

New locked girls' facility in CT, spurs questions about DCF's direction (Part 2)

By Jacqueline Rabe Thomas
February 20, 2014

This is Part 2 of a two-part series that looks at the direction the state's juvenile justice system is heading. Part 1, [available here](#), was published Wednesday.

When the state's child welfare agency recently placed Jill in a group home, she ran away and recruited others at the treatment center to do the same. The agency then sent the 16 year old, who'd first entered state custody after her family abused her, to a locked, out-of-state facility to receive treatment and to prevent her from running again.

While there, she assaulted a member of the staff, leaving the worker blind and with a broken jaw.

Jill, whose real name is not public because she is under 18, is just one of several cases the head of the Department of Children and Families says she can point to for proof that a new locked facility for girls who break the law is needed in Connecticut.

"I could have easily filled these beds in the last six months," DCF Commissioner Joette Katz told state legislators last week. "Many of these girls are extremely assaultive [and] are extremely dangerous."

However, a group of prominent state lawmakers are not convinced that relying on locked facilities, the direction DCF seems to be headed in, is what is best for these young offenders, whose crimes typically aren't serious enough for them to be charged in the adult correction system.

"I am terrified," said Rep. Toni Walker, a New Haven Democrat and House chairwoman of the legislature's powerful budget-writing committee. Too often, Walker said, young offenders end up at adult prisons after the juvenile justice system fails to rehabilitate them.

The unilateral decision on the part of DCF to open the new girls' 12-bed facility not only raises questions for some legislators, it also comes at a time when the number of incarcerated boys in Connecticut is at a 10-year high. The locked boys' facility -- the Connecticut Juvenile Training School -- is next to the girls' facility.

While many of the lawyers who represent these girls -- most of whom have been traumatized during their childhood -- say there are too few alternatives to locking them up, legislators say they want to know what works best. The shift in incarceration in the boys' system follows the closing of a handful of community-based facilities in the past several years.

"We need to know what's working and what's not," Sen. Beth Bye, D-West Hartford, Senate chairwoman of the Appropriations Committee, told Katz last week.

DCF officials are unable to answer that question. They are also unable to track the recidivism rates of the boys and girls who enter their care after a legal conviction.

"We don't have those numbers," Brett Rayford, director of DCF's division of adolescent and juvenile justice services, said at the hearing at the state Capitol complex.

Researchers at the Georgetown University Center of Juvenile Justice Reform concluded last spring that the agency has no method of properly assessing the effectiveness of the locked facilities it operates or the quality of the community supervision it oversees.

"Further work on the effectiveness of the community supervision system could prevent minor offenders from continuing to penetrate and populate its system," they concluded. "The absence of recidivism data and risk data prevents an in-depth analysis of [this] population... The current pattern is likely counterproductive."

Walker said she has been asking for this information for years to no avail.

"If we want to be effective, you know that we need that," Walker told department leaders last week. "We need it yesterday, OK?"

Available beds for juvenile girl delinquents

Currently there are 14 beds for girls who break the law and are committed to the Department of Children and Families. In March, the state agency will have 12 more beds at its disposal. (Note: Not all girls are sent to a locked facility; other placement options include group homes, home placement and out-of-state facilities.)



REINVESTING?

DCF has achieved significant savings in the past few years by placing fewer abused and delinquent children in costly out-of-state group homes and other facilities, and reducing the number of social workers the agency employs. But the governor and state lawmakers have largely raided those savings for use elsewhere.

The child advocacy group Connecticut Voices for Children reports that state funding of DCF declined by \$183 million from fiscal 2009 to 2014 -- a 19 percent cut when factoring in inflation.

The budget Gov. Dannel P. Malloy proposed earlier this month for legislators to consider would reduce DCF's funding by another \$11.7 million next fiscal year.

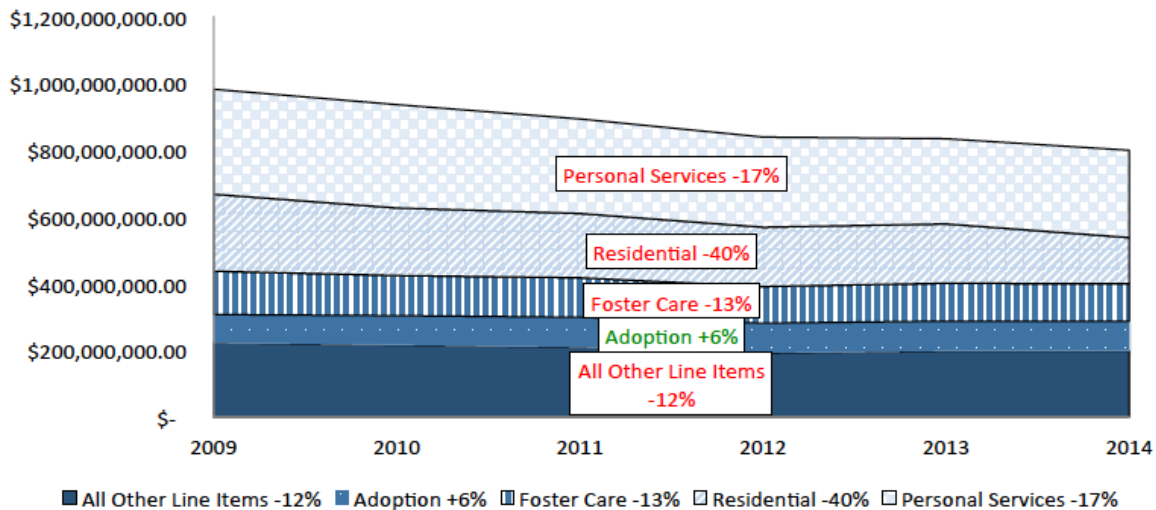
"Every time someone saves a dollar, most of it goes to cover the deficit," said State Child Advocate Sarah Eagan, the state's independent watchdog over DCF. "There are still major gaps in the continuum of services for [children's] mental health needs. So a reinvestment is critical."

Of the \$16 million the agency expects to save next year from where children are placed, the governor's proposed budget puts \$2 million in community-support programs for the nearly 4,000 children in state custody and the 35,000 children the agency serves. Another \$2.6 million would be allocated to hire 30 workers to staff the new locked facility for girls.

"I think you have broad support for the mission of bringing kids back to the state and keeping kids with families whenever possible," Bye told Katz. "But I think there is a lot of broad-based concern about [whether there are] community-based supports in place before that \$9 to \$10 million goes back into the" state budget for non-DCF spending.

Sen. Dante Bartolomeo, the co-chair of the legislature's Children's Committee who represents Middletown, said she views the new facility for girls as a necessity to support the needs of this vulnerable population.

DCF's Appropriation FY09 to FY14: A Decline of 19%



WHOSE DECISION IS IT?

"It's on me. Heavy is the head that wears the crown. Today I wear that crown... At the end of the day, I pulled the trigger," Katz said at the hearing of her decision to move forward with opening the girls' facility in early March in Middletown.

Katz, a former State Supreme Court justice, has fought hard for the DCF commissioner to be given the authority to decide where children are placed, and for how long.

The Connecticut Supreme Court ruled twice in her favor last year, and gave the commissioner ultimate authority over the children the courts commit to DCF. In one decision, the justices ruled that the judge in a child's case could not determine where a child is placed. In another case, the court ruled that all children committed to DCF would be under the commissioner's authority for 18 months, as opposed to the shorter commitments some judges were making.

"There is a conversation, but ultimately it's up to the commissioner," Judge Bernadette Conway, the chief administrative judge who oversees the state's 12 juvenile courts, said in an interview.

Conway said juvenile judges understand that the best placement for the overwhelming majority of youths who break the law is in the community. Because DCF "has such limited options" for placement, the preferred sentence is to give a child probation so he or she can stay in the Judicial Branch's support system.

Barbara Claire, DCF's legal director, said the placements for 95 percent of the children committed to DCF are agreed upon by the interested parties.

And when they are not, "The commissioner has the final say," she said.

But the lawyers for these children and a legislator who represents Middletown don't understand how the department can move forward with what they think is a new direction without a legislative hearing.

Before last week's hearing on DCF's overall proposed state budget for the fiscal year that begins July 1, the agency had already hired the staff needed to open the girls' facility.

"Sitting here in mid-February, being told this is going to open in March, I am just concerned we just haven't had the opportunity as a legislature to vet this proposal to determine if the concerns have merit," Rep. Matt Lesser, D-Middletown, told the commissioner.

"Why wasn't this brought to us before this legislative session?" he asked.



DCF commissioner on decision to open new locked facility for girls: "It's on me. Heavy is the head that wears the crown. Today I wear that crown... At the end of the day, I pulled the trigger."