

CONNECTICUT'S COMPREHENSIVE APPROACH TO REDUCING IN-SCHOOL ARRESTS: CHANGES IN STATEWIDE POLICY, SYSTEMS COORDINATION AND SCHOOL PRACTICES

Jeana R. Bracey, Catherine Foley Geib, Robert Plant, Julia R. O'Leary, Abby Anderson, Lara Herscovitch, Maria O'Connell, and Jeffrey J. Vanderploeg

Despite decreases in school violence over the past two decades, in-school arrest rates are on the rise. This growing trend of school arrests is attributed in part to an increase in zero-tolerance policies for disruptive behavior and exclusionary discipline practices such as suspensions, expulsions, and the involvement of law enforcement in school discipline matters. This article describes recent advancements made toward reducing the rates of in-school arrests in the state of Connecticut through juvenile justice policy reform, advocacy and systems coordination efforts, and changes to school practice and policy from an interdisciplinary collaborative approach.

Keypoints:

- Change happened because stakeholders were able to work together across systems.
- Getting solid data was essential to defining the problem and to showing results.
- Model memoranda of agreement helped define the role of police in schools.
- The Judicial Branch began using discretion to push back unnecessary arrests.
- Mental health professionals offered teachers training on behavioral health and connected schools to community resources.
- The effort to reduce student arrests gained traction in Connecticut coming on the heels of other successful juvenile justice reforms. Whenever we get a “win,” we should look for an opportunity to build on it.

Keywords: *Children's Mental Health; Exclusionary Discipline; Juvenile Justice; School-Based Arrest; School Climate; School Resource Officers; School Safety; and Student Arrest.*

School violence is at its lowest level since 1992, yet in-school arrests are an increasingly common phenomenon (Robers, Zhang, & Truman, 2010). Many believe that the rise in in-school arrests is not due to worsening student behavior, but rather, changes in adult responses to behavior. Examples include so called “zero tolerance” disciplinary policies that are highly punitive and often rely on forms of discipline that exclude students from the normal academic experience through arrest or expulsion. These forms of punishment can have catastrophically negative consequences on the academic and socio-emotional development of students (Costenbader & Markson, 1998; Rausch & Skiba, 2004). Furthermore, juvenile arrests in general, and in-school arrests more specifically, disproportionately occur among students with behavioral health needs and students from minority racial and ethnic backgrounds (Desai, Falzer, Chapman, & Borum, 2012).

A COMPREHENSIVE THREE-PRONGED APPROACH

There are no simple solutions to the problem of in-school arrests. What is needed is a comprehensive approach to changing business as usual through reforms to juvenile justice policy, advocacy

Correspondence: bracey@uchc.edu; catherinefoley.geib@ct.jud.gov; rplant@wellmore.org; julia.oleary@jud.ct.gov; abby@ctjja.org; lara@ctjja.org; maria.oconnell@yale.edu; jvanderploeg@uchc.edu

and systems coordination efforts, and changes to school practice and policy. In this paper, we describe Connecticut's accomplishments in these areas and how these collective efforts have begun to reduce the number of in-school arrests in the state.

PUSHING BACK: REVISING CONNECTICUT'S JUVENILE COURT INTAKE POLICY TO REDUCE SCHOOL ARRESTS AND THE FLOW OF CHILDREN INTO THE JUVENILE JUSTICE SYSTEM

Supervisors within Juvenile Probation, a department within the Court Support Services Division of the Connecticut Judicial Branch, are the gatekeepers to Connecticut's juvenile justice system. All summonses or referrals issued by the police are received by the Juvenile Court Clerk's office, entered into a case management system, assigned a docket number and then sent to the Juvenile Probation Supervisor for a handling decision. To begin to address the problem of in-school arrests within the policy arena, Juvenile Probation proposed the implementation of a new intake process that would prevent non-serious in-school arrests from entering the juvenile justice system. This involved changes to the language and interpretation of Connecticut's Practices Book and Connecticut General Statutes that would provide Juvenile Probation Supervisors the discretion to return inappropriate court referrals to the schools for an alternative response.

The proposed policy change in Juvenile Probation used Connecticut General Statute, § **46b-128 Investigation of delinquency complaint** in a new manner. The statute states, in part, that:

- (a) *Whenever the Superior Court is in receipt of any written complaint filed by any person, any public or private agency or any federal, state, city or town department maintaining that a child's conduct constitutes delinquency within the meaning of section 46b-120, it shall make a preliminary investigation to determine whether the facts, if true, would be sufficient to be a juvenile matter and whether the interests of the public or the child require that further action be taken.*

By bringing attention to this statute, creating a supervisory guide and modifying existing policy, Juvenile Probation began pushing juveniles out of the formal system and sending the message that the Juvenile Court should not be the default disciplinary entity for schools. Juvenile Probation Supervisors now review a summons to determine if any of the following criteria are present, and if they are, to make a determination as to whether further Court action should be taken:

- A. Child is age eight or less;
- B. The summons indicates behaviors that are in keeping with normal adolescent behavior;
- C. The summons is for an infraction involving skateboarding, bicycles, loitering or simple trespass involving school property;
- D. The summons is for possession of tobacco products if the child is over 15 years of age;
- E. The summons is for siblings fighting in the home, when no weapons were used and no injuries sustained;
- F. The summons is for fights in school, which involve two juveniles of similar age, no injuries were reported and both juveniles were arrested;
- G. The summons is for school incidents that are in keeping with normal adolescent behavior, given that adolescents lack good decision making and typically do not analyze the consequences for their behaviors such as: wearing a hat in school; talking back to staff; running in the halls; swearing; acting in a disruptive manner but no violence took place, no destruction of property occurred and no injuries were sustained.

Several steps were taken in order to institute the new policy. Judicial Legal Services was consulted to ensure that the proposed change was in keeping with the language and spirit of the statute. Second, a number of individuals were consulted to ensure the appropriateness of the proposed changes, including the Chief Court Administrator, the Chief Administrative Juvenile Court Judge, the Chief State's Attorney and the Supervising Juvenile Prosecutor. A data tracking system was developed to collect information on the reason for the return and whether the juvenile prosecutor was in agreement as well as to ensure a criminal record was not developed. Juvenile Probation Supervisors were notified of the changes and were tasked with notifying all police chiefs and school superintendents of the new process and the criteria for returning court referrals. Finally, the new intake policy was shared with Connecticut's child welfare agency and various other stakeholders.

In addition to the new intake policy outlined above, Juvenile Probation is beginning to pilot a second diversionary process, which allows Supervisors to divert minor summonses/referrals to local Youth Service Bureaus (YSBs) and Juvenile Review Boards (JRBs) across the state. A YSB is an agency operated directly by one or more municipalities or a private agency under municipal contract designated as an agent of one or more municipalities, which serves as the lead local agency in community planning, coordination, and evaluation of prevention and treatment services for at-risk youth. YSBs also serve as the cornerstone of the Juvenile Review Board (JRB) model, which is a partnership between law enforcement, schools, Connecticut's Department of Children and Families (DCF) and the juvenile court system to evaluate at-risk behaviors within the context of individuals and families and divert from court involvement. A referral to a YSB or JRB assures the Probation Supervisor that the child is accountable for the behavior and receives necessary services. To address concerns about confidentiality, the Chief Administrative Judge for the Juvenile Court, via the Judicial Branch, has indicated a willingness to introduce legislation to the Connecticut General Assembly in its upcoming session to allow Juvenile Probation Supervisors the ability to directly refer inappropriate court referrals to a YSB or JRB.

As a result of these policy changes and other changes described in this paper, the court is seeing a decline in the number of school arrests that are being referred to court. Several schools are developing policies and procedures to address school behaviors within the schools, encouraging police officers to use their discretion when determining whether to issue a summons and encouraging everyone involved to utilize community resources.

SYSTEMS COORDINATION: THE CONNECTICUT JUVENILE JUSTICE ALLIANCE

Statewide advocacy and systems coordination is a critical element for creating and sustaining comprehensive juvenile justice reforms. The Connecticut Juvenile Justice Alliance (CTJJA) has played an important role in building statewide support for juvenile justice reform and working at the local level to support communities and schools that are interested in addressing the maladaptive ways that adults can respond to student behaviors. CTJJA was established in November 2001 as a statewide collaboration of stakeholders interested in juvenile justice system reforms. The mission of CTJJA is to reduce the number of children and adolescents entering the juvenile and criminal justice system, and to advocate a safe, effective and fair system for those involved.

CTJJA works closely with Connecticut's Juvenile Justice Advisory Committee (JJAC), a group appointed by the Governor to prevent delinquency and improve the state's juvenile justice system through oversight of federal juvenile justice funding. Together, CTJJA and the JJAC disseminated information regarding the successful work of juvenile court judges Steven Teske and Brian Huff, respectively of Clayton County, Georgia and Jefferson County, Alabama (Teske & Huff, 2010). Judges Teske and Huff significantly reduced in-school arrests in their jurisdictions by convening the courts, schools, police departments and community providers to develop protocols that offer alternatives to

arrest for common adolescent behaviors. The result was a 76 per cent reduction in juvenile court referrals (Teske, personal communication, September 17, 2010).

Advocates for this work included Valerie LaMotte from the JJAC and Judge Christine Keller, Chief Judge for Juvenile Matters in Connecticut. With their support, CTJJA hosted a statewide event in October 2010 in which the judges presented to Connecticut police officers, school administrators and Youth Service Bureau staff and personnel from the Judicial Branch and Department of Children and Families. Their presentation was followed by breakouts for discussion and planning among the municipalities in attendance.

Three communities emerged from this process as pilot sites for additional reform efforts by virtue of demonstrating buy-in from key stakeholders including their school district superintendent, the police chief and a juvenile court judge. In June 2010, these three community groups met for a full day of coaching and planning with CTJJA, Judges Teske and Huff and their technical assistance team, state Judicial Branch leaders and members of the JJAC, consistent with the collaborative model developed by the Juvenile Detention Alternatives Initiative (JDAI) as funded by the Annie E. Casey Foundation.

At the beginning of the 2011–2012 school year, CTJJA continued to work with the three pilot communities to establish memoranda of agreement (MOA) between school administrators and police. The model MOA, initially developed by the JJAC, states that, “the vast majority of student misconduct can be best addressed through classroom and in-school strategies and maintaining a positive climate within schools rather than by involvement of the justice community.” The MOA emphasizes graduated responses to misbehavior within schools, with arrest used only as a last resort. For example, teachers are encouraged to address low level behaviors such as tardiness or horseplay in the classroom through methods such as redirection, moving a child’s seat, or classroom detention. More frequent or serious behaviors such as harassment or fighting may be handled by administrators through loss of privileges, extended detention, or suspension. Community service interventions (e.g., Juvenile Review Board, Department of Children and Families) are initiated for repetitive or severe behaviors when warranted and law enforcement should be involved only after classroom, school and community-level interventions have been exhausted. The JJAC also offered grants for programs designed to reduce in-school arrests within communities that implemented the protocol. The positive word of mouth generated by this work led seven additional school districts to adopt the MOAs and protocol changes, even though they did not formally participate with CTJJA in the initiative.

Anecdotal evidence from the pilot towns is both compelling and instructive. For example, in one community there were three incidents in which students were caught with a small amount of marijuana. No arrests were made; instead, in each case, the students received substance abuse counseling and in-school discipline and parents were involved in the process. One incident even occurred off of school grounds; nevertheless, the responding officer contacted school administrators to discuss the incident rather than making an arrest. What is equally compelling is that participating districts have conducted this intensive work with little or no budget from their districts or from external grant funding. Instead, schools, police and communities have come together around this important issue, reinforcing the notion that in-school arrests can be reduced when adults commit to doing things differently.

In addition to these efforts within the pilot communities, CTJJA also took on the important role of raising public awareness regarding in-school arrests. CTJJA partnered with Connecticut Public Television (CPTV) to promote discussion of the CPTV documentary *Education vs. Incarceration: The Real Cost of Failing Our Kids* (2011), and in addition, developed a detailed discussion guide and toolkits for smaller groups that wished to hold their own forum for screening the documentary. CTJJA has also pitched stories on the topic to the press and provided extensive background to reporters. In 2012, CTJJA will release a major white paper documenting the success of arrest reduction efforts in Connecticut schools. Finally, CTJJA has worked with the Judicial Branch’s Court Support Services Division (CSSD) to modify and expand CSSD’s data collection procedures to more effectively identify and track in-school juvenile arrests, a system that will be rolled out during the 2011–2012 school year.

There have been a number of successes related to this initiative. CTJJA has helped communities bring together various stakeholders around the issue of in-school arrests. Schools and police are now better acquainted with community resources that address issues like substance abuse and mental health needs, as well as diversionary restorative options like a Juvenile Review Board. CTJJA has also helped raise public awareness for the issue and build consensus that intervention is necessary. The work of the CTJJA in Connecticut is a testament to the important role of advocacy and effective systems coordination among schools, police, communities, state agencies and other stakeholders. With this element in place, reform efforts can more effectively take root in states and communities that have the desire to reduce in-school arrests.

A PROMISING PRACTICE IN SCHOOLS: THE CONNECTICUT SCHOOL BASED DIVERSION INITIATIVE

Policy changes and systems coordination are necessary elements of juvenile justice reform, but how can states and communities ensure that these changes reach the school systems with the highest arrest rates? The Connecticut School-Based Diversion Initiative (SBDI) is designed to reduce discretionary in-school arrests and expulsions, and to link youth with behavioral health needs to appropriate community-based services and supports. SBDI achieves this by engaging directly with school administration, staff and school resource officers as well as key community-based resources. SBDI was originally funded by a grant from the John D. and Catherine T. MacArthur Foundation Models for Change Mental Health/Juvenile Justice Action Network and is now jointly overseen by the Court Support Services Division of the Judicial Branch (CSSD) and the Connecticut Department of Children and Families (DCF). The Connecticut Center for Effective Practice of the Child Health and Development Institute piloted SBDI in four school districts during the 2009–2011 school years and in 2011–2012 began implementing the model in nine schools/educational programs within three additional school districts.

The work of SBDI is informed by the perspective that many youth who are arrested have unmet mental health needs. In fact, approximately 65–70 per cent of youth in juvenile detention have a diagnosable behavioral health condition (Council of State Governments Justice Center, 2011; Shufelt & Cocozza, 2006; Teplin, Abram, McClelland, Dulcan, & Mericle, 2002). These youth may be better served through the mental health system, rather than the juvenile justice system. In addition, students who are arrested or expelled are disproportionately likely to be students of color, particularly African-American and Hispanic males. Even when the behaviors are the same, too often school responses to behaviors are more severe for students of color (Richetelli, Hartstone, & Murphy, 2009). SBDI aligns closely with broader systems goals in Connecticut to reduce use of the most restrictive forms of care including incarceration, inpatient hospitalization and residential treatment.

Students who are not arrested for school incidents are still in need of services, supports and alternative disciplinary action, and SBDI works with schools to ensure students receive what is needed. Unfortunately, schools often need better linkages to community-based resources, particularly crisis response and mental health services, which can be effective alternatives to law enforcement involvement (Petteruti, 2011). This is likely to be a particular need within schools that have high enrollment and insufficient internal capacity to meet students' needs given a shortage of guidance counselors, school social workers and school psychologists.

To accomplish the overarching goals of juvenile justice diversion and arrest reduction, SBDI engages in a number of activities including training and professional development for key school professionals, coordination and collaboration with existing community-based services and supports, school disciplinary policy consultation and data collection. In the area of training, SBDI offers a series of professional development opportunities to school personnel including administrators, teachers, school social workers and psychologists, and school resource officers. Examples of training topics include: understanding normal adolescent development; recognizing mental health symptoms; accessing community-based behavioral health resources; and understanding the juvenile justice system. In

addition to these “core” trainings, SBDI works with each school to customize the professional development series by identifying particular areas of interest that are closely related to the issue of in-school arrest diversion.

In the area of school disciplinary policy, SBDI facilitates development of a Graduated Response framework that was originally developed by the JJAC. The model introduces schools to this progressive disciplinary approach in which arrest is considered a last resort to be used only after other in-school alternatives have been exhausted. This model is one way in which SBDI seeks to change the culture of a school from being punitive and relying excessively on law enforcement and juvenile courts, to being supportive and community-based while maintaining appropriate discipline for misbehavior.

Youth experiencing an acute behavioral health crisis in school can be particularly vulnerable to unnecessary police intervention and arrest. They require behavioral health services and supports that are not readily available within schools when an acute need is present. To address this, SBDI facilitates a stronger connection between schools and their local Emergency Mobile Psychiatric Services Crisis Intervention team (EMPS). EMPS is a statewide mobile crisis response program that responds quickly to schools to support students experiencing behavioral health problems. EMPS is available to every school and community in the state and offers crisis stabilization, assessment, brief treatment and appropriate linkages to ongoing care. As a mobile service, EMPS clinicians respond directly to schools and they arrive quickly, often in less than 30 minutes. Schools have historically underutilized this resource due to a lack of awareness, and in some cases, a history of poor collaboration with the broader mental health provider community. SBDI seeks to strengthen relationships between schools and EMPS. In addition, SBDI engages with the Local Interagency Services Teams (LIST) as an existing community resource for promoting system reform. The LISTs are 13 interagency collaboratives across Connecticut comprised of state and local agencies and community members and designed to coordinate planning and implementation of statewide juvenile justice efforts at the local level.

Data collection, analysis and reporting are used to assess the effectiveness of the SBDI. Results of school and student-level data collected from participating SBDI schools in 2010–2011 indicate that in-school arrests dropped 50–59 per cent per school, in-school suspensions decreased by 9 per cent and out-of-school suspensions decreased by 8 per cent. In addition, EMPS Crisis Intervention utilization tripled, while ambulance calls decreased by up to 22 per cent. A 2011 evaluation by Yale University used survival analyses to compare data on initial and subsequent court referrals between similar communities with and without SBDI during the pilot year of the program in 2009–2010 (O’Connell, 2011). The results indicated that youth first served by EMPS had fewer subsequent referrals to court (47 per cent) compared to those initially referred to court (66 per cent; see Figure 1).

Further, rates of subsequent juvenile justice referrals were significantly lower in SBDI communities (31 per cent) compared to non-SBDI communities (43 per cent), even after controlling for the effects of race, age, gender and previous delinquency (see Figure 2). The results support the SBDI model as a creative strategy and promising approach to school-based arrest diversion. Consequently, the state is seeking strategies to expand SBDI more widely across Connecticut as a way to further reduce in-school arrests.

CONCLUSIONS

We believe the three-pronged approach described in this paper represents best practice for reducing in-school arrest. States and communities interested in achieving similar goals are encouraged to consider a comprehensive approach that includes policy changes, advocacy and systems coordination, and school-based supports that ensure youth are connected with services and supports as an alternative to arrest.

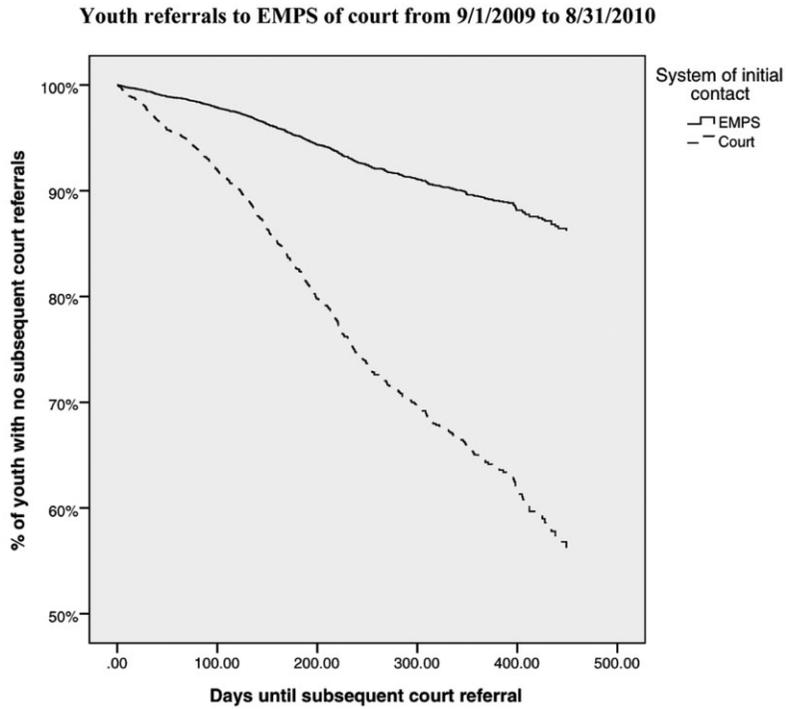


Figure 1 Fewer Subsequent Court Referrals for EMPS-Referred Youth.

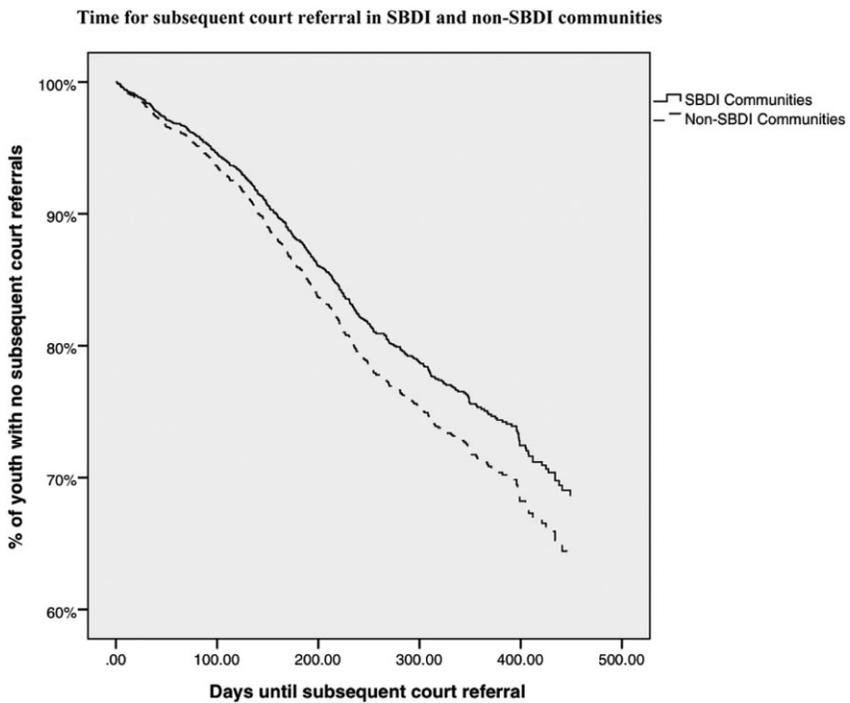


Figure 2 Less Risk of Juvenile Justice Involvement in SBDI Communities.

REFERENCES

- Connecticut Juvenile Justice Alliance (2011). *Education vs. Incarceration: The Real Cost of Failing Our Kids* [Video]. Available from <http://ctjja.org/forum>
- Costenbader, V., & Markson, S. (1998). School suspension: A study with secondary school students. *Journal of School Psychology, 36*, 59–82.
- Council of State Governments Justice Center (July 19, 2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. Retrieved from <http://justicecenter.csg.org/resources/juveniles>
- Desai, R. A., Falzer, P. R., Chapman, J., & Borum, R. (2012). Mental Illness, Violence Risk, and Race in Juvenile Detention: Implications for Disproportionate Minority Contact. *American Journal of Orthopsychiatry, 82*(1), 32–40.
- O'Connell, M. (2011). *Connecticut's School Based Diversion Initiative: Evaluation Report*. Report submitted to the Judicial Branch's Court Support Services Division.
- Petteruti, A. (November 2011). Education under arrest. Justice Policy Institute. Retrieved from www.justicepolicy.org
- Rausch, M. K., & Skiba, R. (2004). Unplanned Outcomes: Suspensions and Expulsions in Indiana. Retrieved from <http://ceep.indiana.edu/ChildrenLeftBehind>
- Richetelli, D. M., Hartstone, E. C., & Murphy, K. L. (May 15, 2009). A second reassessment of disproportionate minority contact in Connecticut's Juvenile Justice System. Report submitted to the State of Connecticut Office of Policy and Management, Criminal Justice Policy and Planning Division. Retrieved from www.ct.gov/opm
- Robers, S., Zhang, J., & Truman, J. (2010). *Indicators of School Crime and Safety: 2010* (NCES 2011-002/NCJ 230812). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC. Retrieved from <http://bjs.ojp.usdoj.gov/>
- Shufelt, J. L., & Coccozza, J. J. (2006). Youth with mental health disorders in the juvenile justice system: Results from the Multi-State Prevalence Study. Research and Program Brief, National Center for Mental Health and Juvenile Justice. Retrieved from www.ncmhjj.com
- Teplin, L. A., Abram, K. M., McClelland, G. M., Dulcan, M. K., & Mericle, A. A. (2002). Psychiatric disorders in youth in juvenile detention. *Archives of General Psychiatry, 59*(12), 1133–1143.
- Teske, J. S. C., & Huff, J. J. B. (2010). The dichotomy of judicial leadership: Working with the community to improve outcomes for status youth. *Juvenile and Family Court Journal, 61*, 54–60.

Jeana R. Bracey, Ph.D. is a senior associate at the Connecticut Center for Effective Practice of the Child Health and Development Institute. She coordinates the Connecticut School-Based Diversion Initiative.

Catherine Foley Geib serves as the manager of clinical and educational services for the Court Support Services Division of the Connecticut Judicial Branch and is a developer of the Connecticut School-Based Diversion Initiative.

Robert Plant, Ph.D. is the director of community programs and services for the Connecticut Department of Children and Families and is a developer of the Connecticut School-Based Diversion Initiative.

Julia R. O'Leary serves as deputy director of Juvenile Probation for the Court Support Services Division of the Connecticut Judicial Branch.

Abby Anderson is the executive director of the Connecticut Juvenile Justice Alliance.

Lara Herscovitch is a senior policy analyst at the Connecticut Juvenile Justice Alliance.

Maria O'Connell, Ph.D. is an assistant professor and the director of research and evaluation at the Yale Program for Recovery and Community Health in the Department of Psychiatry at the Yale School of Medicine. She is the lead evaluator for the School-Based Diversion Initiative.

Jeffrey J. Vanderploeg, Ph.D. is the associate director of the Connecticut Center for Effective Practice of the Child Health and Development Institute. He coordinates the School-Based Diversion Initiative.