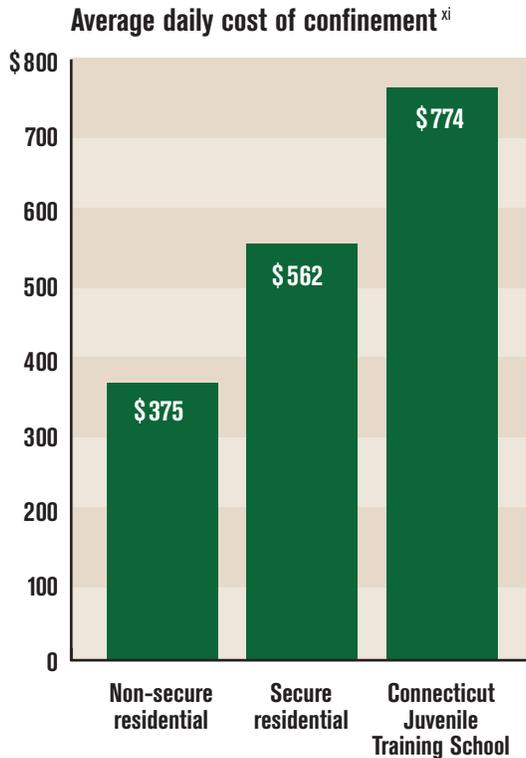
■ **Juvenile Review Boards**

First-time offenders facing minor charges take responsibility for their actions, make restitution to the victim or community and accept the sanctions of a community board, which might include entering substance abuse treatment, attending after-school programs and so on. Restitution could mean writing an apology letter or cleaning up vandalism damage. Youths who fulfill these requirements will not have a juvenile record. JRBs are now available in as many as 60 Connecticut communities. This represents savings in court costs, police time and detention. JRBs were initially more common in suburbs than in cities, where more minority children live. Giving fewer children of color access to this effective diversion program contributed to the overrepresentation of minority youth in the juvenile justice system. The state has now expanded JRBs into Connecticut's major cities, a measure we hope will help to reduce this disparity.

■ **Case Review Teams**

Case Review Teams may meet when a child is being considered for incarceration at the Connecticut Juvenile Training School or placement in a residential program. CRTs include the youth, family, educators, DCF and judicial branch representatives. They strive to arrive at a plan that will provide supports and safeguards to keep the youth in the community. During the program's initial pilot period in 2005-2007, there were 597 CRTs convened, resulting in 72 percent of kids considered by the teams avoiding an out-of-home placement.

Significantly, children sent to CRTs for diversion and children sent to residential placement were similar in history of prior offenses and demographics such as age and race. Yet a significant number of those released to the community had no subsequent involvement with the system after six months, or only minor involvement. The supports to maintain these young people in the community were varied – counseling, educational support, even funding for positive recreational activities like sports and music lessons. These supports were tailored to meet the child's individual needs and generally much cheaper than residential placement.^x



Analysis

Juvenile Review Boards and Case Review Teams share many strategies.

- Give youth significant responsibility for improving their behavior
- Hold youth accountable
- Address the root causes of delinquency
- Provide less expensive, more effective services than residential facilities
- Encourage continuity in education and strengthen families by keeping kids in the community
- In light of the dual goals of community safety and fiscal responsibility, these strategies should be employed within the juvenile justice system wherever possible.

3. Appropriate Sanctions and Services

Kids should go only as deeply into the system as is necessary to correct their behavior and ensure public safety. Going too deep wastes money and may actually encourage more delinquency.

Connecticut is turning away from expensive solutions, such as incarceration, for low-risk kids. There remain, however, areas where heavy-handed approaches are applied inappropriately to minor adolescent misbehavior, such as differences in how the same offenses are handled by court location and by race, as well as school based arrests. These are discussed more thoroughly in Section 4. What follows is a discussion of measures that are improving our ability to respond appropriately and effectively.

The most expensive and disruptive way to deal with delinquency is secure confinement. To confine a youth in the Connecticut Juvenile Training School costs \$744 per day per youth^{xii}. According to DCF, the average length of stay at CJTS in 2009 was six months, meaning the average admission costs the state \$133,920. The cheapest and least disruptive options are community-based services. For example a six-month course of in-home, Multi-Systemic Therapy costs the state \$9,000 – or almost 15 times less than CJTS.

One size doesn't fit all

A decade ago, juvenile programs were based on offenses, with children accused of more serious acts receiving the highest level of supervision. That simply meant spending more time in a program, perhaps 12-hours-a-day for a more concerning delinquent act and 2-hours-a-day for a minor one. But the child accused of stealing a car and the child accused of getting rowdy at a school event were getting the same services in those programs, which often amounted to little more than babysitting. Furthermore, offense alone offers a limited view of a child's needs and the associated risk to reoffend. Someone arrested for a minor offense, but who has a history of parental abuse, unmet special education needs, and a problem with substance abuse, might need the highest level of programming.

Today every child entering the system is professionally evaluated to determine strengths and needs. Kids are placed in programs that are highly specific. For example, there is not simply a mental health and substance abuse program, but programs specifically for substance abuse and different levels and types of clinical mental health interventions. All programming is gender specific. Many services are delivered in-home, a recognition that children are unlikely to succeed unless the whole family is involved.

This approach obviously makes far more sense. Weaknesses include waiting periods. The specificity of programming sometimes dictates that a child must wait for weeks for a new session of an appropriate group program to begin.

Clinical coordinators

When questions arose in juvenile court about a child's mental health status, the state once paid a contracted provider to complete a full evaluation. Though these evaluations were detailed and expensive, they often did not speak to the court's specific questions, causing expensive delays in cases as children remained in detention and/or had redundant court appearances. In 2007, the state created clinical coordinator positions. These court-based mental health professionals immediately assess children to determine if they need a full evaluation. When an evaluation is called for, the coordinator works with the provider to make sure that relevant questions are answered.

This change is saving taxpayers money and providing more appropriate services to children. Between FY 06/07 and FY 09/10, the number of contracted evaluations decreased more than 61 percent in courts with a clinical coordinator. In courts where the position does not yet exist, evaluations dropped by only 10 percent. A state cost-benefit analysis calculated that clinical coordinators saved in excess of \$379,000 in a single year.^{xiii} In addition, the state cut down on costs from scheduling difficulties. In the past, the state was charged half the rate of an evaluation when a child failed to show up for the appointment. With clinical coordinators shepherding the process, the state realized \$103,488 in savings there. Thus total savings are \$482,500 annually.

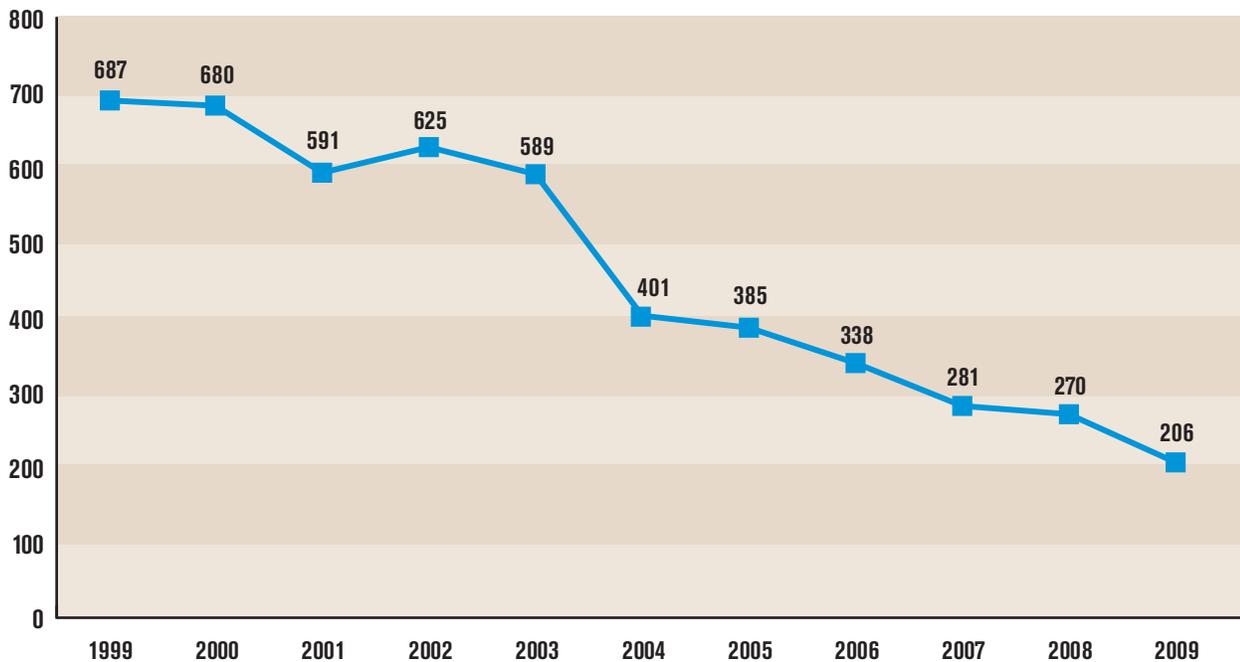
Youth Empowered for Success (YES)

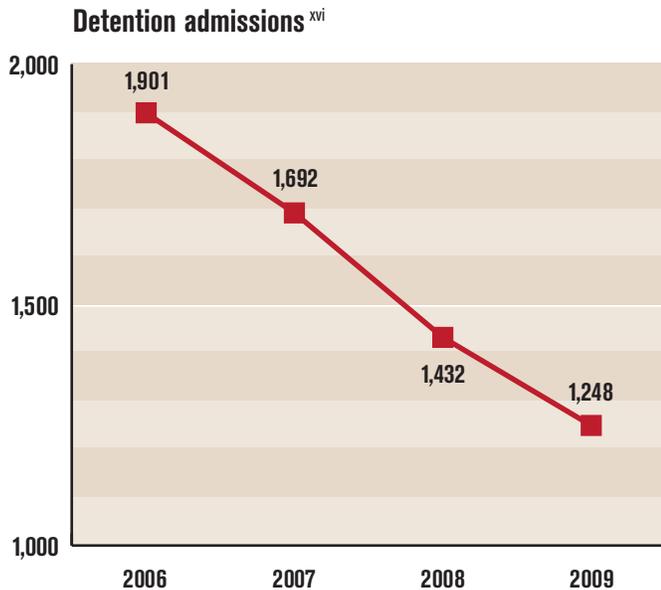
When children enter the system, they are immediately evaluated for risk level, and their particular strengths and weaknesses are identified. Thus, they are channeled to programs tailored to hold them appropriately accountable while addressing factors that put them at risk for future system involvement. The YES probation model addresses factors that put kids at risk of future delinquency or status offenses. A plan is designed for each individual to strengthen relationships at home, in school and in the community. When the state compared youth who completed a YES program with similar youth who did not have access to these services, it found that subsequent court referrals were 10 percent lower for YES youth. The program had particularly good outcomes for kids assessed at court intake as “medium risk,” pointing out the imperative to accurately evaluate children and steer them toward appropriate sanctions and services.^{xiv}

Confinement data

Juveniles committed to either long-term residential placement or to incarceration at the Connecticut Juvenile Training School have decreased by 61 percent over the past 10 years. The average daily census at CJTS was 153 in 2001 and fell to 96 in 2009. The number of children held in detention awaiting judicial action has decreased 34 percent in four years. It is no coincidence that these declines coincide with an expansion of the wide range of services and programs described above and others.

Juveniles committed to DCF^{xv}





Raise the Age

Connecticut began adjudicating 16-year-olds accused of minor crimes as juveniles in 2010. They had previously gone to adult court. The move was informed by copious research showing that kids who stay in the juvenile system are less likely to reoffend. The ongoing work of diverting children from the system, especially at its deepest end, created resources within the juvenile system and made the switch practical.

Predicted increase in juvenile court caseload:	40%
Actual increase in first 11 months of Raise the Age:	22%
Percent of caseload who are 16-year-olds:	26% ^{xvii}

Adding 16-year-olds to a system that was already shrinking has proven an eminently manageable task and will produce a decrease in recidivism that will make our communities safer for decades. The planned move of 17-year-olds to the juvenile system in 2012 should be implemented on schedule following this template for success.

4. A fair, effective system

Connecticut's juvenile justice experience shows that appropriate responses get better results. That means:

- Keeping kids out of the system who don't belong there
- Using the right level of consequences and services

In four areas, Connecticut frequently falls short of these standards:

- Racial disparity
- Arrest in schools
- Overuse of arrest
- Regional differences

Racial disparity

Children of color are more likely to enter the juvenile justice system and are treated more harshly there than their white peers. Detailed studies by the state show that racial imbalances in the system cannot be explained away by other factors, such as poverty.^{xviii} Race and ethnicity themselves play a role in how children are treated within the justice system.

This violates basic American values of fairness and unnecessarily limits the prospects of youth while causing pain to families and communities. On a more pragmatic level, it suggests that we are wasting state resources – police time, court costs and confinement costs – on young people who would have been handled more economically and efficiently if their backgrounds were different.

Actions

- Require court order for all admissions to detention
- Examine data on racial disparity annually
- Institute objective standards for decision-making at every point of the process from first police contact to confinement
- Educate and mobilize the public to insist the system operate fairly for all children involved.

Arrests in Schools

While the state has embraced policies and programs to keep low-risk children out of the juvenile justice system, a disturbing trend has developed as some schools use the justice system to enforce classroom discipline. For example, recent data show that in Waterbury over half of juvenile arrests happen during the hours when children should be in school.

Children are more likely to be arrested in schools now than they were a generation ago for such actions as being disruptive in class or getting into a playground scuffle. Zero-tolerance policies have removed decision making from the hands of educators, police and administrators. The presence of police in schools has led some districts to turn to officers to arrest students who might be corrected in far less disruptive and costly ways.

Actions

- Help communities find ways to reduce school-based arrests
- Require communities to publicly report statistics on in-school arrests
- Support districts that adopt alternative strategies to create safe, productive learning environments

Inappropriate arrest

Arrest is an appropriate response to serious acts of delinquency, not to normal – albeit troubling – adolescent behavior. Half the children arrested in Connecticut never go to court. They are handled “non-judicially” by the court in a number of the programs we describe above. Falling crime rates suggest this approach has been successful. Given these young people’s positive response to service-based programming, we must ask: Why were they arrested at all?

Police have enormous discretion in choosing whether to arrest someone, though they may be under pressure from community members to use arrest more frequently than is necessary. Given that most minors are arrested for minor, non-violent offenses, are there ways to

manage their behavior without using valuable police resources and without compromising their futures by stigmatizing them with arrest?

Actions

- As detailed above, school-based arrests must be reduced.
- Communities, schools and police must work together to develop guidelines for using arrest judiciously, particularly where young people are involved.
- Each community should have access to evidence-based services for children outside of the juvenile justice system.

Regional differences

The severity with which children are treated varies by court location. For example, in FY 2008, Stamford's juvenile court saw 269 new delinquency cases. Of these, 34, or 12 percent, went to secure detention. In contrast, there were 1,775 new delinquency cases in Hartford during the same period, and 442, or 24 percent, of those went to detention.^{xix}

The handling of children in the juvenile justice system should be based on an objective assessment of their risk and rehabilitative needs – nothing else.

Actions

- Support Local Interagency Services Teams as they work to address juvenile justice issues at a community level
- Transparently document disparities to increase accountability
- Documentation should follow children from arrest through adjudication to pinpoint where disparities occur.

5. Conclusion

Connecticut has made significant improvements in its juvenile justice system to the benefit of children, public safety and taxpayers. But it must make more progress so that children are treated fairly regardless of race, ethnicity or location. Furthermore, we must rethink the growing and often inappropriate role of the justice system in maintaining school discipline.

The improved recidivism rates and general cost savings realized in the juvenile system underline the importance of moving 17-year-olds to juvenile jurisdiction swiftly. Better to place teens in an improving system with excess capacity than to warehouse them in the adult system, where services for young people are inadequate. Juveniles are less likely to reoffend if they remain in the juvenile system – the primary reason that most states set adulthood at 18.

In some ways, the road ahead is more difficult. Regional discrepancies in sanctions and school discipline are not issues that will be solved solely through sweeping statewide policy change. They will rely on a great deal of hard work, which will necessarily be done community by community. Racial disparity often occurs because of subtle preconceptions and cultural differences. Solving this problem will require *many* coordinated efforts over the course of years. The overuse of arrest requires a philosophical shift and a need to reinterpret what “public safety” really means.

During the economic downturn, it is critical that Connecticut citizens insist that the juvenile justice policies that benefit us all be maintained and even strengthened. Advocates like to say that prevention is economical. Now we are in a position to prove it. Connecticut has become a safer

place as its juvenile justice system has grown more enlightened. Savings can be demonstrated throughout the system. The programming and policy changes that are demonstrated cost-savers in this report should serve as a model for the juvenile justice system as a whole.

In the interest of public safety, fiscal responsibility and most importantly in the interest of our children, Connecticut should be applying these successful strategies more aggressively. The system has been downsized, but it could be reduced still further. In these times, that is a public policy opportunity that we literally cannot afford to bypass.

We are on the right road. The task is to keep moving forward.

Footnotes

- i FBI Uniform Crime Reports 1998.
- ii FBI Uniform Crime Reports 2008.
- iii State of Connecticut, Court Support Services Division (CSSD)
- iv Office of Juvenile Justice and Delinquency Prevention. Juvenile Offenders and Victims: 2006 National Report.
- v Per diem of \$744 multiplied over an average stay of six months.
- vi Holman, B and Ziedenberg, J. The Dangers of Detention. Justice Policy Institute.
- vii CSSD
- viii Justice Research Center. Process and Outcome Evaluation of the 2007-2009 Families With Services Needs Initiative
- ix Connecticut Office of Fiscal Analysis
- x Hawke, J. et. al. University of Connecticut. Emily J. Quality Assurance Report, 2008.
- xi Connecticut Office of Fiscal Analysis
- xii Connecticut Juvenile Training School Advisory Board Report to the Commissioner of the Dept. of Children and Families, January, 2010.
- xiii CSSD
- xiv CSSD
- xv CSSD
- xvi CSSD
- xvii CSSD
- xviii Spectrum Associates. A Second Reassessment of Disproportionate Minority Contact in Connecticut's Juvenile Justice System, 2009.
- xix Calculated from court and detention data provided by CSSD.



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