

# Juvenile Prisons

National consensus and alternatives

A report by the Connecticut Juvenile Justice Alliance  
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## Introduction

Recent reports issued by the Office of the Child Advocate<sup>1</sup> and by a consultant to the Department of Children and Families<sup>2</sup> itself raise urgent concerns about conditions at the Connecticut Juvenile Training School and the Pueblo Unit. In addition to immediately improving safety at these facilities, the state should develop a long-term plan for youth in the juvenile justice system that maximizes their prospects for rehabilitation. A wealth of research and the experience of other states show that correctional facilities offer the worst outcomes for youth at the highest cost.

The Connecticut Juvenile Justice Alliance makes the following recommendations in the interest of child well-being, public safety and responsible use of taxpayer dollars.

1. Conditions must be improved immediately at CJTS and Pueblo, with input from national experts and with independent oversight, as recommended by DCF's own consultant.<sup>3</sup>
2. The state must work toward closing these facilities. CJTS should close in 18 to 24 months. Pueblo should close much sooner.

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<sup>1</sup> Office of the Child Advocate. Investigative Facility Report: Connecticut Juvenile Training School and Pueblo Unit. July 22, 2015. Available: [http://www.ct.gov/oca/lib/oca/oca\\_investigative\\_cjts\\_pueblo\\_report\\_july\\_22\\_2015.pdf](http://www.ct.gov/oca/lib/oca/oca_investigative_cjts_pueblo_report_july_22_2015.pdf)

<sup>2</sup> Kinscherff, Robert. Strategic Review of CJTS/Pueblo Girls Program Policy and Practices. July 1, 2015. Available: <http://www.ct.gov/dcf/lib/dcf/agency/pdf/reportcjtspueblo.pdf>

<sup>3</sup> See Kinscherff, p. 34: "It is a very challenging process to establish and sustain trauma-informed care in residential and correctional facilities until it is firmly embedded into ongoing practice. This process often benefits from an external review, training and consultation with annual audit of progress for a time. CJTS/Pueblo leadership should consider retaining a consultant to conduct a 'state of progress' review of facility operations with follow-up as may be recommended."

3. Closure must be preceded by the development of a robust system of care that meets the needs of all children, in the least restrictive setting possible. The objective is not simply to close facilities – it is to serve kids better.
4. Connecticut must draw on outside expertise to develop this system. In particular it should be guided by the successes of other states as described in this report.

This report includes a summary of findings about CJTS and Pueblo, research on the failure of youth prisons as well as successful state-level initiatives to close them in favor of community-based programs that are producing far better results. The experience of other states shows that improved outcomes and cost savings are clearly achievable – in fact, are highly compatible. Furthermore, their experience creates a blueprint for Connecticut.

Successful realignments of juvenile justice systems depend not just on closing youth prisons. They also offer better options to address the root causes of delinquency. The stories of success in other states show a commitment to data collection; a clear measure of risk, needs and strengths to determine optimal placement and services; and a commitment to reinvest funds saved by prison closures in community-based programs. Many of the programs that provided similar valuable services in Connecticut have closed in the past decade. Designing a true continuum of care for youth in Connecticut's juvenile justice system is an urgent task.

## Summary of the OCA report

### *Findings*

#### Restraint and seclusion

- Over a 12-month period, OCA found at least 532 physical restraints and 134 uses of mechanical restraints at these facilities.
- During a 100-day review by OCA, 1/4 to 1/3 of youth were subject to physical or mechanical restraint each month.
- OCA found many incidents of restraints that were used to enforce compliance when there was no imminent risk of harm. This is illegal.
- Over a six-month period, OCA found at least 225 incidents of seclusion that lasted four hours or longer, and nearly 100 of those were eight hours or longer.
- Youth who were in mental health crisis, self-harming or threatening self harm were subject to seclusion and even sanctions.

#### Suicide and self harm

- Between June 2014 and February 2015, OCA found at least two dozen documented cases of youth trying to kill or injure themselves. Youth were found attempting to self strangulate in different ways: with a shoe lace, a belt, a sheet, plastic wrap, even a shirt. Youth find items to hurt themselves with: a pin, a radio, wood, a clock. Incidents found by OCA are likely an undercount, as not all incidents of self injury are clearly documented.
- Suicide prevention is inadequate. The Pueblo Unit was not evaluated for effectiveness in suicide prevention before it opened, and cells at both Pueblo and CJTS have blind spots. CJTS has not done a comprehensive evaluation of suicide prevention protocols and infrastructure in almost a decade.

#### Arrests

- At least 44 boys and girls were arrested for their behavior at the facilities.
- Video obtained by OCA showed behavior that appeared to be a reaction to trauma but was treated as a discipline issue and resulted in arrest.

#### Mental health and education

- The majority of children enter CJTS and Pueblo with significant trauma histories, serious mental illness or disabilities, and learning deficits.
- Access to the services necessary to meet these challenges may be restricted for disciplinary purposes.

- One boy had more than 200 restricted status days during his 15-month stay, limiting his access to rehabilitative programming. State and federal law entitle students with disabilities to appropriate services.
- Clinical staff were not always available on second shift and often did not interact significantly or provide *treatment* for youth during or after restraints, while youth are in seclusion, or after a youth attempts self harm.

#### Uninvestigated allegations of abuse

- OCA found allegations of physical and verbal abuse that DCF did not “accept” for investigation. Staff treatment could not be deemed neglect or abuse unless a child could show or adequately allege physical or emotional harm.

#### Poor use of data

- OCA noted that it was frequently difficult to determine what happens at CJTS and Pueblo because of absent or inconsistent data. DCF-contracted researchers from Georgetown University made a similar observation. The department’s consultant who reviewed the facilities, Dr. Robert Kinscherff, called for much better tracking and use of data and collaterals stated that the facilities database is a “mess.”
- Of ongoing concern is the absence of recidivism data out of CJTS and Pueblo. It is impossible to know what benefit – if any – youth derive from placement.

### **Recommendations**

The Alliance concurs with the recommendations of the Office of the Child Advocate and overlapping recommendations made by DCF consultant, Dr. Robert Kinscherff.

We wish to underline several immediate actions that must take place to protect the children incarcerated in these facilities.

- Urgent harm reduction. DCF must change practice and train staff to reform its use of restraint and seclusion, suicide prevention and response to traumatized youth.
- Outside expertise. While DCF has committed to a list of action steps, it appears that it is undertaking this work internally. Significant changes in policy, practice and culture are rarely achieved without objective input. DCF’s own consultant’s report includes a list of

national experts that he recommends DCF draw upon to improve CJTS and Pueblo.

- Oversight. No organization can watchdog itself. These critical improvements must be monitored by an objective outside party.

## **The failure of juvenile prisons**

*Juvenile prisons do not work.*

The national consensus is that juvenile prisons are unsafe, do not rehabilitate young people and offer the most costly option for dealing with delinquency. Indeed, that consensus had already emerged when CJTS opened. The correctional facility, built under a \$57 million no-bid contract during Governor John Rowland's administration, opened in August 2001. By November 2001, significant concerns were raised about programming, vocational training, education, disciplinary practices, staff injuries and workers compensation claims.<sup>4</sup>

Problems uncovered at CJTS are common in juvenile correctional facilities around the country. The Pew Charitable Trusts reviewed research on youth incarceration and concluded:

A growing body of research demonstrates that for many juvenile offenders, lengthy out-of-home placements in secure corrections or other residential facilities fail to produce better outcomes than alternative sanctions. In certain instances, they can be counterproductive.<sup>5</sup>

While Connecticut does not track recidivism rates out of CJTS or Pueblo, national figures are extremely poor. Within three years of release, around 75 percent of youth are rearrested and 45 to 72 percent are convicted of a new offense.<sup>6</sup>

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<sup>4</sup> Dwyer, Katherine. (December 31, 2012), OLR Backgrounder: The Connecticut Juvenile Training School. Office of Legislative Research. Available: <http://www.cga.ct.gov/2012/rpt/2012-R-0492.htm>

<sup>5</sup> The Pew Charitable Trusts. (April 20, 2015), Re-Examining Juvenile Incarceration: High cost, poor outcomes spark shift to alternatives. Available: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

<sup>6</sup> Annie E. Casey Foundation, No Place for Kids, 2011. Available: <http://www.aecf.org/resources/no-place-for-kids-full-report/>



One study identified juvenile incarceration as a significantly greater predictor of recidivism than a poor parental relationship, carrying a weapon or gang membership.<sup>7</sup>

The prison-to-reoffense connection persists into adulthood. A study in Cook County, Illinois found that people confined as juveniles were more likely to be incarcerated at adults.<sup>8</sup> Likewise a Georgia study found that 65 percent of youth released from juvenile facilities were re-adjudicated or convicted as adults within three years.<sup>9</sup>

### *Juvenile prisons are unsafe*

Incarceration is by definition not therapeutic. As the Office of the Child Advocate's report makes clear, most youth at the Connecticut Juvenile Training School and Pueblo Unit are trauma survivors and have mental health diagnoses. Even when juvenile correctional institutions provide good mental health care and other supports, research shows that youth are less likely to engage with these services than they would be in the community.<sup>10</sup> In one third of incarcerated youth diagnosed with depression, the onset on the depression came only after they were incarcerated.<sup>11</sup>

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<sup>7</sup> Benda, B.B. and Tollet, C.L. (1999), "A Study of Recidivism of Serious and Persistent Offenders Among Adolescents." *Journal of Criminal Justice*, Vol. 27, No. 2 111-126.

<sup>8</sup> Aizer, Anna and Doyle, Joseph J. Jr. (June 2013), "Juvenile Incarceration, Human Capital and Future Crime: Evidence From Randomly-Assigned Judges." Working paper. National Bureau of Economic Research Available: [http://www.mit.edu/~jjdoyle/aizer\\_doyle\\_judges\\_06242013.pdf](http://www.mit.edu/~jjdoyle/aizer_doyle_judges_06242013.pdf).

<sup>9</sup> The Pew Charitable Trusts. (July, 2013), Georgia's 2013 Juvenile Justice Reform: New Policies to Reduce Secure Confinement, Costs, and Recidivism. Available: <http://www.pewtrusts.org/en/research-and-analysis/reports/0001/01/01/georgias-2013-juvenile-justice-reform>

<sup>10</sup> Guarino-Ghezzi, Susan & Loughran, Edward J. (2004). *Balancing Juvenile Justice* 154.

<sup>11</sup> See Kashani, J.H., Manning, G.W., McKnew D.H., Cytryn, L., Simonds, J.F. and Wooderson, P.C. (1980), "Depression Among Incarcerated Delinquents." *Psychiatry Resources* Volume 3 185-191; Forrest, C.B., Tambor, E., Riley, A.W., Ensminger, M.E. and Starfield, B. (2000), "The Health Profile of Incarcerated Male Youths." *Pediatrics* Vol. 105, No. 1 286-291.

Last month, the Annie E. Casey Foundation called for the closure of all juvenile prisons, because these facilities inherently foster abuse.<sup>12</sup> The call came when Casey released a report that showed abuse in juvenile prisons has risen since its 2011 investigation of the same topic. The foundation cited disturbing federal data, including:

- One in 10 incarcerated youth report being sexually abused in the facility, most often by a staff member.<sup>13</sup>
- 22 percent of youth in residential placement fear physical assaults from staff members; 25 percent fear violence from other youth.<sup>14</sup>
- One third either do not know how to file a grievance or fear retaliation if they do.<sup>15</sup>

### *Juvenile prisons are unfair*

Some groups are far more at risk of juvenile incarceration than others, based on factors like race and ethnicity, gender and health status. In 2014, 49 percent of admissions to CJTS were black and 31 percent were Hispanic.<sup>16</sup>

The Office of the Child Advocate report finds that the majority of youth Connecticut incarcerates have mental illness and trauma histories; a disproportionate number have been involved with DCF through child protective services; and about half have a diagnosed special education need.<sup>17</sup> Boys are far more likely to be incarcerated than girls. In 2014,

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<sup>12</sup> Annie E. Casey Foundation. (July, 2015), Maltreatment of Youth in U.S. Juvenile Correctional Institutions. Available <http://www.aecf.org/resources/maltreatment-of-youth-in-us-juvenile-corrections-facilities/>

<sup>13</sup> Beck, Allen. Sexual Victimization In Juvenile Facilities Reported By Youth, 2012. Bureau of Justice Statistics. Available <http://www.bjs.gov/content/pub/pdf/svjfry12.pdf>

<sup>14</sup> Sedlak, Andrea J. and McPherson, Karla S. (May, 2010), Conditions of Confinement; Findings from the Survey of Youth in Residential Placement. OJJDP. Available: <https://www.ncjrs.gov/pdffiles1/ojjdp/227729.pdf> (Note: Juvenile correctional facilities were the most frequently represented in the survey.)

<sup>15</sup> Ibid

<sup>16</sup> Connecticut Juvenile Training School Advisory Board, Report to the Commissioner of the Department of Children and Families. 2015.

<sup>17</sup> Office of the Child Advocate.

Pueblo had 31 admissions of 23 unique individuals.<sup>18</sup> CJTS had 222 admissions of 201 unique individuals.<sup>19</sup>

### *There are better options*

Connecticut has succeeded in reducing the number of children that it incarcerates. This raises the question of whether all the “low-risk” kids have already been diverted or placed in less secure settings. The state’s research shows that young people of color are more likely to be committed to the training school for identical offenses than white youth are.<sup>20</sup> This indicates that use of the training school and Pueblo are not entirely determined by risk.

Furthermore, there is evidence that even for high-risk youth, good community alternatives can be developed. We will explore that idea more later in this document.

A recent federally supported study of 1,300 serious offenders found that correctional placement and longer stays did not have a meaningful deterrent effect on youth crime.<sup>21</sup>

Pathways to Desistance, a large, multi-site longitudinal study that followed for seven years nearly 2,000 youth who had committed violent offenses, found that community supervision was as effective as incarceration at reducing anti-social activity.<sup>22</sup>

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<sup>18</sup> Department of Children and Families.

<sup>19</sup> Connecticut Juvenile Training School Advisory Board.

<sup>20</sup> Office of Policy and Management. Biennial Report on Disproportionate Minority Contact. Fiscal Years 2010-2011. Available: <http://www.ct.gov/opm/lib/opm/cjppd/cjjyd/juststart/DMCBiennialReport123111.pdf>

<sup>21</sup> Loughran, Thomas A., et. al., (2015), “Studying Deterrence Among High Risk Adolescents,” *Juvenile Justice Bulletin*. OJJDP. Available [http://www.ojjdp.gov/pubs/248617.pdf?utm\\_source=email&utm\\_medium=juvjust-080515&utm\\_content=deterrence&utm\\_campaign=juvjust](http://www.ojjdp.gov/pubs/248617.pdf?utm_source=email&utm_medium=juvjust-080515&utm_content=deterrence&utm_campaign=juvjust)

<sup>22</sup> Loughran, Thomas A. et al., “Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders,” *Criminology*, 47 (2009): 699-740.

## Closing Youth Prisons

### Closing Massachusetts youth prisons

Massachusetts was a pioneer in juvenile justice, closing its training schools in the 1970s in response to reports about poor conditions in these facilities. Reformer Jerome Miller was initially brought in to head the Department of Youth Services and make the training schools more humane. But Miller came to believe that these facilities by their very nature could not be rehabilitative after watching a boy who had attempted escape being brutally restrained.<sup>23</sup>

Miller quickly instituted a plan to close the training schools:

1. Develop alternative programs
2. Create residential care in small, home-like facilities for the youth who need it
3. Move as many youth out of confinement as possible
4. Change public perceptions about delinquent youth<sup>24</sup>
5. Empty the institutions through well planned placement of youth in alternatives

A study of youth released from state custody in 1984 and 1985 found that they had lower recidivism rates than youth from comparable states that relied on juvenile incarceration. Review also showed the closing of the youth prisons was saving Massachusetts taxpayers \$11 million annually.<sup>25</sup>

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<sup>23</sup> Annie E. Casey Foundation. (2013) Closing Massachusetts' Training Schools: Reflections 40 Year Later.

<sup>24</sup> "One of the underpinnings of the correction business has been that these kids are very different from the rest of us," Miller told the *Boston Globe* in 1970. "That's one thing we have to hit head on. We have to change that attitude and stress that they are the same as the rest of us." McLean, D. "Jerome Miller and the Correction Business" (November 15, 1970), *The Boston Globe*.

<sup>25</sup> Howell, J.C. *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Programs, 1996; and Loughran, Edward J., "The Massachusetts Experience: A Historical Review of Reform in the Department of Youth Services," *Social Justice*, vol. 24, no. 4, Winter 1997.

## *Closing New York youth prisons*

In 2012, New York launched “Close to Home,” a realignment initiative that sought to keep justice system-involved youth in their own communities rather than in Upstate youth prisons. Under the plan developed by the city and the state, New York City is expanding the number of community-based programs available to youth so they can be served and supervised in or near their home communities. The city is also improving the system it uses to direct the right youth to the right level of supervision and services.

John Jay College recently produced an extensive evaluation of Close to Home that includes a history of how the initiative was developed and implemented.<sup>26</sup> In other words, a neighboring state has created a blueprint for us.

Close to Home was developed in the wake of findings about New York’s juvenile prisons’ overuse of restraints, also one of the most serious problems documented here in Connecticut. A 2009 investigation by the U.S. Department of Justice discovered:

(The) staff at the facilities routinely used uncontrolled, unsafe applications of force, departing both from generally accepted standards and OCFS policy. Anything from sneaking an extra cookie to initiating a fist fight may result in a full prone restraint with handcuffs. This one- size-fits-all control approach has not surprisingly led to an alarming number of serious injuries to youth, including concussions, broken or knocked-out teeth, and spiral fractures.<sup>27</sup>

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<sup>26</sup> For a detailed account of how Close to Home was implemented and early outcomes, see Butts, Jeffrey A., Laura Negredo, and Evan Elkin (2015). *Staying Connected: Keeping Justice-Involved Youth “Close to Home”* in New York City. New York, NY: Research & Evaluation Center, John Jay College of Criminal Justice, City University of New York. Available: <https://jjrec.files.wordpress.com/2015/03/c2h2015.pdf>

<sup>27</sup> Letter from Loretta King, acting assistant attorney general, to David Patterson, governor of New York, August 14, 2009. Available <https://jjrec.files.wordpress.com/2014/05/nyjuvenilefacilitiesfindingsleter2009.pdf>

A study done of New York youth released from these facilities to the community between 1991 and 1994 found that 89% of boys and 81% of girls were rearrested by age 28, most often on felony charges.<sup>28</sup>

To help continue to spur reform in 2011, state leaders devoted a block of funding to help communities hold youth accountable, improve the system's ability to sort out which youth could be served and supervised, locally and diverted from further involvement in the juvenile justice system.

Close to Home has produced positive results. Since 2007, the New York State Office of Children and Family Services closed 23 facilities and downsized others. Meanwhile, juvenile crime rates continued to fall.

### *Closing DC's youth prison*

Washington, DC closed its juvenile prison, Oak Hill, notorious for horrid conditions, a lack of services and high reoffending rates. It opened the much smaller and more rehabilitative facility, New Beginnings, in 2009. New Beginnings is modeled after Missouri facilities and has a capacity of 60. Juvenile arrests for Part I serious offenses in D.C. declined by nearly 21 percent from 2007 to 2010.<sup>29</sup>

After decades of litigation, at the urging of community members, the Council of the District of Columbia unanimously approved comprehensive reform legislation -- the Omnibus Juvenile Justice Amendment Act of 2004 -- to close Oak Hill within five years.

The legislation required that the savings from the closure be redirected to community-based alternatives to incarceration and that the city create a new, smaller, therapeutic youth facility to house the small number of youth who pose a high risk to public safety and need secure confinement.

Community-based organizations -- such as the Alliance of Concerned Men and the Latin American Youth Center -- along with directly affected

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<sup>28</sup> Colman, Rebecca, et al. (March 31, 2009), Long-Term Consequences of Delinquency: Child Maltreatment and Crime in Early Adulthood. New York State Office of Children and Family Services.

<sup>29</sup> National Juvenile Justice Network. (June, 2011), Bringing Youth Home: A National Movement to Increase Public Safety, Rehabilitate Youth and Save Money.

youth, their families and allies, such as the Youth Law Center and the Justice Policy Institute -- led the effort to close Oak Hill. They formed a coalition, the Justice for D.C. Youth Coalition, to engage the community in the advocacy effort. Their goal was to reduce the city's reliance on incarceration and ensure that the vast majority of youth in conflict with the law would be served in the community, rather than in out-of-home placements and prisons like Oak Hill. Through community organizing and fierce advocacy, these groups were able to garner the support of District officials.

The reform effort succeeded in many ways. The District has dramatically reduced its reliance on incarceration and is instead using DC YouthLink -- a network of community-based, non-residential alternatives to incarceration -- for young people in the juvenile justice system. Youth-reoffending rates have gone down substantially. The reform has been so successful that the District's juvenile-justice system is used to showcase how to transform a juvenile-justice system for national, state and local officials.<sup>30</sup>

### *Closing Texas Youth Prisons*

Texas has enjoyed enormous public safety benefits and cost savings by reducing its reliance on youth incarceration. A recent Council of State Governments (CSG) study found that youth incarcerated in state-run facilities are 21 percent more likely to be rearrested than those who remain under probation supervision.<sup>31</sup> This was true even after allowing for factors that might have made incarcerated youth higher risk. When formerly incarcerated youth offend, they are three times more likely to commit a felony than similar youth who remained in their own communities. CSG reviewed 1.3 million case records spanning eight years.

From 2007 to 2012, Texas reduced youth incarceration by 65 percent, as the state closed eight of its juvenile prisons. During the same period, the juvenile crime rate dropped by one third. The shift away from incarceration was a highly intentional effort led by the legislature:

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<sup>30</sup> Ryan, Liz. (June 14, 2015), "Community Organizing, Fierce Advocacy, Led to Closing of Notorious D.C. Youth Detention Center" *Huffington Post* Available [http://www.huffingtonpost.com/liz-ryan/community-organizing\\_b\\_7065096.html](http://www.huffingtonpost.com/liz-ryan/community-organizing_b_7065096.html)

<sup>31</sup> Fabelo, T, et. al. (January 2015), *Closer to Home: An Analysis of the State and Local Impact to Texas Juvenile Justice Reforms*. The Council of State Governments. Available: <http://csgjusticecenter.org/wp-content/uploads/2015/01/texas-JJ-reform-closer-to-home.pdf>

To some extent, what distinguishes the reforms implemented in Texas from other states where there has been a decline in youth incarceration is that Texas elected officials were explicit in their goals of moving youth closer to home and shrinking one of the largest state juvenile correctional systems in the United States.<sup>32</sup>

Legislation mandated closing of some facilities, prohibited incarcerating youth for misdemeanor offenses, and increased funding for community supervision and community mental health services. Juvenile prisons had taken up the majority of juvenile justice spending in Texas. Now probation, community supervision and treatment account for the majority of the budget. Reform in Texas was not just about closing facilities; legislators insisted upon and funded better services for youth.

Reform was data driven, as the state has a “history of investing in and maintaining a robust information system that makes it possible to track youth referred to the juvenile justice system, regardless of whether they are incarcerated in a state-run correctional facility or are under the supervision of a local juvenile probation department. Furthermore, state policymakers have repeatedly leveraged this capacity to measure the extent to which state agencies are reducing reincarceration and rearrest rates among youth coming into contact with the juvenile justice system.”<sup>33</sup>

The state saved hundreds of millions of dollars by closing youth prisons. Some, but not all, of that money was reinvested in community programs, as well as facilities at the county level.

### *Closing Ohio State Prisons*

Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors (RECLAIM) Ohio is a state initiative to supervise youth offenders in the community rather than placing them in institutions. An evaluation found that the recidivism rate for low- and moderate-risk juveniles in facilities was at least twice that of comparable youth under supervision or in programs in their communities. For high-risk offenders the recidivism benefit of alternatives to state correctional facilities was still there, but smaller.<sup>34</sup>

The Ohio Department of Youth Services (DYS) refers to RECLAIM as a

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid

<sup>34</sup> Latessa, Edward, et al. (April 30, 2014), Evaluation of Ohio's Reclaim Programs.



“funding initiative,” because it is based on incentives for counties and courts to develop or purchase a range of community-based options to meet the needs of each juvenile offender or youth at risk of offending. Each court is given a number of credits based on the court’s average number of youth adjudicated for felony offenses. Those credits are reduced by one for each chargeable DYS bed day used during the previous year and 2/3 credit for each chargeable community corrections facility bed day used during the previous year. Each court’s percentage of the remaining credits statewide translates into that court’s percentage of the total RECLAIM funds allocated to the courts.

DYS population dropped from a high of more than 2,600 in May 1992 to less than 510 in June 2013, according to the department. The emphasis is not only on keeping kids out of prison but on creating a true continuum of care that makes sure they are served well:

Lucas County, which includes Toledo, is one of the leaders in this movement. Juvenile Court officials here do the ‘my kid’ test with every case. They want to ensure all young people are being treated fairly, and they live by the mantra ‘The right kid in the right place at the right time’ – targeting services to their needs and taking care not to mix children who are unlikely to commit more crimes with high-risk youths.<sup>35</sup>

This created tremendous savings for taxpayers, RECLAIM services were not only much cheaper up front than more restrictive placements; they also were more effective at preventing recidivism, which comes with its own costs. An independent analysis found that for every dollar spent on RECLAIM, taxpayers saved between \$13.60 and \$57.51, depending on the risk level of the youth involved.<sup>36</sup> The greatest financial benefit came from diverting high-risk youth from juvenile corrections.

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<sup>35</sup> Khadaroo, Stacy Teicher. (Feb. 15, 2015), “How Communities are Keeping Kids Out of Crime,” *Christian Science Monitor*.

<sup>36</sup> Latessa, Edward, et al. (January 20, 2014), Evaluation of Ohio’s Reclaim Programs: Cost-Benefit Analysis Supplemental Report. Available: <http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=VhMnyhzDLml%3d&tabid=131&mid=764>

### *Closing California youth prisons<sup>37</sup>*

In 1996, California was incarcerating 10,000 youth. Today fewer than 700 are in the state's youth prisons. The state closed six youth correctional facilities, two reception centers and one boot camp. California responded to publicity about inhumane conditions in its juvenile prisons, facilities that were expensive and ineffective. Data showed that 72 percent of the youth released from these facilities in 2000 were rearrested within three years. Reform was also driven by a lawsuit against the state for failing to provide special education services for incarcerated youth.

State legislators realigned the state's juvenile justice system in 2007 by banning confinement of youth in state facilities for nonviolent offenses and providing block grants to counties of more than \$100,000 per youth for managing those youth in community-based programs.<sup>38</sup>

In addition to pressure brought by the press and through the lawsuit, as well as legislative action, greater awareness among defenders, judges and probation officers led to discussions about the appropriate treatment of youth. There was a general hesitancy to send kids to facilities universally seen as bad.

In 2012, there as a proposal to do away with the state's Division of Juvenile Justice, which is now responsible for less than one percent of the youth arrested in California every year. The proposal failed, however, out of fear that the most high-risk youth would then be committed to the adult system.

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<sup>37</sup> Thanks to Sue Burrell for sharing her unpublished manuscript, which forms the basis of the California section of this report.

<sup>38</sup> National Juvenile Justice Network and Texas Public Policy Institute. (2013 ),*The Comeback States: Reducing Youth Incarceration in the United States.*

## **Public opinion**

The public supports reinvestment away from juvenile correctional facilities to more effective and cheaper community alternatives.

Americans recognize the potential of young people to change. Nearly nine out of 10 (89 percent) of those surveyed agreed that “almost all youth who commit crimes have the potential to change,” and more than seven out of 10 agreed that “incarcerating youth offenders without rehabilitation is the same as giving up on them.”<sup>39</sup>

The public is willing to pay for rehabilitation: More respondents were willing to pay for additional rehabilitation than for additional punishment and the average amount they were willing to pay was almost 20 percent greater for rehabilitation than for incarceration (\$98.49 versus \$84.52).<sup>40</sup>

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<sup>39</sup> The Potential for Change: Public Attitudes and Policy Preferences for Juvenile Justice System Reform (Center for Children's Law & Policy, 2008)

<sup>40</sup> Rehabilitation Versus Incarceration of Juvenile Offenders: Public Preferences in Four Models for Change States (Larry Steinberg and Alex Piquero, in the four Model for Change sites --Illinois, Louisiana, Pennsylvania, and Washington during 2007, released in 2008)

## **Alternative programs with encouraging outcomes**

### *Youth Advocate Programs (YAP)*

John Jay College reviewed outcomes for more than 3,500 high-risk youth supported by this non-profit in their own communities. Nearly 90 percent remained arrest-free during their participation. The study looked at programs in multiple states. Most of the youth in the study had previously been in out-of-home placements. About one third had felony convictions.<sup>41</sup>

The following are individual programs that YAP participates in or runs.

More about them can be found here:

<http://www.safelyhomecampaign.org/SafelyHomeReport/tabid/569/language/en-US/Default.aspx>

### *Black Family Development, Detroit*

Five managed care organizations help mobilize community-based services for juvenile justice-involved youth in an effort to keep them in the community and close to their families. This functions as both an alternative to detention and alternative to incarceration. Out-of-home placements dropped 50 percent in the county as a result of the program. Recidivism also declined from 56 percent in 1998 to 17.5 percent in 2012. Residential costs were cut by \$42 million.

### *Community Connections for Youth, South Bronx*

Young people in CCFY's court diversion program were 33 percent less likely to be arrested than youth in a comparison group. The program uses positive youth development, mentoring and family engagement to produce these results. After commitment to the program ends, 80 percent of participants choose to continue with CCFY. The program also partners with small, grassroots organizations with deep reach into the community.<sup>42</sup>

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<sup>41</sup> Evans, Douglas and Delgado, Sheyla. (April, 2014), Most High Risk Youth Referred to Youth Advocate Programs, Inc. Remain Arrest Free and in he Communities During YAP Participation. Available:

<https://jjrec.files.wordpress.com/2011/07/yapfacts201401.pdf>

<sup>42</sup>Outcomes report: <http://cc-fy.org/wp-content/uploads/2014/10/CCFY-SBCC-Companion-Guide-Web.pdf>

## Missouri

### *The Missouri Model*

Missouri has rejected the correctional approach to young offenders in favor of treatment and rehabilitative programming. Those young people in the system who cannot remain at home reside in small, non-institutional facilities in the community. The continuum does include hardware secure facilities, though the system has a philosophy of placing youth in the least restrictive environment.

In FY14, Missouri's recommitment rate (new juvenile offenses) was 6.6%. Long-term recidivism into the adult system was 6.6% (incarceration within 3 years) and 69% of youth remained law-abiding for 3 years or more.

Critical incidents, in which young people or staff are assaulted, occur 4 ½ times more often for youth and 13 times more often for staff nationally than they do in Missouri.

Even though approximately 33 percent of the youth served by the division have diagnosed educational disabilities, 74 percent of the students begin closing the achievement gap by improving academically during their commitment to DYS.

In FY14, graduations and GED success rates reached all time highs for young people in the custody of the DYS with 461 students completing their secondary education, including 49.19% percent of all 17-year-olds at the time of discharge from custody – over three times the national average.

Active engagement in school or work is an indicator of successful reintegration. In FY14, more than 90 percent were “productively involved” at the time of their discharge, meaning they were attending school (secondary or college) and/or employed.

This U.S. Department of Justice Bulletin reviews the poor outcomes from juvenile facilities nationally and contrasts them with the favorable outcomes produced by the Missouri model:

[http://www.ojjdp.gov/mpg/litreviews/Correctional\\_Facilities.pdf](http://www.ojjdp.gov/mpg/litreviews/Correctional_Facilities.pdf)

## **Annie E. Casey Foundation**

### *JDAI*

The Annie E. Casey Foundation's Juvenile Detention Alternative Initiative is now switching focus to alternatives to incarceration. St. Louis and the other five pilot sites — Bernalillo County (New Mexico), Jefferson Parish (Louisiana), Lucas County (Ohio), Marion County (Indiana) and Washoe County (Nevada) — spent all of 2013 mobilizing study groups and conducting an extensive quantitative and qualitative assessment to better understand local dispositional trends and to identify opportunities for safely reducing placements.

The sites are just now developing their action plans. But the assessment process revealed a number of important lessons. Youth are unnecessarily incarcerated for low-level offenses and frequently for probation violations, many sites found. They also observed that the same strategies that succeeded in JDAI could be adapted to avoid youth incarceration. See: <http://www.aecf.org/blog/turning-jdais-focus-to-the-deep-end-of-the-juvenile-justice-system/>

## Conclusion

The Connecticut Juvenile Training School was obsolete before it opened. Built under a \$57 million no-bid contract, it became a symbol of the corruption of the John Rowland era. It continues to cost Connecticut taxpayers \$32 million annually to operate it. No data has ever been produced to show that it improves public safety.

Likewise, advocates opposed the opening of Pueblo in 2014, long after the correctional model for youth had been discredited. The low census has made Pueblo enormously expensive to taxpayers. More importantly, conditions there have been unsafe since its opening.

In 2005, Governor Jodi Rell pledged to close CJTS after receiving a disturbing report about conditions there from then State of Connecticut Child Advocate Jeanne Milstein. "This is not a political issue, and please don't make it one," Governor Rell said. "We need to do what is best for these boys."<sup>43</sup>

A decade has passed. Though many good people have attempted to institute reforms at CJTS, the facility by its very nature slips back into a correctional atmosphere that research clearly demonstrates is toxic for young people. It is past time that Connecticut put in the necessary effort to develop a system that works. CJTS and Pueblo cannot be part of such a system. Fortunately, there are examples from around the country that can guide us.

This is still not a political issue. We still need to do what is best for these boys and girls.

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<sup>43</sup> Yardley, William. (August 2, 2005), "Rell Will Close Training Center for Juveniles," *New York Times*. Available: [http://www.nytimes.com/2005/08/02/nyregion/rell-will-close-training-center-for-juveniles.html?\\_r=0](http://www.nytimes.com/2005/08/02/nyregion/rell-will-close-training-center-for-juveniles.html?_r=0)



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