

IMPROVING OUTCOMES FOR YOUTH IN CONNECTICUT THIRD PRESENTATION TO THE IOYOUTH TASK FORCE: REFERRALS, DIVERSION, DETENTION

Nina Salomon, Deputy Program Director Emily Rogers, Senior Research Associate Jacob Agus-Kleinman, Policy Analyst

DRAFT NOT FOR DISTRIBUTION



01 Background

- Key Findings
- **Summary and Next Steps**

About the Council of State Governments Justice Center













Justice Center THE COUNCIL OF STATE GOVERNMENTS

National nonprofit, nonpartisan, membership association of state government officials that engages members of all three branches of state government Provides practical, nonpartisan research-driven strategies and tools to increase public safety and strengthen communities

Connecticut established a task force chaired by Rep. Walker and Secretary McCaw to oversee and guide the initiative.

Rep. Toni Walker, Co-chair, Appropriations Committee, Connecticut General Assembly

Melissa McCaw, Secretary, Office of Policy and Management

Abby Anderson, Executive Director, CT Juvenile Justice Alliance

Erica Bromley, Juvenile Justice Liaison, Connecticut Youth Services Association

Francis Carino, Supervisory Juvenile Prosecutor, Office of the Chief State's Attorney

Judge Bernadette Conway, Chief Administrative Judge, Juvenile Matters

John Frassinelli, State Department of Education

Deborah Fuller, Director, Family and Juvenile Services, Court Support Services Division, Judicial Branch

Eulalia Garcia, Deputy Warden, Manson Youth Institution, Department of Corrections

Hector Glynn, Senior Vice President, The Village for Children and Families

Dr. Derrick Gordon, Director, Research, Policy and Program on Male Development, The Consultation Center , Yale University

Brian Hill, Director of Human Resources, Judicial Branch

Senator George Logan, Human Services Committee, Connecticut General Assembly

Eleanor Michael, Policy Development Coordinator, Office of Policy and Management

Ken Mysogland, Bureau Chief, External Affairs, Department of Children and Families

Marc Pelka, Undersecretary for Criminal Justice, Office of Policy and Management

Rep. Robyn Porter, Appropriations & Judiciary Committees, Connecticut General Assembly

Christine Rapillo, Chief Public Defender, Connecticut Office of Chief Public Defender

Janeen Reid, Executive Director, Full Circle Youth Empowerment

Gary Roberge, Executive Director, Court Support Services Division, Judicial Branch Fred Spagnolo, Chief of Police, Waterbury Police Department

Martha Stone, Executive Director, Center for Children's Advocacy

Data provided by state agencies informs the assessment results presented today.

Data	Source				
CSSD Detention Admissions					
CSSD Probation Cases	Center for Analytics–University of New Haven				
CSSD Unified Criminal History					
Juvenile Review Boards					
Youth Service Bureaus	Connecticut State Department of Education				
Survey Data	Bridgeport and Hartford Detention Facilities Pretrial Staff (n = 102)				

Notes on System Assessment Data

1. Based on data available through the Center for Analytics-University of New Haven and the Connecticut State Department of Education

2. Data includes information on:

- Youth referred to juvenile court for a delinquent offense
- Youth on non-judicial supervision for a delinquent offense
- Youth referred to a juvenile review board

3. Details findings from:

- FY2014 to FY2018 for youth with juvenile court involvement for a delinquent offense
- FY2017 for youth involved with a juvenile review board

4. Race and ethnicity data for JRBs was recoded from two variables on race and Hispanic ethnicity into a single race/ethnicity variable and labeled to correspond with terminology used by CSSD. In February 2014, CSSD moved from univariate to bivariate collection of race/ethnicity, which may have contributed to the apparent increase in Hispanic youth in CSSD data.

CSG Justice Center staff conducted multiple site visits to Connecticut, and spoke with over 100 stakeholders.



CSG staff also visited detention, REGIONS, and DOC facilities to meet with youth, facility leadership, custody staff, mental health and education providers:

- Bridgeport Juvenile Detention Center
- Hartford Juvenile Detention Center
- Journey House
- Manson Youth Institution
- Boys and Girls Village
- Connecticut Junior Republic

The following goals and context help guide the IOYouth assessment in Connecticut:

- The goal of the assessment is **to identify key barriers to improving outcomes for youth** and advance policy, funding, and practice changes to address these barriers.
- The assessment shows what is happening in Connecticut's juvenile justice system based on available data and whether policies and practices are aligned with **what research shows works to improve outcomes for youth.**
- Most, if not all, state and local juvenile justice systems struggle to prevent youth from reoffending.
- **Implementation is often where the rubber hits the road**, and given Connecticut's history of legislative reforms, recommendations may focus more on implementation, administrative policy, and practice changes.



01 Background

Key Findings

Summary and Next Steps

REFERRAL ASSESSMENT FINDINGS:

Who is getting referred to the juvenile justice system?

Connecticut's juvenile population is 59 percent White, 41 percent youth of color, with the Hispanic population growing 10 percent since 2014.



Source: Puzzanchera, C., Sladky, A. and Kang, W. (2019). Easy Access to Juvenile Populations: 1990-2018. Online. Available: https://www.ojjdp.gov/ojstatbb/ezapop/ Juvenile Population of Connecticut by Race/Ethnicity, 2018



Delinquent referrals to juvenile court declined 26 percent from 2014 to 2018.

Delinquent Referrals to Juvenile Court, FY2014 – FY2018

Rate of Delinquent Referrals to Juvenile Court per 1,000 Youth, FY2014 – FY2018



Note: Due to methodological differences referral numbers shown vary slightly from figures previously reported by CSSD. For this analysis, a delinquent referral was based on the most serious charge per arrest date.

While misdemeanor and other delinquent referrals to juvenile court declined since 2014, felony referrals increased <u>14 percent</u>.

Delinquent Referrals to Juvenile Court by Offense Type, FY2014 - FY2018



The uptick in felony referrals is driven by a 146 percent increase in larceny offenses (primarily motor vehicle thefts) between 2014 and 2018.

Delinquent Felony Referrals to Juvenile Court, FY2014 - FY2018



Offense Type	% Change
Total Felony	+14%
Larceny	+146%
Other Than Larceny	-7%

Each type of felony larceny referral increased significantly since 2014, while misdemeanor offenses decreased across offense types.

Delinquent Referrals to Juvenile Court by Offense, % Change Between FY2014 and FY2018

Offense Type	% Change	Offense Type	% Change
Total Felony	+14%	Total Misdemeanor	-29%
Larceny – 1 st Degree	+467%	Larceny – 6 th Degree	-43%
Larceny – 2 nd Degree	+130%	Disorderly Conduct	-42%
Larceny – 3 rd Degree	+89%	Assault – 3 rd Degree	-30%
Criminal Mischief – 1 st Degree	+42%	Breach of Peace – 2 nd Degree	-27%
Poss. Weapon on School Grounds	+23%	Threatening – 2 nd Degree	-23%

Youth 16 years of age and older, males, and youth of color represent the majority of delinquent referrals to juvenile court.

Delinquent Referrals to Juvenile Court, FY2018



While delinquent referrals decreased for all races/ethnicities between 2014 and 2018, the disproportionality in referrals stayed the same.

Rate of Delinquent Referrals to Juvenile Court per 1,000 Youth by Race/Ethnicity, FY2014 and FY2018





Over 40 percent of referrals are first time referrals, while about 1/3 of referrals have four or more prior referrals to juvenile court.

Delinquent Referrals to Juvenile Court by Number of Prior Delinquent Referrals, FY2018



Hispanic youth are underrepresented in first time referrals compared to their overall referrals, while Black youth's proportion of first time referrals is comparable to their overall referrals.

Demographics of First Time Delinquent Referrals, FY2018



First time referrals to juvenile court consist of many different types of felony and misdemeanor offenses.

Most Frequent Offenses for First Time Delinquent Referrals to Juvenile Court, FY2018

Felony	Number	Percent of Total	Misdemeanor	Number	P C
Burglary, 3 rd Degree	88	12%	Breach Peace, 2nd	582	
Larceny, 3rd Degree	65	9%	Assault, 3 rd Degree	396	
Carry Dangerous Weapon	44	6%	Larceny, 6 th Degree	310	
Criminal Mischief, 1 st Degree	43	6%	Disorderly Conduct	229	
Risk Injury to Child	40	6%	Threatening, 2nd	156	

Youth under age 12 represent 2 percent of all referrals, and 36 percent of these youth receive some form of system supervision (mostly non-judicial).

Under Age 12 Delinquent Referrals to Juvenile Court, FY2018



21

Most Frequent Offenses

Degree

Degree

Offense Level

Outcome

Breach of Peace, 2nd

Assault, 3rd Degree

Threatening, 2nd

Felony – 24%

Other -2%

Misdemeanor – 74%

Supervision – 36%

Referrals Key Takeaways



DIVERSION ASSESSMENT FINDINGS:

Who is getting diverted to YSBs/JRBs and what services are youth getting?

What are best practices in juvenile diversion?

- Divert youth who are assessed as low risk from system involvement and provide minimal or no supervision for these youth.
- <u>Use risk screening tools to objectively identify low-risk youth</u> who are appropriate for diversion.
- <u>Establish clear criteria</u> to identify youth that should be eligible for and/or automatically participate in diversion programs.
- Use needs screening tools to identify youth with potential mental health and substance use needs to match youth with appropriate services.
- <u>Collect data on diversion program participation and quality</u> to evaluate performance.

Qualitative Takeaways on YSBs/JRBs

- There are currently 103 YSBs serving 146 communities in Connecticut, and 88 JRBs serving 135 communities.
- YSBs and JRBs vary across the state in terms of how they are structured, and it is unclear if existing funding is being used efficiently and whether programs are effective.
- While YSBs and JRBs started using the Ohio Scales Screener for their JRB and truancy cases as of July 1, 2018, it unclear how this and other screening tools are being used to inform eligibility decisions or service matching.
- Stakeholders report that some programs are underutilized given needs that may exist in a community, and that some YSBs and JRBs struggle to respond to the multiple array of needs of youth and families.
- Hartford (\$227,250), New Haven (\$227,250), and Bridgeport (\$202,000) were the only JRBs that received full state funding in FY2018.

Eight percent of all referrals to Youth Service Bureaus (YSBs) are from juvenile court or law enforcement.

Referral Source of YSB Tier 2 Referrals, Program Year 2016



Note: Program Year 2016 is July 2016 to June 2017. Referral source is of the number of youth with a known referral source.

Nearly 2/3 of referrals to Juvenile Review Boards (JRBSs) come from law enforcement, and 2/3 are a result of a community or school-based arrest.



JRB Referrals, FY2017



Over 60 percent of referrals to JRBs are males, and 60 percent are for youth of color.

JRB Referrals, FY2017



Referrals to JRBs from juvenile court have increased over 100 percent since 2014, and 42 percent of referrals from court to JRBs are for Black youth.



Variability exists between JRBs in their use of services.



Across JRBs, case management is the most common type of service referral, followed by restorative practices.

JRB Service Recommendations, FY2017



Black youth are less likely to be referred to services through JRBs than their peers.

JRB Service Recommendation by Race/Ethnicity, FY2017



Current Challenges with YSB/JRB Data

- Only JRBs associated with the Connecticut Youth Services Association currently contribute data for the state-level analysis, which excludes a few of the larger JRB sites.
- Although the current data collection system has strengths such as the use of dropdown menus to standardized data collection, increased quality assurance of the data is needed.
 - Some JRB records lacked a referral date, intake date, or hearing date. Some records included an exit date for the prior reporting year or an exit date prior to the intake date.
 - Offense information collected does not reference statute, making it difficult to categorize and compare to court data.
- By collecting data only once a year, JRBs do not have the ability to periodically review data or perform frequent quality assurance checks.

YSB/JRB Diversion Key Takeaways

The establishment and use of YSBs and JRBs in certain communities may have contributed to the increase in delinquent referrals not being accepted by the court.

Black youth are just as likely to be referred to JRBs, however, they are less likely to be referred to services, and more services may be needed to address their needs.

3

2

YSBs and JRBs vary widely across the states in terms of funding, policies, and practices, and more statewide guidelines may be needed.

DIVERSION ASSESSMENT FINDINGS:

Who is getting diverted through probation non-judicial handling, and what happens to youth on diversion?

Qualitative Takeaways on Non-Judicial Handling

- If a case is referred to probation by law enforcement, probation can decide to discharge a case with a warning, or refer a case for non-judicial supervision or administrative supervision based on criteria in the CT Practice Book (offense and prior history).
- In making this determination, probation also utilizes the results of a risk screening tool, records, and collateral information.
- In certain jurisdictions, probation supervisors may consult with prosecutors in cases where there are questions around whether to handle a situation non-judicially.
- Non-judicial supervision is based on the client's risk and needs, and can resemble probation supervision; cases handled non-judicially have similar conditions of supervision as those youth on probation, and youth can be supervised non-judicially up to 6 months.
As referrals for misdemeanors have decreased, the proportion of referrals handled non-judicially has also decreased. At the same time, more referrals are not being accepted and instead referred to JRBs.

Delinquent Referrals to Juvenile Court by Handling Decision, FY2018



Of referrals handled non-judicially, half are youth of color and youth age 16 or older, and more than 60 percent are males.



Non-Judicially Handled Delinquent Referrals to Juvenile Court, FY2018

Most referrals handled non-judicially have no prior juvenile justice involvement, and nearly ³/₄ are first time referrals.

Non-Judicially Handled Delinquent Referrals to Juvenile Court by History, FY2018



3/4 of first time misdemeanors and 16 percent of first time felonies are handled non-judicially.

Delinquent Referrals to Juvenile Court by Handling Decision by Offense, FY2018



While most first-time misdemeanor referrals, regardless of race, are handled non-judicially, opportunities may exist to expand diversion for youth with multiple misdemeanor referrals.

First-Time Misdemeanor Delinquent Referrals by Handling and Race, FY2018 Third-Time Misdemeanor Delinquent Referrals with No Prior Felonies by Handling and Race, FY2018



An increasing percentage of non-judicial cases are discharged, and fewer cases are dismissed or withdrawn.

Non-Judicially Handled Delinquent Referrals to Juvenile Court by Referral Outcome, FY2014 – FY2018



The average length of stay for youth on non-judicial delinquent supervision is approximately 4.5 months.

Average Length of Stay on Non-Judicial Supervision (Days) FY2014 – FY2018



35 percent of youth on non-judicial administrative supervision are rearrested within 2 years, and half of youth on non-judicial supervision are rearrested within 2 years.

Re-Arrest Rate for Youth Starting Delinquent, Non-Judicial Supervision FY2015 – FY2017

Administrative Supervision

Term FY	Year 1	Year 2	2 Year Rate
FY2015	24%	13%	37%
FY2016	23%	12%	35%
FY2017	24%		

Non-Judicial Delinquent Supervision

Term FY	Year 1	Year 2	2 Year Rate
FY2015	31%	10%	41%
FY2016	34%	16%	50%
FY2017	38%		

Recidivism is defined as a new juvenile referral or adult arrest for a misdemeanor or felony offense within one or two years of the start of supervision.

Note: From FY2015 to FY2017 the % of Medium risk NJ Delinquent Supervision cases increased from 42% to 56%, while at the same time Low risk cases decreased from 51% to 32%.

Non-Judicial Handling Key Takeaways

Non-judicial handling is primarily used for first time referrals, and ¼ of referrals for first time misdemeanor offenses and 80% of first time felony offenses are still handled judicially. Opportunities may exist to expand diversion and refine eligiblity criteria.

The average length of stay for youth on non-judicial delinquent supervision is approximately 4.5 months; it may be beneficial to further examine outcomes for these youth while they are on supervision.

3

2

35 percent of youth on non-judicial administrative supervision are re-arrested within 2 years, and half of youth on non-judicial supervision are rearrested within 2 years.

DETENTION ASSESSMENT FINDINGS:

Is detention used only for youth that are a public safety/flight risk?

What are best practices in juvenile detention?

- Reserve costly secure detention beds for youth who pose a direct risk to public safety or <u>flight risk</u>.
- Establish <u>specific criteria</u>, policies, and training on the use of detention screening instruments, overrides, and secure vs. alternative vs. no detention.
- Establish a <u>continuum of alternatives to detention supervision and services in the</u> <u>community that are matched to the risk and needs of youth</u>.
- Limit the use of detention as a response to technical violations or failures to comply with supervision, unless youth are at imminent risk of harming themselves or others.

Qualitative Takeaways on Pretrial Detention

- In 2016, legislation passed to limit the use of pretrial detention for only those youth that pose a risk to public safety and are a flight risk.
- In January 2017, Connecticut implemented a new detention risk screening instrument.

- Law enforcement officials report a lack of clarity from judicial officials and probation around which youth are appropriate to refer to secure detention. Law enforcement, prosecutors, and probation staff also expressed concern that the new process makes it more challenging to detain youth that may be a public safety risk.
- At the same time, public defenders perceive that some judicial officials have expanded the definition of failure to comply as a way to continue detaining youth and they are often overriding the DRAI.
- Limited alternatives to detention in the community exist in Connecticut.

Admissions to pretrial detention facilities decreased over 50 percent since 2014.

Detention Admissions, FY2014 – FY2018





Youth of color represent 84 percent of detention admissions, but only 64 percent of juvenile court referrals.

Detention Admissions, FY2018



While detention rates for all races/ethnicities have decreased, disproportionality in detention admissions has increased for both Hispanic and Black youth since 2014.

Detention Rate per 100 Delinquent Referrals by Race/Ethnicity, FY2014 and FY2018



Relative Rate Index, FY2014 and FY2018



An increasing percentage of youth admitted to detention have 7 or more prior referrals to juvenile court.

Delinquent Referral History at Time of Admission, FY2014 and FY2018



Supervision Status at Time of Admission, FY2014 and FY2018



All types of detention admissions are decreasing, with take into custody still representing the most common detention reason.



Detention Admissions by Type, FY2014 – FY2018

There were no FWSN detentions after FY2017.

Serious Juvenile Offense was no longer a detention reason after FY2015.

FY2014 FY2015 FY2016 FY2017 FY2018

2/3 of detention admissions involving a new arrest are for felony offenses.



Detention admissions for youth with prior felony adjudications increased 10 percent following implementation of the DRAI in 2017.

Detention Admissions, FY2016 and FY2018



FY2016 FY2018

Take into custody admissions for youth with prior felony adjudications increased nearly 20 percent following implementation of the DRAI.

Take into Custody Detention Admissions, FY2016 and FY2018



FY2016 FY2018

Most youth that exit pretrial detention are released home, but an increasing number of youth are released to a residential program or DCF.

Detention Exit by Destination, FY2014 – FY2018



The average length of stay for youth in detention increased 2 days since 2014, and 30 percent of youth are in detention for two weeks or longer.







More than Two Weeks

Most pretrial detention staff believe that youth are appropriately placed in pretrial detention, but over half acknowledge that effective alternatives to detention are not as available.

The appropriate youth are placed in pretrial detention in the state's detention facilities.

Effective alternatives to secure detention are available in the community for pretrial youth.



More than ¼ of staff believe that the lack of appropriate placements and waitlists for placement contribute to longer stays in pretrial detention.



Facility staff identified parenting classes, substance use, and gang intervention as the top 3 service needs for youth in pretrial detention.

Top Service Needs Identified by Staff for Youth in Pretrial



- 93% of staff believe facilities would benefit from additional partnerships with community-based providers
- 59% of staff believe that services provided to youth in pretrial detention are effective in meeting youth's needs

⁽N=102)

Overall, facility staff believe that the culture in their facility is positive, and that the approach to working with youth is rehabilitative.



89% of facility staff believe that the culture and approach to addressing youth behavior is more rehabilitative/treatment focused than punitive.



72% of facility staff report that CSSD sets high and achievable expectations for youth improvement.



67% of facility staff report that they are encouraged by management to develop new strategies to address youth's emerging challenges.

Facility staff identified family engagement as the number one area for additional training, and more than 2/3 of staff believe that staff turnover is a challenge.



Staff receive sufficient training in: (% Disagree)

- More than 50% of staff have been in their current facility for 3 years or less, and 59% have been in their role for 3 years or less
- 70% of staff believe that staff turnover is an issue at their facility
- 39% of staff do not believe that staff identify and address racial and ethnic disparities in supervision practices

Pretrial Detention Key Takeaways





01 Background

- Key Findings
- Summary and Next Steps





Developing and Vetting Recommendations

- CSG will begin developing recommendations on front end of the system based on data and best practices (YSBs/JRBs, diversion, and pretrial detention), working alongside agency and system leaders.
- In April, CSG will meet in person with agency and system leaders in each area (eg. CSSD regarding non-judicial handling and pretrial detention) to further refine recommendations.
- Recommendations will be vetted with additional stakeholders/constituencies (attorneys, judges, etc.).
- Process will repeat with rest of the system following April task force findings presentation (probation, REGIONs, and DOC supervision & services).
- Solidified recommendations will then be presented to the task force in June.