

MICHIGAN SAFETY & JUSTICE ROUNDTABLE

2019 REPORT: CO-CREATING A VISION FOR EFFECTIVE &
EQUITABLE SOLUTIONS FOR JUSTICE-INVOLVED YOUTH

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INTRODUCTION

In January 2018, nearly 99,000 Michigan residents were under the supervision of the Department of Corrections including people on probation and parole.¹ At any point in time, the state incarcerates approximately 40,000 people in its 31 prisons, of which 95 percent will eventually return home, and another 14,000 more in its county jails. While much lower than recent years, these numbers have risen 450 percent since 1973.² As a result, over four million Michiganders now have some type of criminal record. In addition, over 10,000 Michigan youth are arrested each year; 90 percent for non-violent offenses.³ The outcomes for justice impacted youth and adults are critical to the health and safety of our communities.

If Michigan were its own country, its incarceration rate would be higher than almost every country in the world. Its prison population has risen 450 percent since 1973—even taking into account significant recent declines. Michigan also holds the dubious distinction of being among the 10 states with the highest rate of racial disparities in its prison system.⁴ How did we get here? Most prominently, the wave of "tough on crime" policies enacted in the 1980s and 1990s greatly changed the landscape of the criminal and juvenile justice systems. Across the nation, concepts of correctional rehabilitation were replaced with punitive measures focused on deterrence and incapacitation.

Specifically in Michigan, lawmakers enacted strict mandatory sentencing guidelines, created "truth in sentencing" laws, requiring a person to serve 100 percent of their sentence, and tightened parole policies leading to dramatic returns to prison due to violations.⁵ Michigan also enacted juvenile laws that were self-proclaimed as the "toughest in the nation."⁶ State lawmakers eliminated a minimum age limit on who could be sent to adult prison, allowed prosecutors to file certain juvenile cases in adult court without judicial oversight, and expanded adult sentencing options for youth of all ages. A 400-bed "punk prison" was built; expungement rules were tightened; and suspension and expulsion rates skyrocketed due to zero tolerance policies in schools and increased arrest rates for status offenses, such as truancy or violating curfew.⁷

But things are changing. There is now a substantial and growing body of research examining all phases of the justice system—including charging, sentencing, confinement, and reentry—that assesses which practices have been most successful at deterring crime and protecting the public,

and which may actually exacerbate the pernicious cycle of poverty, criminality and incarceration. This research enables our leaders to make informed decisions based on data rather than emotions. Indeed, this growing evidence base, coupled with the reality of the massive and unsustainable investment of limited public resources into corrections and supervision budgets, has prompted many states to re-evaluate past policies and make significant changes to the justice system by investing in public safety and community initiatives such as education skills-building, and key public health services that address many of the root causes of crime.

MICHIGAN SAFETY & JUSTICE ROUNDTABLE

CO-HOSTS



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Hudson-Webber Foundation*



*Gilda Jacobs, President & CEO,
Michigan League for Public Policy*



*Kahryn Riley, Director of Criminal
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*Mary Beth Kelly, Chair, Michigan
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PLENARY SPEAKERS



*Amanda Alexander,
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of the Detroit Justice
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*Sheryl Kubiak,
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*Kevin Bowling,
Court Administrator,
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To support and advance safe and equitable youth and adult justice system approaches in Michigan, the Hudson-Webber Foundation convened the Michigan Safety & Justice Roundtable in September 2018 in partnership with the Michigan Committee on Juvenile Justice, the Mackinac Center for Public Policy and the Michigan League for Public Policy, with technical assistance provided by the Michigan Council on Crime and Delinquency. The two-day forum assembled experts in juvenile and criminal justice from local and state government, members of the judiciary, law enforcement, academics, community leaders, and philanthropic funders to share promising practices and common challenges, and to craft common-sense justice policy recommendations to move Michigan forward.

The convening brought together experts and advocates with diverse perspectives including keynote speakers Professor Vincent Schiraldi of Columbia University School of Social Work and the Founder of the Justice Policy Institute, and Mark Holden, Senior Vice President, General Counsel and Corporate Secretary of Koch Industries.

KEYNOTE SPEAKERS



Mark Holden, Senior Vice President, General Counsel & Corporate Secretary, Koch Industries



Professor Vincent Schiraldi, Columbia University School of Social Work

Then candidate for Michigan statewide office including Dana Nessel, Democratic Candidate for Attorney General; Tom Leonard, Speaker of the Michigan House of Representatives and Republican candidate for Attorney General; and Garlin Gilchrist II, founding executive director of the Center for Social Media Responsibility at the University of Michigan School of Information and the Michigan Democratic candidate for Lieutenant Governor, were also invited to share their policy priorities with those assembled.



Garlin Gilchrist II



Representative Tom Leonard



Dana Nessel

During the forum, the over 150 participants worked collaboratively in small and large group discussions, and identified common challenges, work underway, and concrete action items that will advance the field on twelve broad topics affecting youth and adults in our justice system, including:

JUVENILE JUSTICE

- Youth Justice Data Collection & Management
- Preventing Juvenile Justice Involvement
- Diverting Youth from the Juvenile Justice System
- Using Evidence-Based Practices with Justice Involved Youth
- Expanding Reentry & Aftercare for Youth Returning Home after Out-of-Home Placement

CRIMINAL JUSTICE

- Criminal Justice Data Collection & Reporting
- Community Policing
- Poverty & Confinement in Criminal Justice
- Reducing Lengths of Prison Stay
- Removing Post-Incarceration Barriers for Adults

Unsurprisingly, common themes emerged over the two days. Almost all of the participants spoke of needing to improve data collection; to create more diverse funding opportunities for research or project implementation; to include families and system-involved people in the decision-making process; and to break down silos among stakeholders by increasing opportunities for cross-system learning and partnership.

THE REPORTS

We have produced two companion reports, Co-Creating a Vision for Effective & Equitable Solutions for Justice-Involved Youth, and Co-Creating a Vision for Effective & Equitable Solutions for Justice-Involved Adults, that together contain the 12 issue briefs borne from the input of diverse leaders and experts in the fields of juvenile and criminal justice. Each topic includes specific, tangible ideas and resources for the next generation of policymakers. We hope they will serve as a blueprint for creating a non-partisan and comprehensive vision for fair and effective justice in Michigan.

Melanca Clark

President & CEO

Hudson-Webber Foundation

***Note on the Reports:** The action items identified in the Michigan Safety & Justice Roundtable Reports reflect consensus recommendations of conference participants. Consensus was not always unanimous and individual action items do not necessarily reflect the official positions or views of all conference attendees or sponsoring organizations.*

ENDNOTES:

¹Michigan Dept. of Corrections, *2016 Statistical Report* (2017).

²Wagner, P. & Sawyer, W., *Mass Incarceration: The Whole Pie*, Prison Policy Initiative (2018); Prison Policy Initiative, *Michigan Profile* (2018), available at <https://www.prisonpolicy.org/profiles/MI.html>.

³Bureau of Justice Statistics, Office of Justice Programs, U.S. Dept. of Justice, *Survey of State Criminal History Information Systems, 2012* (2014); Michigan State Police, *Michigan Incident Crime Reporting: 2017 Statewide Arrest Totals* (2018).

⁴U.S. News and World Report, *Best States, Corrections Rankings*, "Equality in Jailing" ranking, available at <https://www.usnews.com/news/best-states/rankings/crime-and-corrections/corrections>.

⁵Gov. John Engler (Aug. 2002). *Criminal Justice Report: Fighting Crime, Protecting Families*. Lansing, MI: State of Michigan Executive Office.

⁶Id.

⁷Staley, K. and Weemhoff, M., *Youth Behind Bars: Examining the impact of prosecuting and incarcerating kids in Michigan's criminal justice system*, Michigan Council on Crime and Delinquency (2014).

YOUTH DATA COLLECTION & MANAGEMENT

THE ISSUE:

At its core, the juvenile justice system is meant to rehabilitate and prevent youth from committing future harms. To measure impact, baseline data is needed to determine if Michigan's juvenile justice system is working; if prescribed rehabilitation is applied correctly; and if our juvenile system is preventing and not causing future harm, such as dropping out of school, exacerbating traumas, increasing substance use, or opening the door into the adult criminal system. Despite these needs, Michigan's decentralized juvenile justice system limits the ability to create statewide policies, procedures and sustainable funding needed to collect and analyze data and ensure equitable and effective treatment of youth.

The federal Juvenile Justice and Delinquency Prevention Act requires all states to track young people at various stages as they progress through the justice system.¹ The reporting must include foundational data like the total annual juvenile population; the population detained in youth facilities, jails and prisons; breakdowns of race, gender and age; number of youth charged as adults; and occurrences of sight and sound separation from adults. Federal resources are tied to the accurate reporting of these metrics.

CHALLENGES:

Missing data, inconsistent reporting, inadequate funding, and overall uncoordinated data management prevent a true understanding of the health and functionality of Michigan's juvenile justice system.

KNOWLEDGE AND REPORTING GAPS: It is currently impossible to know how many young people are in or have been affected by the state's juvenile justice system. Comprehensive data on key factors such as how many youth are incarcerated, on probation, diverted from formal system involvement, or arrested and released, are not uniformly tracked. Information on race, gender,

and offense type are collected only for formally adjudicated youth, not those diverted from the system, and some larger jurisdictions do not contribute to this aggregate dataset.² Information on placement of juveniles formally adjudicated is not compiled. Information on academic outcomes, recidivism and eventual workforce participation is completely missing. Case-specific data on services provided post-adjudication, or on outcomes from these services, are neither collected nor aggregated in any meaningful way. Furthermore, a child's possible jurisdiction under another court, or the child welfare system, is not routinely reported among youth service providers.

UNCOORDINATED DATA COLLECTION AND MANAGEMENT: Many of the gaps in juvenile justice data come from Michigan's piecemeal data collection and management systems. The state's 83 counties have substantial autonomy in their approach to delivering and tracking their juvenile justice services. Police, jails, courts, prosecutors, youth service providers, Michigan Department of Health and Human Services, schools, Michigan Department of Corrections—each have their own data collection process, and rarely do these various data systems interface with each other. Moreover, the frequent use of private agencies for placement or programming further limits the possibility of collecting data, as these institutions are rarely required to collect or report data.

When data is collected in silos, overlapping, duplicative or inefficient services may be provided and the opportunity for the system to truly rehabilitate can be lost. Numerous datasets and institutional points of input frequently lead to inconsistent definitions and understandings of data terms. Such variations in collection and oversight make for weakened data analysis and can lead to flawed conclusions about how well the system is working.

INADEQUATE FUNDING AND INCENTIVES TO CHANGE: Amending or implementing new data management systems is extremely costly. Courts and child-serving institutions generally have existing data systems, however the cost to transition to new systems is high. While some may be willing to amend their data collection process, funding for changes to data systems can be overlooked when budgets for basic services and staff are constantly at risk. The state can require local systems to amend their data collection efforts, but not without providing resources to cover additional costs at the county level. Any development of centralized data policies and procedures will involve significant cost and a concerted effort requiring increased trust and buy-in from all stakeholders.

WHAT'S UNDERWAY:

UNIVERSITY OF MICHIGAN CHILD AND ADOLESCENT DATA LAB: Through a variety of partnerships and data sharing agreements, The Data Lab has matched juvenile justice data from the Judicial Data Warehouse with child welfare data to determine the dual system involvement of adjudicated youth, and with arrest data to determine the extent to which these adjudicated juveniles reoffend as adults. Plans are underway to determine the educational outcomes of adjudicated youth as well. County-based partnerships are being developed to analyze their juvenile justice data in order to answer the county's questions about eventual long-term outcomes for youth who have been diverted from system involvement, and those who have been formally adjudicated.

JUVENILE JUSTICE VISION 20/20 DATA DICTIONARY & DATA SHARING PROJECT: JJ 20/20 has developed an extensive data dictionary through a consensus process with the juvenile courts. This will lead to more standardized data entry and will assist with eventual research and reporting on the status of juvenile justice in the counties and in the state.

RENEWAL OF EXECUTIVE ORDER CREATING THE MICHIGAN STATISTICAL ANALYSIS CENTER: Originally issued in 1993 as part of a federal requirement, Governor Snyder renewed this executive order creating the Statistical Analysis Center (SAC) at Michigan State University School of Criminal Justice. The SAC serves as an information center and repository for criminal and juvenile justice data, statistical reports and documents.

POTENTIAL ACTION ITEMS:

- **ESTABLISH STATEWIDE JUVENILE JUSTICE DATA POLICIES, PROCEDURES AND DATA REPOSITORY IN WHICH EVERY COUNTY PARTICIPATES**, so that it is possible to track individual and aggregate progression through the justice system to analyze decision points for equity, and outcomes for system efficacy.
- **DEVELOP STANDARD DEFINITIONS OF KEY DATA ELEMENTS WHERE NECESSARY TO ENABLE AGGREGATE DATA REPORTING.**
- **ENSURE THAT EVERY COUNTY HAS AMPLE RESOURCES, CAPACITY, AND INFRASTRUCTURE TO COLLECT AND ANALYZE DATA IN A WAY THAT PROMOTES OUTCOME-DRIVEN DECISION-MAKING AND TARGETED INVESTMENTS OF LIMITED RESOURCES.**



- **DESIGNATE A NEUTRAL STAKEHOLDER**, like the State Court Administrative Office, the Michigan Supreme Court, or the Michigan Committee on Juvenile Justice, to **LEAD A CONCERTED EFFORT TOWARDS A CENTRALIZED DATA SYSTEM**.
- **INCREASE TRAINING OPPORTUNITIES ON BEST PRACTICES FOR DATA COLLECTION AND ANALYSIS**.
- **CREATE OPPORTUNITIES TO SUPPORT DATA TECHNOLOGY IMPROVEMENTS** through private-public partnerships or social impact bonds.

FOR MORE INFORMATION:

University of Michigan Child and Adolescent Data Lab: <http://ssw-datalab.org>

Juvenile Justice Vision 20/20: <https://www.gvsu.edu/juvenilejusticevision2020>

OJJDP's Research Unit: <https://www.ojjdp.gov/research>

ENDNOTES:

¹Only states that participate in the Formula Grant program as authorized by Title II, Part B of the JJDP Act must track and report on their state's juvenile justice data. This includes Michigan. See the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention's compliance rules here: <http://www.ojjdp.gov/compliance>.

²79 out of 83 Michigan counties report their juvenile data to Michigan Judicial Information System (JIS). The non-reporting counties include: Berrien, Delta, Ingham, Kalamazoo, Ottawa and Washtenaw.

PREVENTING JUVENILE JUSTICE SYSTEM INVOLVEMENT

THE ISSUE:

Youth antisocial, criminal and violent behavior can be predictable and preventable. Research demonstrates that adverse childhood experiences (ACES) including: child welfare involvement, negative peer-relations, poor school achievement, psychological or physical health issues, negative social or family dynamics and environmental or economic risks all correlate with a child's likelihood of involvement with the justice system and experiencing or committing violence.¹ These factors tend to present early in a child's lifetime, sometimes well before adolescence or school age.²

Prevention efforts should therefore aim to reduce factors that place youth at risk for perpetrating crime and violence, and promote factors that protect youth at risk for these behaviors. Unfortunately, Michigan is nationally ranked 32nd in overall child-well being and last among midwest states, due to high economic risks among families, increased child welfare involvement, and poor school achievement.³ According to the 2018 Kids Count in Michigan Data Report:

- **ECONOMIC RISKS:** About 1 in 5 Michigan children live in poverty and 31% live in families without annual full-time employment. More than 2 in 5 (42%) children lived in families at 200% of the federal poverty level, or \$48,678 (two adults working a combined wage of \$23.40/hour) for a family of four.
- **CHILD WELFARE INVOLVEMENT:** The rate of children confirmed as victims of abuse or neglect increased by 30% from 2010 to 2016. Children of color are overrepresented in the child welfare system; over a quarter of confirmed victims are African-American children, who only make up 18% of the 0-17 population in Michigan.
- **POOR SCHOOL ACHIEVEMENT:** 55.9% of all third-graders are not proficient in English Language Arts and 7 in 10 students of color, compared to 48% of White students, are not proficient in the state's third-grade reading test; 65% of Michigan students are not career and college ready. Significant differences exist by race/ethnicity and family income, including 84% of economically disadvantaged students who do not meet the benchmarks.

Fortunately there is a robust evidence-base of proven and cost-effective prevention programs that have significantly lowered youth justice involvement and violence.⁴ These programs include elements such as incorporating positive youth development and other strength-based approaches to increase a youth's assets and resilience rather than weaknesses; engaging youth and their families in a culturally competent manner, increasing youth engagement by including young people as trainers, leaders or equal problem-solvers, and evaluating services to ensure they are meeting the program goals. Successful programming is also designed to calibrate services to the needs of youth served, and does not unnecessarily widen the net of social control.

CHALLENGES:

FUNDING IS LACKING FOR PREVENTION PROGRAMMING: The largest and most commonly used revenue source for all juvenile services comes from Michigan's County Child Care Fund (CCF), a 50-50 cost-sharing model between the county and the state. The CCF does not fund prevention services. It will support community-based programming that is "intended to provide early intervention services for youth who are within, or likely to come within the jurisdiction of the family court" but only after either a court petition has been filed or an abuse or neglect case has been opened.⁵ In turn, most prevention services are grant-funded or supported by county resources, but are at constant risk of closure due to budget cuts or financial hardships.

DATA ON THE USE OF PREVENTION IS MISSING: Lack of data and inconsistent use of evaluations leave Michigan counties unclear about whether prevention programs are actually working. There is no aggregate data on the types of programming used, frequency of use, or programmatic outcomes. If a jurisdiction has prevention programming, it is often not evaluated for success nor created from proven or evidence-based models.

LACK OF COORDINATION AMONG YOUTH-SERVING INSTITUTIONS AND AGENCIES: As the research shows, most of the youth in the justice system have already been served by other institutions, e.g. schools, child welfare, public health, courts, etc., prior to committing acts of violence or delinquent behavior. In other words, opportunities do exist to identify at-risk youth, but barriers exist to collaboration and partnerships across these systems.

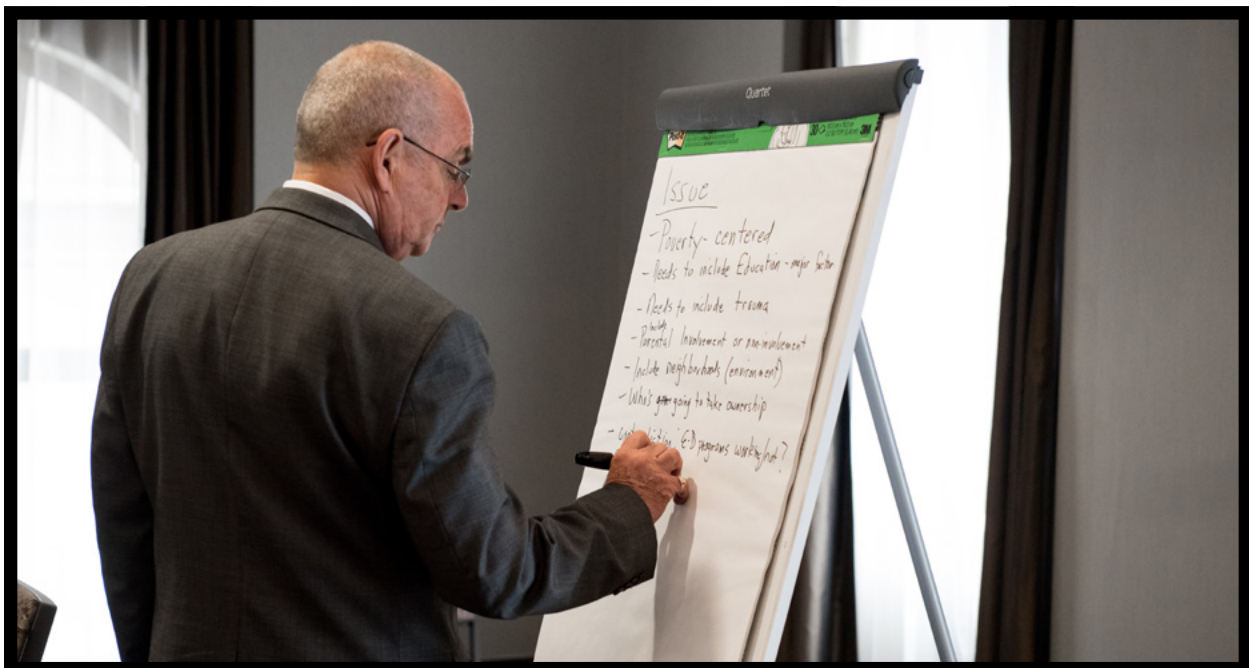
WHAT'S UNDERWAY:

MICHIGAN SCHOOL-JUSTICE PARTNERSHIP: The Michigan School-Justice Partnership project is a concerted, integrated and collaborative effort across the state to reduce school absenteeism, increase graduation rates, and reduce school suspensions, expulsions and juvenile arrests.

RECENT POLICY CHANGES: Recent legislation limits zero-tolerance policies on expulsion and long-term suspension by allowing local school boards to have more discretion when making decisions on punitive actions for students, and to consider a student's age, developmental disabilities or intent when deciding on punishment. Legislation also increases access to mediation and restorative services in public schools.⁶

MICHIGAN YOUTH VIOLENCE PREVENTION CENTER: The Michigan Youth Violence Prevention Center (MI-YVPC), based at the University of Michigan School of Public Health, is one of six National Centers of Excellence in Youth Violence Prevention funded by the Centers for Disease Control and Prevention. MI-YVPC partners with universities, economic development organizations, health departments, hospitals, police departments and community-based organizations to implement and evaluate strategies to prevent youth violence.

DETROIT YOUTH EMPLOYMENT CONSORTIUM: A private-public partnership dedicated to advancing Detroit youth's educational and career development through increased quality and access to employment opportunities.



POTENTIAL ACTION ITEMS:

- **INCREASE CAPACITY AND PARTNERSHIPS TO STREAMLINE DELIVERY OF PREVENTION AND EARLY INTERVENTION SERVICES.** Coordination across systems must be increased so youth and families who are served in multiple systems can access appropriate resources. Areas with the most successful juvenile justice programs have effectively shared data, collaborated on services with multiple private and public community partners, including child welfare, community mental health, substance abuse services, schools, businesses, and faith communities.
- **INCREASE FUNDING OPPORTUNITIES FOR PREVENTION PROGRAMMING** by amending the County Child Care Fund to include prevention services, focus on public-private partnerships, and blend public funding across child and family serving institutions.
- **ADOPT AND SUPPORT PREVENTION PROGRAMS AND EDUCATION POLICIES THAT INCORPORATE POSITIVE YOUTH DEVELOPMENT** and other strength-based approaches to increase all youth's assets and resilience rather than weaknesses. Building a strong foundation of positive relationships, opportunities, skills, perspectives, and attitudes can lead to a lower chance of engaging in risk-taking behavior and ultimately counterbalance other predictive indicators for entering the justice system.
- **INCREASE YOUTH ENGAGEMENT BY INCLUDING THEM AS TRAINERS, LEADERS OR EQUAL PROBLEM-SOLVERS.** Often it is the peer voice that can best influence youth at risk of entering the justice system.
- **SUPPORT TRAINING OF ALL STAKEHOLDERS WHO ENGAGE WITH YOUTH,** especially educators, child welfare and behavioral health case workers, law enforcement and school resource officers, and justice professionals, on topics such as youth development, cultural competency across race, ethnicity, and sexual orientation, implicit bias, behavioral health symptoms, de-escalation techniques, and restorative practices.
- **FOCUS ON POLICY CHANGES THAT REDUCE POVERTY, INCREASE FAMILY STABILITY AND SAFETY, AND PROMOTE POSITIVE EDUCATIONAL AND SKILL-BUILDING OPPORTUNITIES FOR YOUNG PEOPLE.** This could range from supporting policies like the Earned Income Tax Credit or minimum wage raises, to providing resources for childcare and public preschool, or limiting truancy and chronic absenteeism in schools.
- **DEVELOP NEW OR BROADEN EXISTING MULTI-SECTOR STAKEHOLDER GROUPS,** like the Michigan School Justice Partnership or the Michigan Committee on Juvenile Justice, to oversee the creation and implementation of prevention policies and programming.

FOR MORE INFORMATION:

Kids Count in Michigan: <http://mlpp.org/kids-count>

Michigan School-Justice Partnership: <http://www.school2prison.com>

The Search Institute: www.search-institute.org

Youth Violence Prevention, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention: <http://www.cdc.gov/violenceprevention/youthviolence/index.html>

Youth.gov, Positive Youth Development: <http://youth.gov/youth-topics/positive-youth-development>

SAMHSA Youth Prevention Programs: www.samhsa.gov/prevention/publications-resources

ENDNOTES:

¹See generally Lipsey MW, Derzon JH, *Predictors of Violent and Serious Delinquency in Adolescence and Early Adulthood: a Synthesis of Longitudinal Research* In: Loeber R, Farrington D.P. (Eds.), *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, Sage Publications, pp. 86-105 (1998); Resnick MD, Ireland M, Borowsky I, *Youth Violence Perpetration: What Protects? What Predicts? Findings from the National Longitudinal Study of Adolescent Health*, *Journal of Adolescent Health*; 35:424 (2004); Dubow, EF, Huesmann, LR, Boxer, P, Smith, C. *Childhood and Adolescent Risk and Protective Factors for Violence in Adulthood*, *Journal of Criminal Justice*; 45, 26-31 (2016); David-Ferdon, C., Vivolo-Kantor, A. M., Dahlberg, L. L., Marshall, K. J., Rainford, N. & Hall, J. E., *A Comprehensive Technical Package for the Prevention of Youth Violence and Associated Risk Behaviors*, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (2016).

²*A Comprehensive Technical Package* (2016).

³Guevara Warren, A. S., *Kids Count in Michigan Data Book: A Michigan Where All Kids Thrive*. Revised, Michigan League for Public Policy (2018).

⁴Washington State Institute for Public Policy, *Benefit-Cost Results* (2016). Retrieved from <http://www.wsipp.wa.gov/BenefitCost>; See also, Kingston, B. et al., *Constructing “Packages” of Evidence-Based Programs to Prevent Youth Violence: Processes and Illustrative Examples From the CDC’s Youth Violence Prevention Centers* 37 J PRIM PREV. 144 (2016).

⁵MCL 400.117a(4).

⁶Mich. PA 360 2016.

DIVERTING YOUTH FROM TRADITIONAL JUSTICE SYSTEM INVOLVEMENT

THE ISSUE:

As part of their normal development, young people experience rapid physical, emotional and psychosocial changes during their teenage years. During this time youth are likely to participate in risky, impulsive and sometimes illegal behavior—more than at any other point in their lives. This period of growth also means that young people are highly amenable to change, can learn resilience, and can rehabilitate away from poor choices if given services or treatment to address their needs. In addition, the majority of all youth outgrow problem behaviors and do not engage in criminal activities as adults.¹

Nonetheless approximately 13,000 Michigan youth are arrested each year; 90% for non-violent offenses.² Status offenses, behaviors that would not be considered criminal for adults but are chargeable delinquency offenses for youth, (e.g. skipping school, running away, underage drinking, violating curfew or incorrigibility) are not included in this already large number due to non-aggregate data collection. However, these offenses nationally make up about 1 in 11 of overall youth arrests and are particularly common among girls, youth of color, and lesbian, gay, bisexual, transgender, and gender non-conforming kids.³

Unfortunately, exposing young people to the justice system, especially for minor offenses or youthful misbehaviors, increases rather than deters future offending.⁴ Research shows that having even one arrest before age 18 greatly increases a likelihood of subsequent justice involvement.⁵ Further, youth with juvenile court involvement have been proven to be twice as likely to have an adult criminal record.⁶

With this research in mind, almost all communities are embracing some types of diversion programs⁷ that redirect youth away from formal justice involvement, while still holding them accountable for their actions. Age-appropriate and cost effective diversion programs, including mentoring, mediation, or community service allow youth opportunities to understand and accept responsibility for their actions; help them repair harm to victims and the community without formal court involvement; and

grow rather than stunt their development, expose them to trauma, or burden them with a criminal record. Such diversion programs are proven to work for youth charged with both violent and non-violent offenses. They also help eliminate the stigma or negative self-identity like “offender” or “delinquent” during a period of important youth development. When used appropriately, diversion programs also allow juvenile courts and other service providers to target their limited resources toward youth that require more intensive interventions.

CHALLENGES:

MICHIGAN INCENTIVIZES DIVERSION PROGRAMMING ONLY AFTER A COURT PETITION IS FILED. Research shows that the speed in which a youth begins diversion programming helps to reduce recidivism; delays in treatment likely result in the program losing its effectiveness.⁸ Nonetheless, 90% of all Michigan diversion programs begin after a court petition has been filed, and almost all are managed by the court.⁹ In other words, the majority of youth are not offered diversion until they are arrested or detained by the police, referred to the court, petitioned, and in some cases already standing before a judge.

FUNDING FOR DIVERSION PROGRAMMING IS SCARCE. The largest and most commonly used revenue source for all juvenile programs comes from Michigan’s County Child Care Fund (CCF), a 50-50 cost-sharing model between the county and the state. Court-run diversion programs are eligible for CCF reimbursement, but only if a petition is filed or authorized by the court.¹⁰ CCF regulations only permit funding to court or local MDHHS offices. The CCF is prohibited from funding to police, schools, or other community partners but they are allowed to operate diversion programs under Michigan’s Juvenile Diversion Act.¹¹

Unsurprisingly, only about 10% of Michigan’s diversion programs are managed by schools, community-based organizations, or law enforcement agencies that accept direct referrals before petitioning.¹² These are privately-funded or supported by county resources, but are at constant risk of closure due to budget cuts and little sustainable state funding. Often it can be difficult to show high returns on investment or to prove a program works, making it easy to cut during financial hardships.

DIVERSION IS GENERALLY ONLY OFFERED TO YOUTH WITH A FIRST-TIME, LOW-LEVEL OFFENSE. Eighty-three percent of Michigan diversion programs limit eligibility to youth who are first-time offenders, typically charged with low-level misdemeanors. In 17% of Michigan programs, youth can only participate if they have committed specific offenses, such as truancy, substance abuse, and misdemeanor retail fraud or other low-level property crimes.¹³

MICHIGAN PROVIDES INCONSISTENT DIVERSION SERVICES ACROSS COUNTY LINES, DESPITE YOUTH HAVING SIMILAR NEEDS. Almost two-thirds of the county juvenile courts use consent calendar¹⁴ as a primary method of diversion and, for many smaller counties, it is often the only diversion option available to youth. Thirty-six counties offer more than one diversion program; six of these counties operate three or more programs.¹⁵

LACK OF DATA AND INCONSISTENT USE OF EVALUATIONS LEAVE MICHIGAN COUNTIES UNCLEAR ABOUT WHETHER DIVERSION PROGRAMS ARE ACTUALLY WORKING. There is no aggregate data on offense types used for diversion, frequency of use, or programmatic outcomes. Only 18% of Michigan diversion providers complete outcome evaluations. Among those evaluated, the majority report high rates of successful program completion, with less than a 20% re-offense rate within one year of program participation.¹⁶

WHAT'S UNDERWAY:

KALAMAZOO POLICE BEHAVIORAL HEALTH PARTNERSHIP (CIT-Y): Since 2008, the Kalamazoo Police Department (KPD) has trained hundreds of officers in Crisis Intervention Training (CIT), a 40-hour program preparing officers to identify mental health and substance use conditions that may manifest as delinquent behaviors. Officers learn how to de-escalate situations, and refer individuals to appropriate community-based services. In 2015, KPD trained 90 officers in CIT for Youth, an additional 8-hour module that emphasizes how adolescent development impacts behavior.

BENZIE/MANISTEE COUNTIES POINTS-BASED CONSENT CALENDAR: The points-based consent calendar model¹⁷ serves as an alternative to formal court involvement for youth who have admitted responsibility for offenses such as underage drinking, truancy, or certain other misdemeanors. Rather than a typical probation model, the consent calendar encourages input from the youth and family to design a treatment plan and agree on a contract that meets their goals. Youth are awarded higher points for activities within the plan to support positive youth development and skill-building. Additional points are awarded for maintaining regular school attendance, abiding by an established curfew, and completing an apology letter to the victim(s). Once the youth scores 100 points, she/he has successfully completed the terms of the consent calendar contract and the case is dismissed without a formal court record.

MUSKEGON'S S.T.A.Y. (SUCCESS TEAM ASSISTING YOUTH) PROGRAM: S.T.A.Y. serves students in the Muskegon area who have been suspended or expelled due to school disciplinary issues. Upon referral, team members from Mediation & Restorative Services, Muskegon Area Intermediate School District, Muskegon County Family Court, and the Muskegon County Prosecutor's Office collaborate with students and their families to develop an individualized action plan to help students accept responsibility for their actions and recognize how those actions may have harmed themselves and others. Upon successful completion, the student is diverted from possible justice system involvement and the suspension/expulsion may be reduced or eliminated.

INGHAM COUNTY TEEN COURT: The Ingham Teen Court allows youth charged with first-time misdemeanors, as well as local students facing suspension/expulsion, to have their cases heard before a jury of their peers, rather than face formal court involvement. Student volunteers from local area high schools are trained to perform the duties of a peer jurist and cases are presided over by an Ingham County judicial officer, attorney or a professor from Cooley Law School. The Teen Court program is voluntary, confidential, and requires that the youth admit responsibility for his/her actions and complete individual sanctions given by the teen court volunteers. Upon completion, the youth's court petition is dismissed, or the term of school suspension/ expulsion is reduced.

WAYNE COUNTY PROSECUTOR'S OFFICE, RIGHT TRAC: The Right TRAC (Taking Responsibility and Accepting Consequences) program is a post-petition alternative to traditional juvenile court adjudication for first-time, low-risk youth. Upon referral, the Juvenile Assessment Center (JAC) assesses the youth and their caregivers to identify needs, create service plans, screen for mental health, substance abuse and potential physical health concerns, and then monitors the youth's participation in services and tracks program outcomes. Youth and their families are referred to a Youth Assistance Program located in their zip code for treatment and services, such as academic tutoring services, aggression replacement training, anti-bullying, substance abuse education, trauma counseling, mentoring, shoplifting prevention programming and community mental health services. Upon successful program completion, a youth's case is dismissed.

POTENTIAL ACTION ITEMS:

- **INCREASE AVAILABILITY AND CAPACITY TO TRAIN LAW ENFORCEMENT PROFESSIONALS TO DE-ESCALATE PROBLEM BEHAVIORS** before arrest is necessary through a trauma-informed lens. This could include implementing early risk and need assessments or programs like CIT-Youth; Behavioral Health Court Diversion; and Youth Mental Health First Aid training.

- **AMEND THE MICHIGAN JUVENILE DIVERSION ACT TO SPECIFICALLY DEFINE PRE-ARREST AND PRE-PETITION DIVERSION AND REQUIRE CONSISTENT DIVERSION OPTIONS IN EVERY JURISDICTION.**
- **INCREASE ACCESS TO DIVERSE FUNDING OPTIONS THROUGH PUBLIC-PRIVATE PARTNERSHIPS AND BY AMENDING THE CCF REGULATIONS** to include funding for pre-arrest or pre-petition diversion programs.
- **CONSIDER DIVERSION OPTIONS FOR EVERY YOUTH**, regardless of offense, history or personal characteristics.
- **IMPOSE CIVIL INFRACTIONS FOR SOME OFFENSES RATHER THAN DELINQUENT OR CRIMINAL CHARGES.**
- **BUILD CAPACITY AND ENGAGEMENT WITH YOUTH PEERS AND PARENTS TO ENSURE LASTING DIVERSION SUCCESS.**
- **UTILIZE LESSONS LEARNED FROM ADULT CRIMINAL JUSTICE DIVERSION PROGRAMMING**, including the use of Sequential Intercept Mapping.

FOR MORE INFORMATION:

Michigan Juvenile Diversion Act: MCL 722.821 - 722.831

Michigan Council on Crime and Delinquency (2017). Restoring Kids; Transforming Communities: Enhancing Michigan's Approach to Juvenile Diversion: www.miccd.org/publications-media

Vera Institute (2017). Just Kids: When Misbehaving is a Crime:
<https://www.vera.org/when-misbehaving-is-a-crime>

Models for Change (2011). Juvenile Diversion Guidebook: <http://modelsforchange.net/publications/301>

Mackinac Center on Public Policy, Criminal Justice Initiative

National League of Cities (2017). Alternatives for Arrest for Young People:
<https://www.nlc.org/resource/alternatives-to-arrest-for-young-people>



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¹See Steinberg, L., *A Social Neuroscience Perspective on Adolescent Risk-Taking*, *Developmental Review*: DR, 28(1), 78–106 (2008); Johnson, L. M., Simons, R. L., & Conger, R. D., *Criminal Justice System Involvement and Continuity of Youth Crime: A Longitudinal Analysis*, *Youth & Society*, 36, 3-29 (2004); Sampson, R. J., & Laub, J. H., *Crime and Deviance in the Life Course*, In A. Piquero & P. Mazerolle (Eds.), *Life-Course Criminology: Contemporary and Classic Readings* (pp. 21-42) (2001).

²Public Policy Associates, Inc., *Michigan's Statewide Juvenile Arrest Analysis Report, Volume One: 2008-2013* Prepared for the Michigan Department of Health and Human Services and the Michigan Committee on Juvenile Justice (2015); Michigan Department of Health and Human Services, *Juvenile Justice Programs and the Michigan Committee on Juvenile Justice* (2015).

³Thockenberry, S. and Puzzanchera, C., *Juvenile Court Statistics 2011*, U.S. Department of Justice, National Center for Juvenile Justice and Office of Juvenile Justice (2015).

⁴Mulvey, E., *Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders*, *OJJDP Juvenile Justice Fact Sheet*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (2011).

⁵Lieberman, A., Kirk, D. and Kim, K. *Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning*. *Criminology* 52: 345–70 (2014).

⁶Gatti, U., Petittler, A., Tremblay, R.E., and Vitaro, F., *Effects of Juvenile Court Exposure on Crime in Young Adulthood*, *The Journal of Child Psychology and Psychiatry* 54, no. 3, 291-297 (2013).

⁷While there can be some overlap, diversion programs are different than prevention programs. Prevention focuses on keeping delinquent behavior from happening in the first place by intervening early for youth at-risk of justice system involvement; diversion programs target youth who have already committed an offense.

⁸Hamilton, Z.K., Sullivan, C.J., Veysey, B.M., and Grillo, M., *Diverting Multi-Problem Youth from Juvenile Justice: Investigating the Importance of Community Influence on Placement and Recidivism*. *Behavioral Sciences and the Law*, 25 (2007) 137-158.

⁹Michigan Council on Crime and Delinquency, *Restoring Kids; Transforming Communities: Enhancing Michigan's Approach to Juvenile Diversion* (2017).

¹⁰MCL 400.117a(4).

¹¹MCL 722.823; MCL 400.117a(4).

¹²*Restoring Kids; Transforming Communities* (2017).

¹³*Id.*

¹⁴A common practice Michigan, consent calendars are informal juvenile court dockets where a case may resolved without a formal disposition. Mich. P. A. 185 of 2016.

¹⁵*Restoring Kids; Transforming Communities* (2017).

¹⁶*Id.*

¹⁷All juvenile courts have some type of consent calendar or consent docket; however, not all courts manage this diversion option the same way.

USING EVIDENCE-BASED PRACTICES TO REDUCE DELINQUENCY

THE ISSUE:

Evidence-based practices are those shown, through rigorous evaluation and replication, to be effective at preventing and reducing juvenile delinquency or victimization, and related risk factors. All efforts to serve youth in the justice system should be informed by the field's expansive knowledge-base of effective, proven and promising practices. Such an approach can lead to cost savings, build credibility with stakeholders and help achieve positive outcomes for youth, families, staff and communities. While there are many evidence-based and evidence-informed practices, foundational elements include:

- Using an objective validated and normed, risk and needs assessment instrument to determine risk factors and criminogenic needs of clients.¹
- Developing an individualized case plan that effectively matches services based on risk level, needs, protective factors, and responsivity considerations.²
- Focusing services on moderate to high-risk youth and expedite diversion and case closures for low-risk youth.³
- Including the youth and family in the case planning process and ensuring the plan is strength-based, gender responsive, and culturally competent.⁴
- Offering evidence-based programs in the community that are designed and implemented based on research.⁵
- Using positive reinforcements and graduated interventions to help motivate behavior change.⁶
- Measuring program effectiveness and adjusting services as needed.⁷
- Measuring short and long-term program outcomes to determine efficacy and cost-effectiveness

CHALLENGES:

STRONG IN RESEARCH, LIMITED IN PRACTICE. There is general agreement concerning what works and what does not work in reducing delinquent behavior. Nonetheless, national reports show less than 10% of youth in the justice system are afforded evidence-based community services. The reasons include the general difficulties in system change, such as limited funding, training, and buy-in to change the status quo, and/or a disbelief of the evidence by the general public, practitioners, and political and policymaking venues.⁸ Rural areas are especially affected, as low-population areas often have little to entice highly trained providers to join their program teams, despite rural youth having needs equal to youth in urban or suburban areas.⁹

SCARCE FUNDING FOR EVIDENCE-BASED PROGRAMMING. The County Child Care Fund (CCF) is the primary source of funding for all juvenile justice services in Michigan. It funds both community-based and out-of-home placement services, but does not require the use of evidence-based practices. Accessing the CCF requires up-front investment by the county to purchase the service then seek reimbursement. Because of the reimbursement model, some jurisdictions cannot afford the upfront investment to start new community-based programs, train staff on effective practices, or evaluate existing programs.

LACKING OVERSIGHT OF THE USE OF EVIDENCE-BASED PRACTICES. There is little if any statewide oversight of juvenile justice practices due to Michigan's decentralized and county-based system. In fact, some of the CCF provisions are not aligned with what research says works. For example, risk and needs assessments are given inconsistently, inappropriately, or sometimes not at all for youth entering the system. Diversion programming is available for CCF funding only after a court petition is filed and a youth has come in contact with the formal justice system. This can create a net-widening effect where youth are prescribed more services than needed and may increase delinquency.

CHANGE NEEDED TO REDUCE STAFF TURNOVER AND INCREASE BUY-IN. Frequent and effective training and buy-in are key to ensuring sustainable use of evidence-based practices among the staff and practitioners of youth-serving agencies and institutions. But, turnover and burnout are unsurprisingly common among juvenile justice practitioners and staff due to the high-stress nature of the job. Local systems are often reluctant to set aside resources for training new staff until they stay for a certain length of time, allowing frontline staff to work without adequate knowledge of how to effectively interact with system-involved youth. Additionally, seasoned staff can be uncomfortable with new evidence-based strategies or innovations, lowering the chance to implement any changes.

WHAT'S UNDERWAY:

WAYNE COUNTY'S CARE MANAGEMENT ORGANIZATIONS AND JUVENILE ASSESSMENT CENTER uses a community-based approach that emphasizes diversion and home-based interventions, and reserves confinement of youth to secure institutions for only the most serious, high-risk youth. Wayne County operates a contract-based system that allows for a single point of intake and assessment through its Juvenile Assessment Center, which is the hub of a network that includes five privatized care management organizations. Wayne County also contracts with private, community-based organizations to provide services that assist youth in averting contact with the formal court system, as well as preventing at-risk youth from entering the formal justice system after an initial point of contact. Since taking over the system in 2000, Wayne County saw the rate of recidivism for its adjudicated youth drop from a high of 56% in 1999 to 11% in 2016, while cutting out-of-home placements for youth by half.

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN-HOME COMMUNITY CARE GRANTS: In Fiscal Years 2014-2016, the Michigan Legislature dedicated MDHHS funding to launch the In-Home Community Care Grants, with the goal of expanding evidence-based community juvenile justice programs in rural counties. Eleven pilot sites across the state were selected in the counties of Leelanau, Marquette, Van Buren, Grand Traverse, Cass, Lake, Otsego, Presque Isle, Shiawassee, and regional pilots in Benzie and Manistee and Gratiot, Isabella and Montcalm. Each pilot was designed to improve services to youth while reducing detention and out-of-home placement and associated costs using evidence-based or evidence-informed programs.

WAYNE COUNTY SECOND CHANCE REENTRY (WC-SCR): Funded by OJJDP's Second Chance Act Juvenile Reentry resources, the newly evaluated program was designed to significantly enhance existing reentry services for the region's adolescent offenders and to leverage local partnerships to improve reentry planning. It is now considered an evidence-informed promising practice program and is underway at all secure Spectrum Juvenile Justice facilities in Wayne County.

POTENTIAL ACTION ITEMS:

- **INCREASE ACCESS TO SUSTAINABLE AND CONSISTENT FUNDING FOR TREATMENT OR SERVICES THAT ARE DEVELOPMENTALLY-APPROPRIATE, TRAUMA-INFORMED, REHABILITATIVE IN NATURE, AND BASED IN THE COMMUNITY.**
- **CONDUCT DATA-DRIVEN NEEDS ASSESSMENTS OF LOCAL JUVENILE SYSTEMS** to understand gaps in evidence-based programming and aid in developing cross-system continuums of care.
- **PROVIDE SUPPORT FOR CONSISTENT, RIGOROUS PROGRAM EVALUATION AND OUTCOMES REPORTING ACROSS THE SYSTEM OF CARE.**
- **BUILD COLLABORATIVE PARTNERSHIPS AMONG ALL PUBLIC AND PRIVATE STAKEHOLDERS**, representing all youth-serving sectors and regions of the state, to advocate for unifying juvenile justice policies, share information and best-practices, and oversee the implementation of changes in the field.
- **DEVELOP COMMON AND COMPREHENSIVE, DEFINITIONS OF OUTCOMES, PERFORMANCE-BASED MEASUREMENTS, AND ASSESSMENT TOOLS THAT ARE CONSISTENTLY USED IN ALL JURISDICTIONS.**
- **SUPPORT STAFF RETENTION AND BUY-IN** by requiring and providing continual training on implementing and evaluating evidence-based practices; creating partnerships with colleges and universities to build internships and educational networks for job-growth; and improve structural sustainability by modeling other successful programs like the Veteran Service Officer training program.



FOR MORE INFORMATION:

Models for Change, Evidence-Based Practice:

<http://www.modelsforchange.net/reform-areas/evidence-based-practices/index.html>

OJJDP Model Programs Guide: www.ojjdp.gov/mpg

National Center for Mental Health and Juvenile Justice: www.ncmhjj.com/topics/evidence-based-practices

National Research Council. (2013). Reforming Juvenile Justice: A Developmental Approach. Washington, DC: The National Academies Press: <https://doi.org/10.17226/14685>

Lipsey, M.W., Howell, J.C., Kelly, M.R., Chapman, G., Carver, D. (2010). Improving the effectiveness of juvenile justice programs: A new perspective on evidence-based practice. Washington D.C.: Center for Juvenile Justice Reform, Georgetown University: https://cjjr.georgetown.edu/wp-content/uploads/2015/03/ImprovingEffectiveness_December2010.pdf

Michigan Council on Crime and Delinquency (2013). Community Solutions Toolkit and Resource Guide: <https://www.miccd.org/publications-media>

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¹Gottfredson, S. D., and L. J. Moriarty, *Clinical Versus Actuarial Judgment in Criminal Justice Decisions: Should One Replace the Other?*, Federal Probation 70(2): 15-18 (2006); Perrault, R. T., Paiva-Salisbury, M., & Vincent, G. M., *Probation Officers' Perceptions of Youths' Risk of Reoffending and Use of Risk Assessment in Case Management*, Behavioral Sciences & the Law, 30(4), 487-505 (2012).

²Andrews, D.A., and Dowden, C., *The Risk-Need-Responsivity Model of Assessment in Human Service and Prevention and Corrections: Crime Prevention Jurisprudence*, Canadian Journal of Criminology and Criminal Justice, 49(4): 439-464 (2006).

³Center on Juvenile and Criminal Justice, *Widening the Net in Juvenile Justice and the Dangers of Prevention and Early Intervention*, (2001); Lowenkamp, C.T., Latessa, E.J. and Holsinger, A.M., *The Risk Principle in Action. What Have We Learned from 13,676 Offenders and 97 Correctional Programs?* Crime and Delinquency, 52: 77-93 (2006).

⁴Pennell, J., Shapiro, C., and Spigner, C., *Safety, Fairness, Stability: Repositioning Juvenile Justice and Child Welfare to Engage Families and Communities*, Center for Juvenile Justice Reform, Georgetown University (2011).

⁵Williams-Taylor, L., *Research Review, Evidence-Based Programs and Practices: What Does it All Mean?*, Children's Services Council of Palm Beach County (2007); Andrews, D.A. and Bonta, J., *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*, Public Safety Canada (2007).

⁶Krisberg, B., & Howell, J. C., *The Impact of the Juvenile Justice System and Prospects for Graduated Sanctions in a Comprehensive Strategy*, In Loeber, R. & Farrington, D. P. (Eds), *Serious & Violent Juvenile Offenders: Risk Factors and Successful Interventions* (pp. 346-366) (1998).

⁷Lowenkamp, C.T., Latessa, E.J. and Holsinger, A.M., *The Risk Principle in Action. What Have We Learned from 13,676 Offenders and 97 Correctional Programs?*, Crime and Delinquency, 52: 77-93 (2006).

⁸Phillipi, S., & DePrato, D., *Innovation Brief: Model for Effective Implementation of Evidence-Based Practices*, Models for Change: Systems Reform in Juvenile Justice (2013).

⁹Michigan Council on Crime and Delinquency, *In-Home Community Care Grants: Lessons Learned* (2016).

EXPANDING COMMUNITY-BASED CARE FOR JUSTICE-INVOLVED YOUTH

THE ISSUE:

Research shows the programs that most effectively reduce recidivism and promote positive life outcomes for youth are those administered in the community, with the support of a young person's family and broader social environment.¹ Conversely, programs focusing on deterrence via surveillance and control like confinement and intensive probation and boot camps, have been shown in many cases to increase delinquency rates.²

National data illustrates that the majority of states are reducing the number of youth in residential placement and secure detention.³ Instead, jurisdictions are opting to implement community-based programs because they cost less, reduce reoffending, and improve youth and family well-being.

Michigan is 6th highest in the nation for confining youth in public, private, and adult facilities.⁴ Many of these young people present with histories of trauma, have been served by the child welfare or mental health systems, have had troubles in school, and are disproportionately youth of color.⁵ Michigan also remains one of only four remaining states that automatically consider 17-year-olds adults, putting young people at a greater risk of being confined if caught in the justice system.

Although there is still work to do, it's important to note that over the last decade, youth in Michigan's juvenile justice system are increasingly being treated closer to home and in less restrictive environments. Since the height of the tough on crime era, Michigan has closed eleven public youth facilities, decreased youth placement by thousands, and begun embracing the use of community-based programs at the local level.⁶

CHALLENGES:

LIMITED INCENTIVES AND INFRASTRUCTURE TO EXPAND COMMUNITY-BASED SERVICES. One main funding source, the County Child Care Fund (CCF), pays for all juvenile community-based services in Michigan. Accessing the CCF requires up-front investment by the county to pay for the service before seeking reimbursement. As a result, counties with limited upfront local funding have more trouble than wealthier counties when using this key resource. Other funding sources do exist, like Medicaid or private or local grant dollars; however these sources are not generally long-term and often come with complex rules prohibiting how the money can be spent.⁷

While the goal of the CCF is to “ensure funding for programs that provide services aimed at keeping children in their homes,” counties accessing the CCF are not required nor incentivized to use community-based services.⁸ In fact, nothing prohibits a jurisdiction from relying primarily upon out-of-home placement as the local form of rehabilitating for their youth, and some do. And, due to the decentralized nature of Michigan’s juvenile justice system, local systems have complete autonomy to pick and choose any program, regardless of that program’s record of success. For this reason, Michigan youth have differential access to community-based programming depending on where they live.

COST SAVINGS FROM FACILITY CLOSURES ARE NOT NECESSARILY REINVESTED.

A number of states, including Ohio, Pennsylvania and New York, have through their budget appropriations processes allocated savings realized from the closure of youth detention facilities directly into services that serve youth in the community.⁹ Michigan has recently closed a handful of publicly-operated facilities, but its statewide juvenile justice budget has not increased. Similarly at the county level, various locally-run detention facilities have also closed in the past few years, but there is no way to track nor require those dollars to be reinvested back into the county juvenile programming.

RACIAL AND OTHER DISPARITIES IN OUT-OF-HOME PLACEMENTS PERSIST.

Michigan is currently home to two public and over 50 private youth facilities, ranging from large and secure to small and open. A recent study of Michigan youth in residential placement found: almost two-thirds were youth of color, despite being only one-fifth of the statewide population; over 78% experienced at least one out-of-school suspension; 23% self-reported previous head injuries; and on average, youth were 12.6 years of age at the time of their first arrest; and most had experienced more than five prior out-of-home placements.¹⁰

YOUTH FREQUENTLY LACK QUALIFIED ATTORNEYS. Like adults, children have a constitutional right to an attorney.¹¹ Having a juvenile defender present during court proceedings can be paramount to ensuring that a youth receives the least restrictive disposition possible. Yet, juvenile defenders in Michigan are often under-trained, unqualified, or simply non-existent during delinquency proceedings in many jurisdictions due to waiver of counsel.¹²

EDUCATION AND AWARENESS ABOUT COMMUNITY-BASED PROGRAMMING IS SCARCE. All jurisdictions offer some type of community-based alternative to incarceration for their youth in the juvenile justice system. Some communities have prioritized these programs over detention and have seen positive outcomes like lower recidivism and lower caseloads. However, these counties can find it hard to protect such programs in the face of budget shortfalls or changes in local priorities, even when they have produced good results. Starting new services, enhancing or evaluating those that currently exist, or even training new staff, can be costly upfront investments and are difficult to support without buy-in from local stakeholders on the benefits of these services. Increasing education and awareness on the use and best-practices of community-based programming can offset concerns and help protect the services, but there are limited training opportunities that include all stakeholders, i.e. the judiciary, law enforcement, youth defenders, policymakers, as well as juvenile justice program staff and practitioners.

WHAT'S UNDERWAY:

MICHIGAN'S JUVENILE JUSTICE INITIATIVE (MJJI): Awarded by the OJJDP in FY 2016 as part of their “Smart on Juvenile Justice: Reducing Out-of-Home Placement Program”, the MJJI is a collaborative effort between the public sector (Michigan Department of Health and Human Services, local juvenile courts) and the private sector (Michigan Council on Crime and Delinquency, Public Policy Associates) to develop a statewide, county-based model which highlights existing county-based models that are prioritizing community-based programming; identify and leverage multi-system funding to advance these models in large/urban, mid-size, and small/rural counties; delineate the respective roles of the state and counties in sustaining community-based models; and serve as a network and resource hub for sharing and learning from colleagues and experts in the field.

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN-HOME COMMUNITY CARE GRANTS: The IHCC Grants provided a series of state-based grants to rural areas for implementing new or enhancing existing evidence-based community programs aimed at youth who would otherwise be placed out of home. While recently defunded by the state legislature, about fifteen counties participated in this grant and integrated most of these services into their local juvenile systems.

WAYNE COUNTY'S CARE MANAGEMENT ORGANIZATIONS AND JUVENILE ASSESSMENT CENTER: The county uses a community-based approach administered through its contracted Care Management Organizations and the Juvenile Assessment Center, that emphasizes diversion and home-based interventions and reserves confinement of youth to secure institutions for only the most serious, high risk offenders. Since overhauling their county system, in 2000, Wayne County saw the rate of recidivism of its adjudicated youth drop from a high of 56% in 1999 to 11% in 2016, while cutting out-of-home placements for youth by half.¹³

YOUTH IN PRISON BILL PACKAGE: proposed legislation to raise the age of juvenile jurisdiction from 17 to 18 years-old and prohibit the use of adult jails and prisons for youth charged as adults.

JUVENILE COMMUNITY JUSTICE PROGRAM: This program is an effective strategy to reduce placing juveniles in residential treatment. In the first year, it reduced residential placements from 62 to 12 juveniles through establishing a wide array of local community-based services.

COMMUNITY-BASED SCHOOLS: Some juvenile courts have addressed the school-to-prison pipeline by establishing a court/community-based school and contracting for the educational instruction through the local school district or Intermediate School District office.

POTENTIAL ACTION ITEMS:

- **PROVIDE SUSTAINABLE FUNDING FOR COMMUNITY-BASED SERVICES** through the Child Care Fund and other resources, including Medicaid expansion and public-private partnerships.
- **SUPPORT COURT RULES, CHILD CARE FUND RULES AND OTHER POLICY CHANGES TO REQUIRE COMMUNITY-BASED OPTIONS AS A DEFAULT, RATHER THAN OUT-OF-HOME PLACEMENT.**
- **INCREASE THE AVAILABILITY OF QUALITY JUVENILE DEFENSE** in all jurisdictions by supporting a statewide assessment on the current state of juvenile defense, requiring annual professional development or trainings, and expanding the Michigan Indigent Defense Act to include juvenile defenders in their standards.
- **ENCOURAGE AND FUND BEST-PRACTICES FOR THOSE JURISDICTIONS USING COMMUNITY-BASED PROGRAMS TO ENSURE APPROPRIATE OUTCOMES ARE BEING ACHIEVED.** This includes consistent evaluation of programming, use of assessments, use of a case-management approach, and trauma-informed care.

- **SUPPORT THE YOUTH IN PRISON BILL PACKAGE AND RAISE THE AGE OF JUVENILE JURISDICTION TO ALLOW 17-YEAR-OLDS TO ACCESS AGE-APPROPRIATE COMMUNITY-BASED SERVICES.**
- **INCREASE THE AVAILABILITY OF TRAINING AND EDUCATIONAL OPPORTUNITIES FOR ALL STAKEHOLDERS** (e.g. courts, judges, law enforcement, prosecutors, defenders, educators, program staff, policy makers, etc.) to learn about best-practices, lessons learned from other jurisdictions, and updates related to community-based programs and positive youth outcomes. This could include the support of an annual statewide summit or regional conferences.

FOR MORE INFORMATION:

Youth First Initiative: <https://www.youthfirstinitiative.org>

Campaign for Youth Justice: <https://www.campaignforyouthjustice.org>

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention:
www.ojjdp.gov/mpg/litreviews/AlternativesToDetentionandConfinement.pdf

McCarthy, P., Schiraldi, V., & Shark, M. (2016). The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model, New Thinking on Community Corrections Bulletin. U.S. Department of Justice, National Institute of Justice: <http://www.ncjrs.gov/pdffiles1/nij/250142.pdf>

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<https://www.miccd.org/publications-media>

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²Lipsey, M.W., Howell, J.C., Kelly, M.R., Chapman, G., Carver, D. *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice*, Center for Juvenile Justice Reform, Georgetown University (2010).

³Hockenberry, S. *OJJDP Juvenile Justice National Report Series Bulletin: Juveniles in Residential Placement*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice (2013).

⁴Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C., *Easy Access to the Census of Juveniles in Residential Placement*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice (2015).

⁵Perron, B. & Ryan, J., *The Mental Health and Substance Abuse Status of Adolescents in Residential Placement*, The University of Michigan Child & Adolescent Data Lab (2014).

⁶Staley, K. and Weemhoff, M., *No Place Like Home: The Case for Wise Investment in Juvenile Justice*, Michigan Council on Crime and Delinquency (2013).

⁷One common example is the restriction on using Medicaid dollars to aid incarcerated youth in private facilities.

⁸Michigan Department of Health and Human Services, *Child Care Fund Handbook Published Policies and Procedures (2017)*.

⁹Davis, A et al., *Using Bills and Budgets to Further Reduce Youth Incarceration*, Nat'l Council on Crime and Delinquency (2014) at 6-8.

¹⁰Perron, B. & Ryan, J., *The Mental Health and Substance Abuse Status of Adolescents in Residential Placement*, Final Report Submitted to the State of Michigan, Department of Human Services, University of Michigan, Child and Adolescent Data Lab (2014), available at <http://ssw-datalab.org/wp-content/uploads/2015/10/MHJI-report-exec-summary.pdf>.

¹¹See generally *In re Gault* 387 U.S. 1 (1967).

¹²Nat'l Juv. Defender Ctr., *Access Denied: A National Snapshot of States' Failure to Protect Children's Right to Counsel (2017)* at 27.

¹³Nat'l Assn. of Counties, *County Leadership in Juvenile Justice Reform: Wayne County, Michigan (2014)*.



REENTRY & AFTERCARE FOR YOUTH RETURNING HOME FROM OUT-OF-HOME PLACEMENT

THE ISSUE:

Successfully re-integrating youth into the community is the ultimate goal of juvenile justice residential agencies. Nearly all adjudicated youth who are placed in detention or residential treatment will eventually be released. Unfortunately youth exiting residential facilities have historically encountered significant obstacles transitioning home. As with many youth who enter the justice system, these young people typically have educational and employment deficits, mental health and substance use problems, and unstable households and family relationships.¹ For example, research estimates that 1 out of 11 youth released from placement end up homeless within one year.² Only about one-third of youth reentering the community are able to enter and stay involved with either school or work.³ The majority of youth exiting juvenile placement are rearrested within three years and nationally over half of the individuals released from juvenile justice custody are re-incarcerated as adults.⁴

Strong reentry and aftercare services are paramount to ensure that a young person leaves and never returns to the justice system. The most effective reentry programming begins the first day a youth enters a facility and continues through transition, reintegration and aftercare in the community.

Proven youth reentry models incorporate a comprehensive approach aimed at stopping the intergenerational cycle of crime. This monumental task requires that every system and community work together to realign resources, change policies and procedures, and create a culture that supports the goals of community-driven reentry. Core practices of these research-based reentry models include:

1. Planning for community re-integration;
2. Teaming and bridging the roles of facility and field staff and community partners through collaborative case management;
3. Involving families and supportive communities;
4. Determining individual readiness for release; and
5. Establishing a foundation for continuity of aftercare.

CHALLENGES:

REENTERING YOUTH: Michigan has developed a research-proven reentry model, the Michigan Youth Reentry Model (MYRM), which uses reentry practices grounded in youth development principles. The Michigan Department of Health and Human Services (MDHHS) uses MYRM to serve all state-wards housed in private facilities as well as all youth in the two remaining state facilities. While this is important, court-wards, who comprise 79% of justice-involved youth, are not afforded the same level of reentry and aftercare.⁶ Some private facilities or counties offer reentry services, but the opportunities are inconsistent and these young people generally are not afforded the same level of care as those served by the MYRM.

LACK OF CAPACITY TO WORK WITH SPECIAL POPULATIONS: For those jurisdictions offering reentry programming, there is little expertise available for working with young people who have additional needs when reentering into the community. This includes LGBTQ-GNC youth, those with serious emotional disturbance waivers (SED) or co-occurring disorders.

FUNDING AND USE OF REENTRY IS MINIMAL AND SILOED: Youth reentry programs can be funded by the state's County Child Care Fund. Unfortunately there is no provision that requires jurisdictions to use evidence-based reentry services. Additionally, by the time many youth return home they are legally adults and no longer qualify for certain services in the juvenile system. Because most of the young people are in need of educational, workforce, housing, mental and physical health support, youth and adult-serving systems must coordinate and work together. Often funding for these systems is siloed and set aside for very specific categories of people in need. In turn, transitioning youth, especially those aged 17-21, can frequently miss opportunities for aid.

COORDINATION OF CARE ACROSS JURISDICTIONS IS OFTEN DIFFICULT: Young people placed in out-of-state facilities, or even those in different counties, can run into difficulties when returning home. There are often issues with transferring services and documentation related to school credits, treatment plans and providers, health care coverage, vocational training and so on. Additionally, coordinating with family members who live out of state to secure stable housing and daily support often adds unwanted stress to the already difficult process of successful rehabilitation.

WHAT'S UNDERWAY:

MICHIGAN YOUTH REENTRY MODEL uses proven reentry practices grounded in youth development principles incorporating the three-phase reentry approach of the U.S. Department of Justice's Serious and Violent Offender ReEntry Initiative and the seven decision points of the National Institute of Corrections' Transition from Prison to Community Initiative model. Lessons learned through the Michigan Prisoner Reentry Initiative (MPRI) were also instrumental in developing the organization and structure. This model is used in the two state facilities and for state-wards in private or county-run placements.

WAYNE COUNTY SECOND CHANCE REENTRY PROJECT: This county-wide collaborative effort led by Spectrum and Central Care Management Organization, has been nationally recognized as a promising practice by the National Institute of Justice. The project uses a dosage-based treatment model to support youth from residential treatment through the first six months of community reintegration. The model is now used in two Wayne County facilities and among the region's community-based providers.

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) YOUTH PROGRAM: Operated by local Michigan Works! Agencies and funded by federal WIOA dollars, the program assists young people, ages 14-24, who face significant barriers to success in the labor market, including youth in the juvenile justice system, by providing resources and support to overcome those barriers and successfully transition to self-sufficient adulthood.

MICHIGAN REHABILITATION SERVICES (MRS) YOUNG ADULT PROGRAM: Operated by the MDHHS, MRS young adult program helps individuals with disabilities gain employment and customizes workforce solutions for businesses.

POTENTIAL ACTION ITEMS:

- **EXPAND AND FUND PROVEN REENTRY MODELS**, like the Michigan Youth Reentry Model, to non-state wards in court-operated detentions and private facilities.
- **SUSTAIN YOUTH REENTRY BY MAINTAINING COLLABORATIVE PARTNERSHIPS BETWEEN STATE AND LOCAL GOVERNMENT, COMMUNITIES, AND ACROSS SYSTEMS** and diversify funding streams to ensure that services are available, accessible, and affordable for youth and families.

- **INCREASE ACCESS TO REENTRY SERVICES BY SUPPORTING REENTRY COMMUNITY-BASED CASE MANAGERS.**
- **SUPPORT THE CREATION AND EVALUATION OF PROMISING REENTRY PROGRAMS.**
- **CREATE STATEWIDE SYSTEM OF CARE STANDARDS THAT PROMOTE CONSISTENCY FOR ALL YOUTH REENTERING THE COMMUNITY**, with special attention on standardizing the transfer of educational and vocational credits.
- **PROMOTE EDUCATION AND AWARENESS OF REENTRY BEST-PRACTICES AND OPPORTUNITIES TO FUND ELIGIBLE REENTRY SERVICES THROUGH THE CHILD CARE FUND.**
- **SUPPORT THE DOWNSIZING OF LARGE RESIDENTIAL FACILITIES**, especially for youth with mental health needs.

FOR MORE INFORMATION:

Michigan Department of Health and Human Services, Michigan Youth Reentry Model:

https://www.michigan.gov/documents/dhs/Michigan_Youth_Re-entry_Model_420255_7.pdf

National Juvenile Defender Center, Collateral Consequences: <https://njdc.info/collateral-consequences>

Council of Juvenile Correctional Administrators and Center for Juvenile Justice Reform (2016). Youth in Custody Practice Model (YICPM) An Abbreviated Guide. Washington D.C.: Georgetown University McCourt School of Public Policy.

Models for Change, Educational Aftercare & Reintegration Toolkit for Juvenile Justice Professionals:

<https://www.modelsforchange.net/publications/225>



ENDNOTES:

¹The Council of Juvenile Correctional Administrators and the Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy, *Youth in Custody Practice Model (YICPM) An Abbreviated Guide* (2016).

²Sermons, M. W., & Witte, P., *State of Homelessness in America: A research report on homelessness*, National Alliance to End Homelessness (2011).

³M. Bullis, P. Yovanoff, G. Mueller and E. Havel., *Life on the Outs: Examination of the Facility to Community Transition of Incarcerated Adolescents*. *Exceptional Children* 69: 7-22 (2002).

⁴Nellis, A. and Hooks Wayman, R. *Back on Track: Supporting Youth Reentry from Out-of-Home Placement to the Community*, Youth Reentry Task Force of the Juvenile Justice and Delinquency Prevention Coalition (2009).

⁵Michigan Council on Crime and Delinquency, *Michigan Youth Reentry Model* (2011); *Youth in Custody Practice Model (YICPM) An Abbreviated Guide* (2016).

⁶Mich. Supreme Court, State Court Administrative Office, *Statewide Circuit Court Summary: 2017 Court Caseload Report*, available at <http://courts.mi.gov/education/stats/Caseload/reports/statewide.pdf>.