

# Turning It Around:

## Successes and Opportunities in Juvenile Justice



We're in the business of promoting an ideal juvenile justice system: One where the number of children and youth entering the juvenile and criminal justice system has been minimized, and a safe, effective and fair system is in place for those few who do become part of it. We're not nearly there. But Connecticut is miles ahead of where it was two decades ago, when conditions were so deplorable that a federal judge stepped in on behalf of children in detention.

Connecticut's juvenile justice system has made major strides in serving children. That progress benefits all Connecticut residents. Juvenile court cases have fallen by **one third** in the past four years. That is a truly remarkable statistic representing savings to taxpayers and a decrease in the crime burden communities face. Advocates always preach that prevention and early intervention are cost-effective. Connecticut's experience proves as much.

Connecticut itself is currently considering deferring some of the reforms to which it has already committed. This would not only constitute a break in faith with the state's youth. It would also be counterproductive to a state trying to revive its economy and limit its expenses. Furthermore, sensible juvenile justice policy has resulted from the sustained collaboration of advocates, legislators and professionals in state agencies. It has never been achieved without deliberation and a thoughtful look at implications.

In this economic downturn, the kinds of services that have been so effective in Connecticut are in jeopardy. This report aims to document the case for going forward – not backward – in juvenile justice reform. Connecticut's investment paid off rapidly in a lower census in its court system and residential facilities. It's well documented that serving vulnerable youth well produces significant long-term savings over a child's lifespan. We wish to point out that it produces savings in the relatively short term. Indeed, states grappling with fiscal constraints would do better to accelerate the pace of juvenile justice reform than to stall it.

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## **Summary**

In the 1990s, Connecticut's juvenile justice system was in crisis.

**Inadequate health care, education and mental health services for children in detention**

**An over-reliance on detention, even for children who had committed no crimes.**

**Overcrowded and unsafe facilities**

**Territorial battles within government that left many children unserved**

Since that time, the success of the Emily J. lawsuit, various legislative reforms and a commitment on the part of state agencies have made a difference.

**A sharp decrease in delinquency**

**Better physical conditions in detention**

**More services for children at all points in the system**

**Diversion of children from the system, notably status offenders**

Several common threads run through these successes

**Reliance on evidence-based practices**

**A rehabilitative mission that focuses on the cause of delinquent behavior.**

**Commitment to community-based services and prevention**

**Improved collaboration between the Department of Children and Families and the Judicial Branch**

**An emphasis on services, particularly mental health**

**A deliberative approach, carefully weighing the impact of changes and seeking out expertise to inform decision making**

## From Failure to Success

As the 1990s began, Connecticut's juvenile justice system confined children in horrendous conditions. Rehabilitative services were close to non-existent. There were a handful of grassroots community-based programs. What awaited most children in the system was a stay at an overcrowded detention center, where access to education, mental health care and medical care was woefully inadequate.

Many of the children who were subject to these conditions had committed no crime. Status offenders, designated Families With Service Needs cases, could be locked up in the detention centers as well. These included children who were in the system for truancy, running away or being beyond parental control.

"The Emily J. Lawsuit" was filed by child advocates in 1993 and charged that the state was violating the rights of children in detention. A sampling of the conditions of confinement as stated in the lawsuit:

*Defendants provide no toilet facilities in the cells to which plaintiffs are confined. While locked in her room, defendants' staff failed to release her to go to the bathroom. After urinating on the floor, she was given additional "room confinement."*

*Ramon has witnessed staff hurting children by bending their arms and legs until they cry, slamming them on the floor, and dragging them across the rug.*

*Michael has been diagnosed as having a systolic heart murmur and an umbilical hernia. Although he is in need of an operation, he has not yet received it.*

*His educational program has not been more than two hours a day. Because on many occasions it consisted of watching nature films, he has not been attending school.*

As "Emily J." proceeded through the courts, Connecticut continued to take a markedly punitive approach to children in the system. In 1995, PA 95-255 criminalized juvenile court. A "best interest of the child" standard that had guided juvenile proceedings was dropped. It became easier to incarcerate children, and changes in transfer laws made them more likely to go to adult court. Juvenile prosecutors were moved from the Family Division to the Criminal Justice Division of the Juvenile Court.

The act also created the Office of Alternative Sanctions, which ran Alternative to Detention Programs and Juvenile Risk Reduction Centers (some with residential

programming). Unfortunately, these programs had no mental health components. Many children in the juvenile justice system, then as now, had longstanding involvement with the Department of Children and Families and should have been able to access services through DCF. At the time, however, DCF and the Judicial Branch had an uncooperative relationship, much to the children's detriment. Once a child became delinquent, DCF stopped providing services, including behavioral health care.

The Emily J. Lawsuit settled in 1997, substantially improving the conditions of youth in confinement and providing better access to education, mental and physical health care and recreation. A court-appointed monitor was charged with overseeing the state's compliance with the settlement. The continuing court oversight insulated improvements made in programming from the annual threat of budget cuts.

Even after settlement, the plaintiffs would need to seek relief from the court again to ensure the needs of children in detention were met. While the changes wrought by Emily J. were initially the result of a federal court order, the defendants would eventually buy into the ideas that better services and less restrictive settings were not only the right thing to do for children but would lead to better outcomes. "There was a culture change," explained Martha Stone, executive director of the Center for Children's Advocacy, who represented the children in the lawsuit.

The Judicial Branch reorganized in 1999 and created the Court Supportive Services Division, which is responsible for alternative sanctions, as well as juvenile detention and probation for adults and juveniles. CSSD expanded the array of contracted services available to youth.

Despite recent gains, detention centers remained problematic. The Connecticut Policy & Economic Council (CPEC) did a cost/benefit analysis of Connecticut's juvenile justice programs at the request of the General Assembly in 2001. The report revealed shocking details, including youth having sex and selling drugs in detention centers where untrained staff failed to control the environment. The system actually led to an increase in delinquency, according to CPEC. Services were inadequate, and the absence of mental health care was particularly striking.

The study made recommendations that would ultimately serve the state well:

- Use evidence-based programs.**
- Keep low-risk youth in programs with less supervision.**
- Stop grouping offending youth together.**

Just as a study commissioned by the state recommended a more community- and service-based approach to juvenile offenders, DCF opened the Connecticut Juvenile Training School, a large, high-security facility. CJTS replaced the Long Lane School,

which had been designed on the cottage model. CJTS, a massive project awarded with a no-bid contract, would later figure in corruption charges against Governor John Rowland. In 2002, the Office of the Child Advocate and the Attorney General issued the first of two reports decrying the conditions in the facility. Among their concerns were an overuse of restraints and a lack of treatment plans for youth at the facility.

In 2002, the state entered into a court-ordered corrective action plan connected to the Emily J. lawsuit. The focus was mental health care, which continued to be inadequate despite progress made as a result of the original settlement, which had a huge impact on conditions of confinement. Alternative to Detention Centers were serving lower risk youth, and medical care was improving throughout the system.

The corrective action plan led to a greater reliance on evidence-based programs, as recommended by the CPEC study, and addressed a longstanding roadblock to progress: the lack of cooperation between DCF and CSSD. The plan introduced programs to Connecticut that continue to have high success rates with the juvenile justice population: Multisystemic Therapy, Intensive In-Home Child and Adolescent Psychiatric Services, and homecare. In ordering risk assessments for detained youth and identification of DCF-involved youth, the plan forced DCF and CSSD to work together. As youth entering the system received better evaluation, it became clear that many could and should be served in their own communities. The two agencies collaboratively developed mechanisms to make this happen. The Connecticut Juvenile Justice Alliance encouraged the agencies to continue this cooperation. By 2004, the agencies will enter into a joint strategic planning process.

Boys had been moved from Long Lane to CJTS in 2001. In 2003, the state closed Long Lane. This meant that there was no secure facility for girls and no plan to address the issue. Thus delinquent and sometimes FWSN girls were incarcerated at York Correctional Institution, an adult, high-security facility. The following year, the legislature passed an act ordering DCF to create a plan for girls services. Again, DCF and CSSD worked collaboratively to meet the demand. Together they hired consultants with expertise in girls' issues and focused on developing gender-specific services. ADPs and detention centers gradually moved toward being gender-specific. A consultant's report reinforced the importance of avoiding incarceration. "With a full array of sufficiently intensive services that did not necessitate the loss of connections as girls progressed into the community within the same gender-specific program, girls' strengths would be built on and girls' needs would be met without the system being too full to admit another girl," wrote Marty Beyer, an expert in child welfare and juvenile justice.

When DCF and CSSD did an overall strategic plan for the juvenile justice system in 2005-2006 facilitated by the Child Welfare League of America, the importance of girls services again emerged as a strong theme. The plan endorsed more gender

responsive programming and a better provision to meet the needs of girls who have experienced trauma.

Yet another Emily J. agreement in 2005 pushed the system toward providing appropriate services. Flexible funding for court-involved youth allowed DCF and CSSD to work together to secure community-based programming. The movement of young people out of secure detention and into community-based programs that were more economical and effective continued. The agreement also put DCF liaisons in detention centers and helped to further erode artificial barriers between youth and appropriate services. The agreement encouraged more emphasis on evidence-based programs.

2005 also marked a piece of landmark legislation mandating that FWSN youth be decriminalized. Status offenses would no longer be a pathway to delinquency charges and time in detention. The law also mandated that Family Support Centers would be available throughout the state to give FWSN youth and their families rapid access to a broad array of services. The very title “Families With Service Needs,” was belied by the near complete absence of community-based services available for youth in the system.

The measure was controversial. Some insisted that it took the “teeth” out of FWSN law and that youth would not correct problem behaviors such as truancy without the threat of being locked up. When the law was implemented in 2007, however, the results were spectacular. Family Support Centers (FSCs) served high-risk youth, while lower-risk children accessed community services. (Though the law mandated FSCs be available to every community in the state, they are still only in major cities and await funding to open state-wide in compliance with the law.) About 300 FWSN cases per year had resulted in youth being in secure detention. Now, there are none. “Although the FSCs are quite new, early data indicates that, for the first time in more than six years, the number of status offenders referred to court, the number who come before a judge, and the number who are housed in secure detention is declining,” according to a MacArthur Foundation report.

The legislature continued to look for ways to serve at-risk youth more effectively with an eye toward long-term crime prevention. In 2006, it formed the Juvenile Jurisdiction Planning and Implementation Committee to explore the impact of returning 16- and 17-year-olds accused of minor crimes to juvenile jurisdiction. Connecticut is one of only three states to put these youth in the adult system, despite copious evidence that this encourages recidivism. In 2007, Raise the Age legislation received bi-partisan support and is scheduled to return minors to the juvenile system in 2010. There have been threats to renege on this promise, ostensibly for budgetary reasons.

## Building on Success

The success of FWSN decriminalization highlights the effectiveness of serving children proactively in the least restrictive setting that is practical. Ironically, improvements in the juvenile justice system have sometimes rendered it the “easiest access” to critical services, as one team of analysts noted:

As schools struggle to meet performance goals, municipalities deal with budget and service cuts and families struggle to find affordable health insurance, the juvenile justice system often becomes the most efficient provider of mental health services for young people. It is increasingly difficult for families to find counseling, therapy or even evaluators to help them deal with a child with behavioral or mental health issues. There are long waiting lists, insurance issues, or simply no available services. Often a police officer responding to a crisis in a home will recommend that a parent have the child arrested to “get them help.”

-- *The Social State of Connecticut, 2008*, Population Research Institute, Duke University.

To the extent that communities are responsive to the basic needs of families and the educational and developmental needs of children, the size of the juvenile justice system will continue to shrink. Simultaneously, crime will decrease as more youth are prepared to be productive citizens.

The recent history of Connecticut’s juvenile justice system is an object lesson in prevention and early intervention. In the wake of the Emily J. lawsuit, the state moved toward a more service-based approach to youth in the juvenile system, which has been more effective than secure detention and reduced the burden on the system. FWSN reform continued on the path of meeting children’s needs rather than criminalizing youth. We have already seen the benefit of FWSN reform and other preventive actions as the burden on juvenile courts and residential facilities falls precipitously. These successes have created capacity in the juvenile justice system to serve older youth, as promised in the Raise the Age reform, which has non-violent minors scheduled to return to juvenile jurisdiction in 2010. Keeping youth in the service-based juvenile justice system, rather than an adult system that is merely punitive will decrease crime. This is borne out by all research on the topic and by Connecticut’s own experience. Success lies in throwing a lifeline to young people before they get too deep into the justice system. Connecticut has done this on many occasions over the past decade. Continuing to take this approach will complete Connecticut’s remarkable journey from a state with a failed juvenile justice system to one that is a leader in effective and compassionate treatment for at-risk youth.

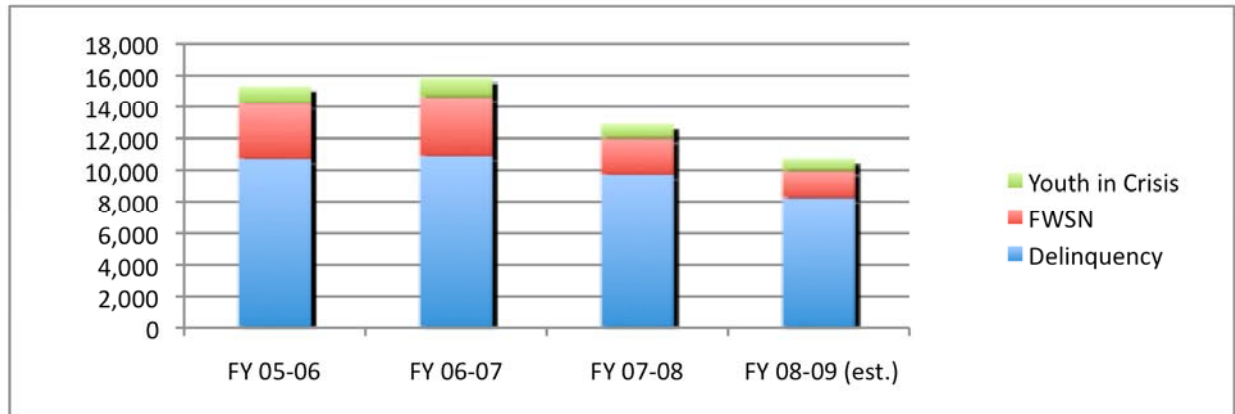
## Chronology

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| 1993 | Emily J. lawsuit challenges conditions of children in confinement.  |
| 1995 | P.A. 95-225 criminalizes juvenile court, facilitates transfer to adult court and creates alternative sanctions.   |
| 1996 | Office of Alternative Sanctions begins program development, including gateway offender programs, juvenile risk reduction centers, alternative to detention programs and more case management by probation officers. |
| 1997 | Emily J. Consent Decree:  |
|      | Results in significant improvements to medical and mental health services   |
|      | Expands educational and recreational opportunities  |
|      | Increases staffing and staff training   |
|      | Establishes residential and nonresidential community placements as alternatives to incarceration  |
| 1999 | CSSD created.   |
| 2000 | P.A. 00-172 orders cost-benefit analysis of juvenile programs.  |
|      | P.A. 00-177 creates "Youth in Crisis," expanding the scope of particular "status offenses" to sixteen- and seventeen-year-olds.   |
| 2001 | CPEC study finds programs are causing increase in delinquency. Calls for move to evidence-based programming and less supervision for low-risk youth.  |
|      | Connecticut Juvenile Training School opens.   |
| 2002 | Emily J. plaintiffs file a motion for noncompliance to modify the Consent Decree.   |
|      | Emily J. Stipulated Agreement and Joint Corrective Action Plan:   |
|      | Addresses need for better mental health services  |
|      | Promotes alternatives to detention for low-risk youth   |
|      | Creates evidence-based behavioral health programs   |
| 2003 | Long Lane closes, leaving no secure placement for girls.  |
|      | Hartford Juvenile Detention Center opens.   |
| 2004 | DCF and CSSD begin joint strategic planning process.  |
|      | P.A. 04-5 demands a plan for girls services.  |
|      | DCF Girls' Services Steering Committee releases report recommending gender-specific services across a continuum of care for female status offenders and delinquents.  |

|      |   |
|------|---|
| 2005 | Marty Beyer's report on girls urges prevention and gender-specific and trauma programming.  |
|      | A third Emily J. agreement is negotiated to address continued noncompliance in the delivery of mental health services.  |
|      | Emily J. Settlement Agreement:  |
|      | DCF liaisons in detention centers   |
|      | Flexible funding to serve court-involved youth  |
|      | Coordination of services between DCF and CSSD   |
|      | P.A. 05-250 decriminalizes FWSN.  |
| 2006 | P.A. 06-188 establishes the FWSN Advisory Board and directs it to study implications of raising the age of juvenile jurisdiction to include both children and youth under eighteen years of age.  |
|      | DCF and CSSD release juvenile justice joint strategic plan, outlining goals and strategies designed to support interagency prevention strategies; to reduce minority overrepresentation in the juvenile justice system; to improve access to services; to expand age-appropriate, culturally competent, and gender-specific services; to increase collaboration between agencies, families, teachers, and service providers; and to invest in court diversion programs. |
| 2007 | P.A. 07-4 changes the processing and treatment of status offenders, dramatically decreasing delinquency.  |
|      | P.A. 07-4 raises the age of jurisdiction in juvenile matters effective January 1, 2010.   |

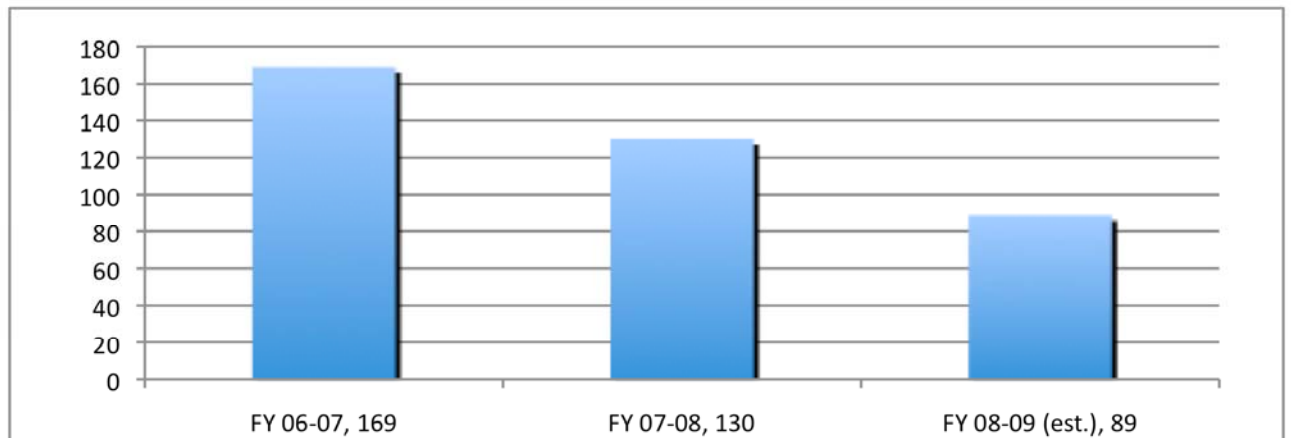
## By the numbers

### Referrals to juvenile courts



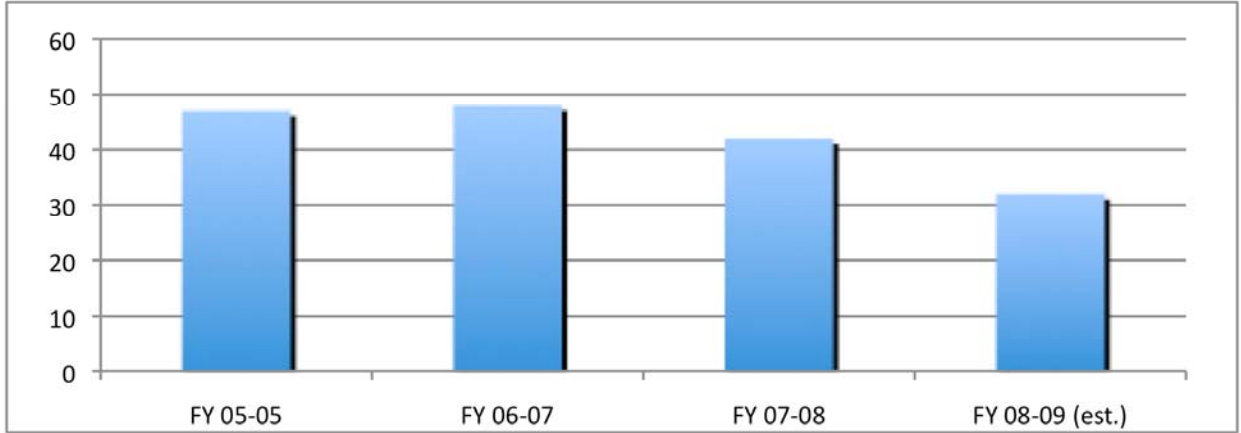
Source: Connecticut Judicial Branch

### Average daily population in juvenile detention



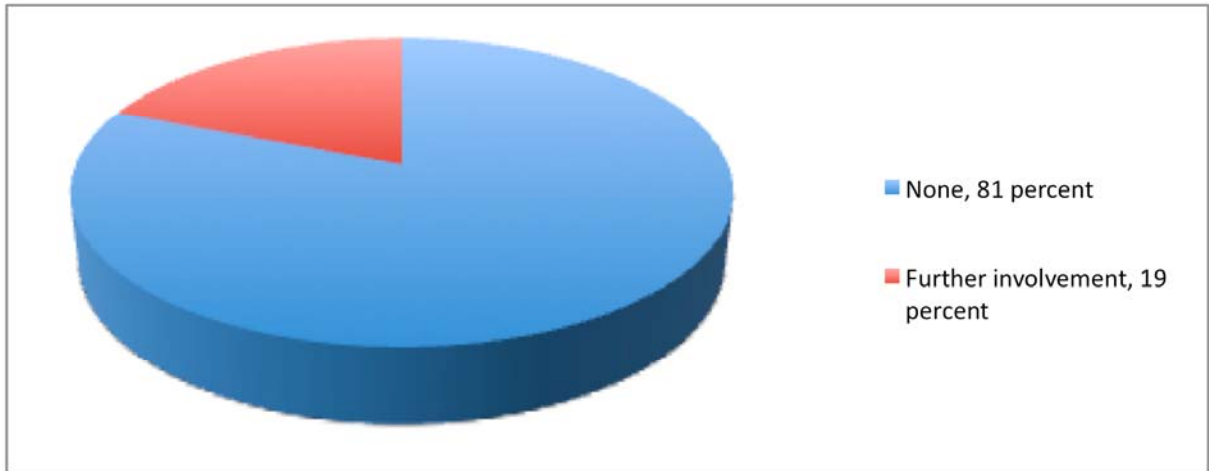
Source: Connecticut Judicial Branch

### Caseload of juvenile probation officers



Source: Connecticut Judicial Branch

### JJ involvement after successful completion of a FSC program



Source: Process and Outcome Evaluation of the 2007-2009 Ct. FWSN Needs Project: Interim Report. Justice Research Center, Inc.

**For more information**

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