



***Office of Chief Public Defender
State of Connecticut***

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Sarah Eagan, Esq., Child Advocate
Office of the Child Advocate
999 Asylum Avenue, 1st Floor
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July 22, 2015

Re: OCA Investigative Facility Report- CJTS/Pueblo Unit

Dear Attorney Eagan:

Among its other responsibilities, the Division of Public Defender Services provides post conviction advocacy to those young males and females confined at the Connecticut Juvenile Training School and the Pueblo Secure Girl's Unit. Many of these clients present with complex trauma histories and extensive treatment needs that must be adequately addressed for them to be safely managed while in state custody and then successfully transitioned into community settings or returned to their homes. Due to questions regarding the effectiveness and efficiency of these facilities in providing for this vulnerable population, there have been several recent investigations/program reviews that have resulted in recommendations for improvements in programming and service delivery.

The *Investigative Facility Report* completed by the Office of the Child Advocate, the *Strategic Review of CJTS/Pueblo Policies and Practices* by Dr. Robert Kinscherff and the *Juvenile Justice Systems Improvement Project Report* by Georgetown University have identified many common areas of concerns regarding DCF's ability to provide for the treatment needs of children who reside in these secure facilities. As a primary issue, each of the reports noted problems regarding the availability of reliable data to accurately assess the effectiveness of secure treatment interventions by DCF. The lack of recidivism data on the part of the Department has also been highlighted for a number of years by the Connecticut Juvenile Training School Advisory Board. The Department relies primarily on census reduction as an indicator of treatment effectiveness and successful reintegration. Census reduction provides little, if any verification that CJTS/Pueblo

residents benefit from the programming provided at these facilities. Clear outcome measures and reliable recidivism data must exist if we are to determine whether the extraordinary expenditure made by taxpayers to maintain centralized maximum secure confinement of juvenile offenders is cost-effective.

Another fundamental issue identified specifically in Dr. Kinscherff's report relates to the deep ambiguities and tensions regarding the functions and goals of the two facilities. Although DCF has made progress in moving away from a pure correctional model as Dr. Kinscherff acknowledged, he notes that the Department continues to lack clarity as to the strategic mission, fundamental function(s) and core goals of CJTS and Pueblo, hindering the development of operational policies, processes, practices and expectations. Until the Department addresses these deficiencies, we should not blindly accept that children in physical custody of the Commissioner are being well served.

Although each of the reports provides valuable insight into the challenges facing the Department in relation to CJTS and Pueblo, the *Investigative Facilities Report* of the Child Advocate appears to deliver the most complete and in-depth analysis of what occurs on a daily basis with individual residents at CJTS and Pueblo. The Child Advocate's report relies upon extensive review of video footage of staff/client interaction, facility incident reports and Department data and records to assess how high-needs residents are managed on a day to day basis. Therefore, the results of the OCA investigation are of the most concern to the Division of Public Defender Services.

Ensuring that children in CJTS and Pueblo are managed and supervised in a way that eliminates the possibility of suicidal or self injurious behaviors is a primary responsibility of the Department that cannot be overstated. The Child Advocate's report identifies serious deficiencies in how staff and clinicians respond to children in crisis, often treating these situations more as defiance and misbehavior than a mental health emergency. Using mechanical restraints and isolation when a child is attempting to take their own life is a response that shocks the conscience. Furthermore, the fact that the Department opened the Pueblo Secure Girls Unit with the knowledge that some of the rooms contain "blind spots" shows an apparent disregard for the safety of these children.

The Child Advocate's report also raises the question of whether the Department itself should be investigating claims of abuse and neglect against DCF employees in facilities that the Department operates or licenses. These internal investigations present a conflict of interest and such responsibilities should be transferred to another agency or organization to eliminate any appearance of bias. The fact that abuse and neglect occurs at the most secure child treatment facilities in the state is a serious problem that cannot be ignored any longer. Unless a major cultural change occurs in relation to what is acceptable behavior by staff at CJTS and Pueblo, these children remain at risk.

The use of restraint and seclusion as a means of punishment at CJTS and Pueblo is well established. Our clients have continuously complained that they are confined to their rooms for long periods of time and prohibited from interacting with other residents and activities when they are charged with rule violations. State law prohibits such seclusion

yet the Child Advocate's report documents extended periods of seclusion occurring even when residents are not acting in an inappropriate or disruptive manner. Clients also complain that staff use physical restraints to manage the residents when it is unnecessary. Often phrased in benign terms these actions can escalate the residents who are already struggling to maintain control of their behavior.

The Division of Public Defender Services concurs with all of the recommendations made by your Office. The OCA report accentuates the urgency of the changes that must take place at CJTS/Pueblo, and is not inconsistent with Dr. Kinscherff's findings. If we expect these facilities to fulfill their role in rehabilitating youth and providing community safety there is a great deal of work that must be done. This work however cannot occur internally and behind closed doors. Outside oversight is a crucial factor in establishing and maintaining treatment facilities that can truly stand as national models of reforming and rehabilitating juvenile offenders. We look forward to working with your Office and the Department of Children and Families in effectuating meaningful cultural change for Connecticut youth in state custody.

Sincerely,

Susan O. Storey

Susan O. Storey
Chief Public Defender

Cc: Attorney Christine P. Rapillo, OCPD-Director of Juvenile Delinquency Defense
and Child Protection
James Connolly, Esq., OCPD- Director of Juvenile Post -Conviction and Reentry
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