Connecticut Rethinks Student Arrests

New York State Leadership Summit on School-Justice Partnerships: Keeping Kids in School and Out of Court
Hofstra University
April 11-12, 2013

Reducing the number of children and youth entering the juvenile and criminal justice systems, and advocating a safe, effective, and fair system for those involved
Strategies

• Small Staff, Big Coalition

• Legislative Education and Advocacy
• Community Organizing & Capacity Building
• National / State / Local Partnerships
• Strategic Communications

Priorities

• RTA successful
• Keep supports in jj system so kids can succeed
• Ensure a child’s race or ethnicity does not negatively affect how s/he is treated
• Reduce school-based arrests (keep kids in school)
Context: Trends and Issues in Connecticut’s Juvenile Justice System

Shrinking and Expanding

- Smart investments in prevention and diversion
- Home-based interventions, a commitment to least restrictive environment
- Older youth included, average age increasing
Case intake is down 20 percent over the past five years, even after Raise the Age.

The number of unique juveniles referred to the court is down 18 percent since 2007.

Source: Judicial Branch Court Support Services Division

### New Juvenile Court Cases 1995–2010

Source: Judicial Branch Court Support Services Division
Juveniles Committed Delinquent to DCF 1999-2011

Source: Judicial Branch Court Support Services Division

Arrests in Connecticut 2009 *
Most common charges for <16 year olds *
(the most serious charge for the arrest)

<table>
<thead>
<tr>
<th>Crime</th>
<th>0</th>
<th>5</th>
<th>10</th>
<th>15</th>
<th>20</th>
<th>25</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Assault</td>
<td>27%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>19%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Larceny</td>
<td>18%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vandalism</td>
<td>6%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Abuse Violations</td>
<td>5%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>3%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>3%</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

* The charges listed include those that account for 2% or more of the arrests for <16 year olds.

looking for JJ system feeders: found school-based arrests

- Too many children referred to the jj system from public schools

- Most for misdemeanor offenses
  - **School Policy Violations** escalate into delinquency charge or probation violation: Insubordination (swearing, dress code)
  - **Delinquency Charges:**
    - Disorderly conduct, Breach of peace (fighting, talking back, running in halls, loud music)
    - Trespass (skateboarding, bicycles)
    - Smoking

- Children of color referred at disproportionately higher rates

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**Reasons for School-Based Arrest by General Category, SY2010-11**

![Pie chart showing reasons for school-based arrests.]

- Fighting/Battery: 32%
- Drugs: 19%
- Violent Crimes Against Persons: 6%
- Weapons: 6%
- School Policy Violations: 11%
- Physical/Verbal Confrontation/Conduct Unbecoming: 16%
- Personally Threatening Behavior: 7%
- Theft/ Theft Related Behaviors: 4%
- Sexually Related Behavior: 1%
- Property Damage: 2%

Source: SDE data analyzed by Connecticut Voices for Children
### Reasons for School-Based Arrest, SY2010-11

<table>
<thead>
<tr>
<th>Rank</th>
<th>Sub-Category of Incident Leading to Arrest</th>
<th>Total Number of Arrests</th>
<th>Percent of All Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fighting/Altercation/ Physical Aggression</td>
<td>672</td>
<td>21%</td>
</tr>
<tr>
<td>2</td>
<td>Drugs/Alcohol/Tobacco</td>
<td>599</td>
<td>19%</td>
</tr>
<tr>
<td>3</td>
<td>Physical Altercation</td>
<td>377</td>
<td>12%</td>
</tr>
<tr>
<td>4</td>
<td>Battery/Assault</td>
<td>258</td>
<td>8%</td>
</tr>
<tr>
<td>5</td>
<td>Weapons</td>
<td>199</td>
<td>6%</td>
</tr>
<tr>
<td>6</td>
<td>Threat/Intimidation/ Verbal Harassment</td>
<td>142</td>
<td>4%</td>
</tr>
<tr>
<td>7</td>
<td>Theft/Stealing</td>
<td>99</td>
<td>3%</td>
</tr>
<tr>
<td>8</td>
<td>Serious Disorderly Conduct</td>
<td>73</td>
<td>2%</td>
</tr>
<tr>
<td>9</td>
<td>Breach of Peace</td>
<td>52</td>
<td>2%</td>
</tr>
<tr>
<td>10</td>
<td>Insubordination/ Disrespect</td>
<td>51</td>
<td>2%</td>
</tr>
<tr>
<td>11</td>
<td>Threats of Bodily harm</td>
<td>51</td>
<td>2%</td>
</tr>
<tr>
<td>12</td>
<td>Vandalism</td>
<td>47</td>
<td>1%</td>
</tr>
<tr>
<td>13</td>
<td>Disorderly Conduct</td>
<td>45</td>
<td>1%</td>
</tr>
<tr>
<td>14</td>
<td>Disruption/Disruptive Behavior</td>
<td>43</td>
<td>1%</td>
</tr>
<tr>
<td>15</td>
<td>Verbal Altercation</td>
<td>42</td>
<td>1%</td>
</tr>
<tr>
<td>16</td>
<td>Skipping Class</td>
<td>41</td>
<td>1%</td>
</tr>
<tr>
<td>17</td>
<td>Obscene Language/Profanity</td>
<td>26</td>
<td>1%</td>
</tr>
<tr>
<td>18</td>
<td>School Threat/Bomb Threat</td>
<td>25</td>
<td>1%</td>
</tr>
<tr>
<td>19</td>
<td>Inciting a Fight/Riot</td>
<td>24</td>
<td>1%</td>
</tr>
<tr>
<td>20</td>
<td>Foreign substance (Illegal drugs)</td>
<td>22</td>
<td>1%</td>
</tr>
</tbody>
</table>

Source: SDE data analyzed by Connecticut Voices for Children

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#### During the 2010–2011 school year in Connecticut …

- Boys were **twice as likely** to be arrested as girls.
- Black children were nearly **four times more likely** to be arrested in school as white children.
- Hispanic children were more than **three times as likely** to be arrested as white children.
- Special education students were nearly **three times as likely** to be arrested as regular education students.
- And children in the state’s poorest districts were more than **nine times as likely** to be arrested as those from the wealthiest districts.

Source: CT, Voices for Children
CTJJA’s Response:
Educating, Inspiring, Capacity Building

- Educational forums: moderated panels on jj/ed connections, CPTV Education vs. Incarceration
- Work closely with SAG (JJAC)
- Brought Judges Teske (GA) and Huff (AL) to raise awareness and inspire replication
- Goal of statewide reform though a very local issue and infrastructure – demonstrate local success

Good News:
Replication is Possible

The process:
- SAG (JJAC): model MOA
- Fall 2010, JJAC and Alliance invited Judges Teske (GA) and Huff (AL) to present arrest reduction initiatives
  - CT communities met in small groups and re-convened for report-out: police, educators, providers, DCF, court
  - Could their towns and cities achieve the same kinds of results? Were they willing to put in the work to get there?
- Summer 2011, 3 cities ready to launch collaboratives
- Fall 2011, implementation of MOA & graduated response model
- Ongoing: regular collaborative meetings to fine-tune, add and subtract initiatives, review data, discuss issues, successes, trends, gaps, (re) train / orient school and police personnel
## Results: Manchester

### Manchester

<table>
<thead>
<tr>
<th>District Overall</th>
<th>2011</th>
<th>2012</th>
<th># change 2011-2012</th>
<th>% change 2011-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>In School Suspension</td>
<td>614</td>
<td>694</td>
<td>80</td>
<td>13</td>
</tr>
<tr>
<td>Out of School Suspension</td>
<td>389</td>
<td>416</td>
<td>27</td>
<td>7</td>
</tr>
<tr>
<td>Expulsion</td>
<td>30</td>
<td>11</td>
<td>-19</td>
<td>-63</td>
</tr>
<tr>
<td>Arrest (PD)</td>
<td>137</td>
<td>53</td>
<td>-84</td>
<td>-61</td>
</tr>
</tbody>
</table>

### Illing Middle School

| In School Suspension | 207  | 244  | 37                | 18                |
| Out of School Suspension | 132  | 101  | -31               | -23               |
| Expulsion | 4     | 3    | -1                | -25               |
| Arrest (PD) | missing data | 23 | n/a              | n/a               |

### Manchester High School

| In School Suspension | 407  | 450  | 43                | 11                |
| Out of School Suspension | 257  | 315  | 58                | 23                |
| Expulsion | 26    | 8    | -18               | -69               |
| Arrest (PD) | 137   | 30   | -107              | -78               |

## Results: Windham

### Windham

<table>
<thead>
<tr>
<th>District Overall</th>
<th>2011</th>
<th>2012</th>
<th># change 2011-2012</th>
<th>% change 2011-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>In School Suspension</td>
<td>1563</td>
<td>1477</td>
<td>-86</td>
<td>-5.56</td>
</tr>
<tr>
<td>Out of School Suspension</td>
<td>515</td>
<td>532</td>
<td>17</td>
<td>3.28</td>
</tr>
<tr>
<td>Expulsion</td>
<td>16</td>
<td>18</td>
<td>2</td>
<td>11.76</td>
</tr>
<tr>
<td>Arrest (Schools)</td>
<td>56</td>
<td>37</td>
<td>-19</td>
<td>-34.19</td>
</tr>
</tbody>
</table>

### Windham Middle School

| In School Suspension | 825  | 716  | -109              | -13               |
| Out of School Suspension | 171  | 263  | 92                | 54                |
| Expulsion | 3     | 0    | -3                | -100*             |
| Arrest (Schools) | 8     | 6    | -2                | -25               |

### Windham High School

| In School Suspension | 738  | 761  | 23                | 3                 |
| Out of School Suspension | 344  | 269  | -75               | -22               |
| Expulsion | 13    | 18   | 5                 | 38                |
| Arrest (Schools) | 48    | 31   | -17               | -35               |

* In 2012, 11 students were expelled, 7 were listed as in OSS pending expulsion
Work centered on JJAC Model MOA

**MOA Principles:**

- Most student misconduct best addressed through classroom & in-school strategies (not jj system)
- Response to school disruptions should be reasonable, consistent and fair
- Hold students accountable through graduated response and continuum of services
- Appropriate redirection and support from in-school and community resources prior to exclusion/arrest
- Clarifying the responsibilities of school and police personnel promotes best interests of students, district, law enforcement and community

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Juvenile Justice Advisory Committee Model MOA

**Graduated Response Model Format**

<table>
<thead>
<tr>
<th>Types of Behavior</th>
<th>Intervention Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classroom Interventions</td>
<td></td>
</tr>
<tr>
<td>School Administration Interventions</td>
<td></td>
</tr>
<tr>
<td>Assessment and Service Provision</td>
<td></td>
</tr>
<tr>
<td>Law Enforcement Interventions</td>
<td></td>
</tr>
</tbody>
</table>

For model and local MOAs: [www.ctjja.org/forum/resources.html](http://www.ctjja.org/forum/resources.html)
### Tailored Locally: Manchester Graduated Response Model

#### Graduated Response Model Chart

<table>
<thead>
<tr>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules Violations/Inappropriate &amp; Offensive Behaviors</td>
<td>Chronic Disruptive &amp; Serious Behaviors</td>
<td>Safety Concerns</td>
<td>Mandated Referral at School Resource Officer</td>
</tr>
</tbody>
</table>

#### Types of Behaviors
- Disruptive Behavior
- Assault/Domestic Violence
- Verbal Abuse/Intimidation
- Physical assault/Injuries
- Sexual assault
- Drug use
- Property theft
- Vandalism
- Academic/Behavioral 
  - Truancy
  - Expulsion
  - Detention
  - Suspension

#### Level 2 Serious Offenses (Probation)
- Chronic Behavior
- Chronic Disruptive
- Chronic Violative
- Chronic Expulsion
- Chronic Detention
- Chronic Suspension

#### Level 3 Serious Offenses (School Resource Officer)
- Chronic Level 2 Offense (Probation) + Detention
- Chronic Level 2 Offense (Probation) + Suspension
- Chronic Level 2 Offense (Probation) + Expulsion
- Chronic Level 2 Offense (Probation) + Detention + Suspension
- Chronic Level 2 Offense (Probation) + Detention + Expulsion
- Chronic Level 2 Offense (Probation) + Suspension + Expulsion

#### Progressive Intervention Opportunities and Discipline Actions
- Verbal warning
- Written warning
- Detention
- Readmittance
- 2nd grade
- 3rd grade
- 4th grade
- 5th grade
- 6th grade
- 7th grade
- 8th grade
- 9th grade
- 10th grade
- 11th grade
- 12th grade
- Suspension/Expulsion
- Referral to Substance Intervention Program
- Referral to Restitution/Community Service Program
- Referral for Consideration for Expulsion

#### Traditional Discipline Interventions
- Detention
- In-school suspension
- Out-of-school suspension
- Arrest
- Expulsion

#### Examples of Manchester Discipline Interventions
- Redirection
- Mediation
- Detention
- 1 to 1 counseling
- Mentoring program
- Play by the Rules Referral
- Behavior Intervention or Reflection Room
- In-school suspension
- Referral to Substance Intervention Program
- Parent/Administration conference and other parties (guidance counselor, social worker, etc.)
- Referral to Restitution/Community Service Program
- Out-of-school suspension
- Arrest
- Referral for consideration for expulsion

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*Note: certified staff must protect and guide students at all interventions are appropriate and must get prior administrative permission.*
For (many) more details:

![Adult Decisions](image)

A publication of the Connecticut Juvenile Justice Alliance
January 2013

What Else is CT Doing?

2. Judicial Branch (CSSD) re-articulated authority to return referrals, when:

Child is 8 years old or less and/or summons is for;
- Behavior in keeping with normal adolescent behavior
- Infraction involving skateboarding, bicycles, loitering, or simple trespass (school property)
- Possession of tobacco if child is over 15 yo
- Siblings fighting in home, no weapons, no injuries
- School fight, 2 kids of similar age, no injury, both arrested
- School incidents e.g., wearing hat, running in halls, swearing, talking back, disruptive actions but no violence / property destruction / injury
What Else?

3. CSSD
   • School-based arrest data collection statewide

4. Legislature
   • RB6682 would require MOAs/data

5. JJAC DMC Subcommittee
   • Model MOA and small incentive grants (ctJustStart.org)
   • Training: Patrol officers & School personnel (RightResponseCT.org)

6. SBDI
   • School-deep and mental health focus, EMPS usage

7. SDE
   • Positive school climate movement

CT’s Comprehensive Approach: Why it is Working

• Addresses school-based arrest from **multiple perspectives and systems**
• Engages **key leaders** and **wide variety of stakeholders**
• Timing is everything!
  – National dialogue and movement
  – “Raise the Age” success paved way for next steps
  – Community-level data and confirmation
**Adult Decisions: Rethinking Student Arrests**

**Action Steps**

1. Educate yourself about the problem
2. Find out what's happening in your community
3. If the data are not available, ask why
4. Make it clear that you care
5. Bring a broad coalition of stakeholders to the table
6. Make sure students, families and teachers all have a voice in your work
7. Together with key partners, create a memorandum of agreement making the role police in school discipline clear
8. Make good use of existing resources
9. Keep collecting data
10. Share your story
11. Understand that signing a MOA is just the first step
12. Respond to students with mental health needs

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**Connecticut Juvenile Justice Alliance**

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