

JUVENILE JUSTICE AND DIVERSION IN CONNECTICUT

Overview of Program Discussion

The Commission on Racial and Ethnic Disparity in the Criminal Justice System
Investigation and Arrest Subcommittee Panel
January 18, 2005

THE GOAL OF THE PROGRAM

The Commission on Racial and Ethnic Disparity in the Criminal Justice System was legislatively created by Public Act 00-154 to compile research about and make recommendations addressing racial and ethnic disparity in Connecticut's adult and juvenile justice systems. Among its responsibilities, the Commission is charged with developing and recommending policies and interventions to reduce the number of African American and Latino youth in the juvenile justice system and to determine if any stage – from arrest and detention through placement of a child at the Connecticut Juvenile Training School or a residential facility – disproportionately affects racial or ethnic minorities.

This forum, the first in a series, was designed to identify the challenges and potential policy and programming reforms facing the State's juvenile justice system with particular emphasis on the role that police discretion, diversion and community resources can play in reducing the numbers of minorities involved in the system.

THE FORMAT

John Rose, Esq., chairperson of the Arrest and Investigations Subcommittee of the Commission and Corporation Counsel for the City of Hartford, moderated a panel of ten people comprising members of the judiciary, child welfare advocates, prosecutor and public defender representatives, police, juvenile justice administrators, and educators. The panel came together to review two case studies – one of an underprivileged African American urban male and one of an affluent Caucasian suburban youth – as a way of reflecting on disparities in the way young people are handled by the juvenile justice system and on possible solutions to disproportionate minority confinement. Panelists also reacted to presentations by the Honorable Aaron Ment, Chairperson of the Commission, the State's Child Advocate, and Dr. Eleanor Lyon, the Commission's researcher. Young people with experience in the juvenile justice system offered their perspectives as well.

THE FINDINGS

There were several common themes raised by the panelists:

1. **Allocation of service resources:** Participants recognized that there is a serious issue of resources and how they should be deployed. Juveniles in affluent neighborhoods are much more likely to have family support systems and access to services than inner-city children. Urban children frequently do not receive services until they are involved in the criminal justice system. "I can access resources for a kid only after I arrest him," said one police officer, "and if I don't arrest him now, he probably will be arrested next time on more serious charges." The group said that disparity issues might be curbed if cities had as many counselors, police and school officials assigned to give troubled youth individual attention as some of the suburbs have.

2. **Allocation of mental health resources:** Allocation of resources is an issue that is particularly resonant for juveniles with mental health problems. The juvenile justice system has become the safety net for at-risk youth with mental health problems. That net is full.
3. **Allocation of police resources:** In Glastonbury, the supervising juvenile officer makes the decision about who does or does not get arrested, not the police officer. Families sign a family counseling contract. Discussion ensued about whether that protocol could or should be instituted in other jurisdictions. Panelists also stressed the importance of having police stationed in schools – in order that young people can have positive interactions with police.
4. **The cost of the system:** Presenters and panelists targeted the excessive cost of keeping a child in the juvenile justice system -- \$100,000 per child per year for a residential placement; \$514,000 per child per year for placement at the Connecticut Juvenile Training School -- with little apparent yield. Discussion centered on increased efforts to focus on home-based, community-based placements, which cost only \$12,000 and address root causes of delinquent behavior.
5. **Need for practical interventions:** While there was consensus about the need for treatment that addresses the myriad mental health and social service needs of these children and their families, there was also consensus about a need for expanded education, vocational and entrepreneurial programs that enable young people to have skills and opportunities to succeed as adults.
6. **Need for cross-system services:** People need to work across systems, especially in urban areas where services are more diffuse, fragmented, and difficult to access. Juvenile Review Boards help by engaging police, educators, social service providers and families to focus on the issues of the child.
7. **On-site services:** On-site services work. Hartford has the only full-time Community Court, with on-site services. Steve Edwards, former principal of East Hartford High School, spoke to the dramatic reduction of expulsions and truancy when he brought probation and parole officers and family counseling services into the school.
8. **Need for mentoring:** There was consensus that a grounded relationship with a caring adult was critical to helping troubled youth – whether that person be a teacher, a youth advocate or a police officer. Mentoring programs should be expanded.
9. **State's definition of "juveniles":** Connecticut, New York and North Carolina are the only three states that define a juvenile as one who commits a crime before his or her sixteenth birthday. Discussion focused on the ramifications of having 16-18 year olds in the juvenile justice system. Youth tried in the adult criminal court face the same penalties as adults, including the death penalty or life without parole. They obtain an adult criminal record which may significantly limit their future education and employment opportunities. In addition, they receive little or no education, mental health treatment, or rehabilitative programming.
10. **Concern about escalation of status offenders to delinquents:** There are too many children who come into the system for problem activity that is not criminal. Violation of civil court-ordered requirements – such as running away from home as a result of sexual abuse or continued truancy -- can lead to subsequent involvement with criminal court and incarceration. Some troubled children are placed out of state because there are

not sufficient in-state programs that offer counseling services in Spanish. It is important that appropriate risk assessment instruments be used in determining placements for these children.

11. **Income and race are intertwined:** It is important to keep in perspective the degree to which poverty and lack of resources/ family services contribute to involvement in criminal activity. As long as inner-city neighborhoods comprise high percentages of racial and ethnic populations, and until the services of suburbia are available and funded at an equivalent level in urban areas, there will continue to be racial and ethnic disparity in the state's criminal justice system.
12. **Early intervention:** Academic research studies were cited by the panel to support their commitment to the importance of funding early intervention initiatives to reduce problem behaviors and family dysfunction and to increase cognitive functioning – in short, to prevent problem and delinquent behaviors.

PRIMARY RECOMMENDATIONS

Perhaps the overriding solution discussed by the panel was the need to encourage funding for and provision of early childhood and family interventions. There must be alternatives to arrest and to incarceration that involve helping and empowering families as a whole. It is also important for children to remain with their families and/or within their communities whenever appropriate.

The Commission may suggest changes in state legislation that encourage funding of programs and personnel so that cities can create programs geared toward helping at-risk youth before they are arrested.