

**Safely and Effectively Reducing School Arrests
and Improving Graduation Rates Through
Collaboration:
Birmingham, Alabama and Clayton County,
Georgia**

Judge Brian Huff
Birmingham, Alabama

Zero Tolerance

EQUALS

Zero Intelligence

Zero Tolerance

“A philosophy or policy that mandates the application of pre-determined consequences, most often severe and punitive in nature, that are intended to be applied regardless of the seriousness of behavior, mitigating circumstances, or situational context.”

Skiba et al. 2006

EFFECTS OF ZERO TOLERANCE

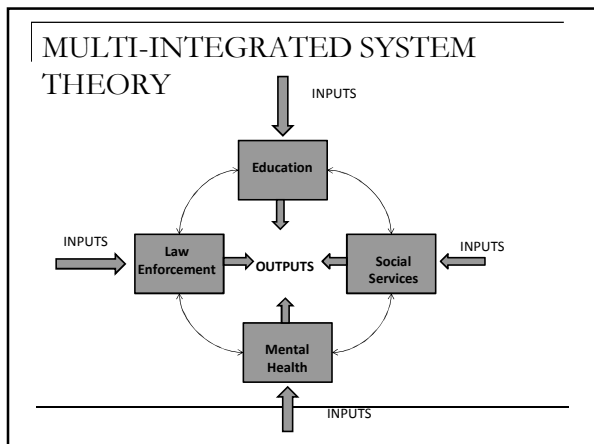
- Suspension rates have increased
- School Code violations result in court referrals
- Increase in police on school campus
- Increase in suspensions and referrals has significantly increased racial & ethnic disparities
- Drop-out rates increase
- Juvenile crime increases

Problem?

- United States has the highest rate of incarceration of any country on earth.
- Too many children being referred to the juvenile justice system.
- Most children are being referred for minor misdemeanor offenses.
- Most children being referred are African American.

Importance of Diversion

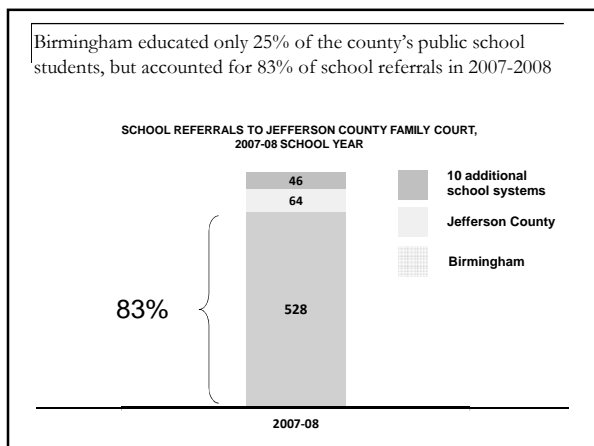
- Court can't be all things to all people
- Limited resources should be focused on kids who warrant court involvement
- Research has shown that court involvement can do more harm than good
- Resources can be provided outside of court (but the court should strive to coordinate resources)

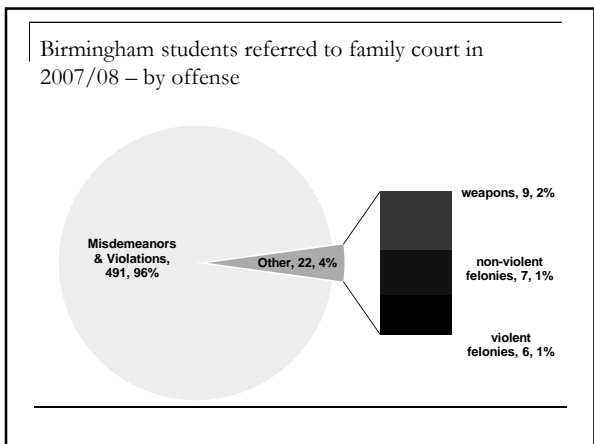


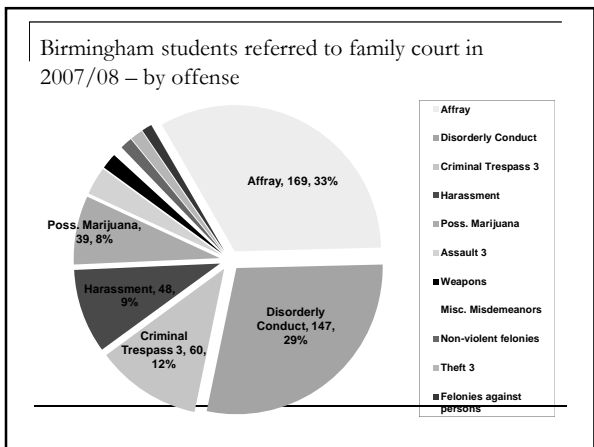
SYSTEM DEFINED

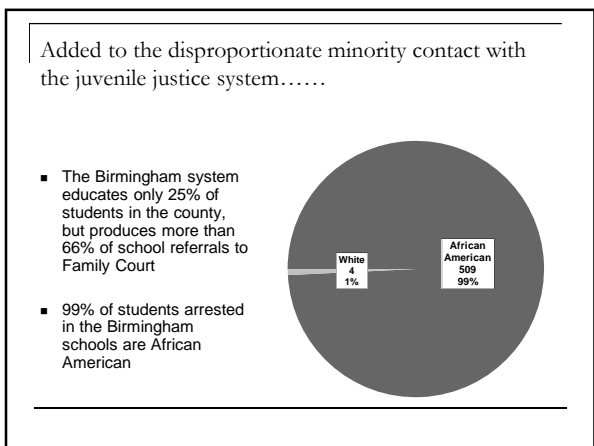
a set of interacting components, acting interdependently and sharing a common boundary separating the set of components from its environment.

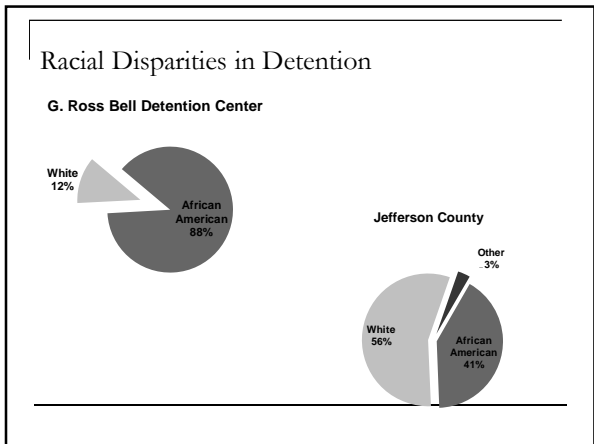
Bozeman, B. *Public Management and policy Analysis*, St. Martin Press, Inc. New York (1979), 309.











Admitted that we had been doing something wrong...

Juvenile Justice is as much about Philosophy as it is about Programs

OLD PHILOSOPHY	NEW PHILOSOPHY
■ Court as a “savior”	■ Court as a resource “identifier”
■ Probation	■ Court as a referral source
■ Supervision	■ Court as a Collaborator
■ Counseling	
■ Incarceration	

Research shows a strong link between court referrals and dropout rates

- A student arrested in high school is twice as likely to drop out
- A student who appears in court during high school is four times as likely to drop out

Sweeten, Gary, Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. 24.4, Justice Quarterly, 462-480 (December 2006).

Normal Adolescence

- Trying to fit in
- Dating
- Short attention span
- Identity
- Some adult responsibilities
- Independence/Dependence
- Moody
- Withdrawn
- New emotions

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“Our” Kids

- Broken families
- Dysfunctional families
- Drug/alcohol abuse in families
- Criminal behavior “normal” in their families
- Learning disabilities
- Mental health issues
- Abuse victims

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Solicit media support

- Meet with the media at regular intervals.
- Foster good relations.
- Provide reliable data.
- Work with the media on continued messaging.



Form Your Team

- Jefferson County Family Court
- Birmingham City Schools
- Jefferson County District Attorney
- Birmingham Police Department
- NAACP
- Southern Poverty Law Center
- Department of Human Resources

ALLEGORY OF THE SCHOOL

BY OFFICER ROBERT GARDNER
Clayton County Police

LAMBS

SHEEP

WOLVES

THE SCHOOL

Build Consensus

- If “Columbine” happens in my jurisdiction, I want the police at the school protecting the children and not at the family court over a school yard fight.
- Share and examine the data!

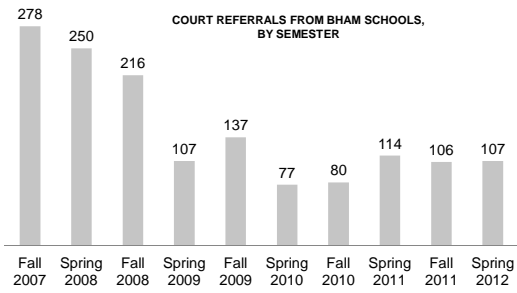
Decide Which are “Focus Offenses”

- Affray (fighting)
- Disorderly conduct
- Harassment
- Assault 3 (no weapon)
- Menacing (no weapon)
- Criminal Trespass 3
- Theft 3

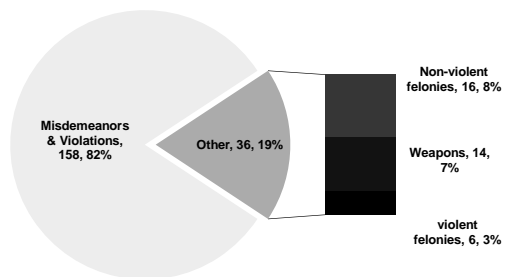
Decide upon a better way of discipline.

- First “offense” – warning/written citation
- Second “offense” – Attend “School Offense Workshop
- Referral to court

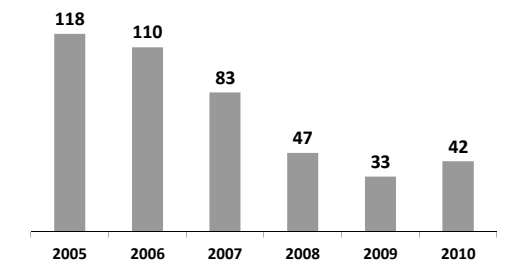
Discussion alone produced a big drop in referrals, but a written document is critical for sustained results.

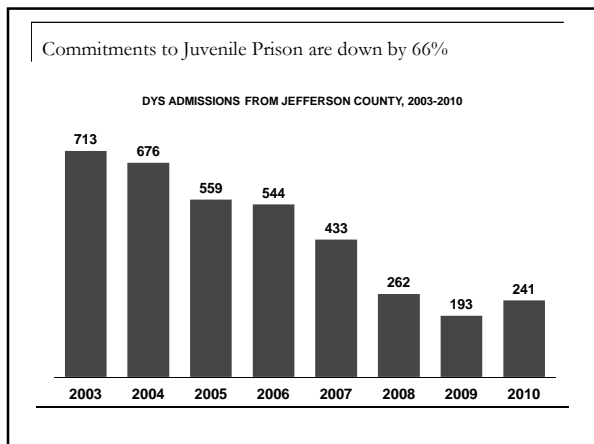


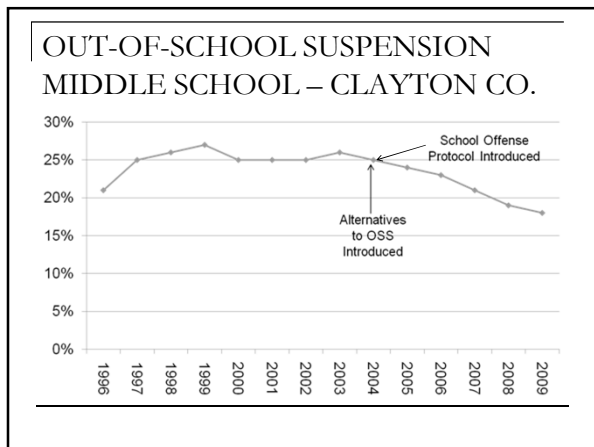
Birmingham students referred to family court in 2010/11 – by offense

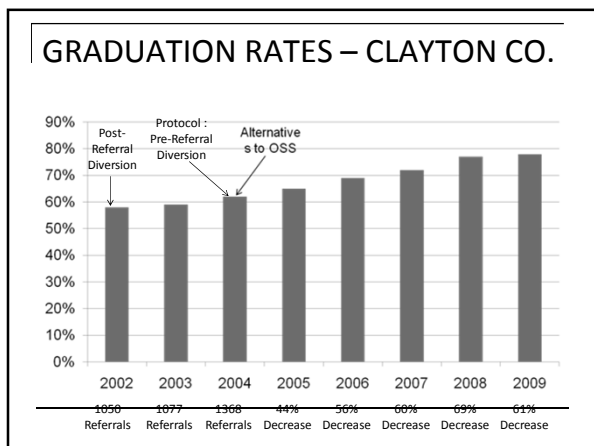


The average detention population is down 64%









Replication Tips: the negotiation process

- Knowledge and data = Power
- Be prepared to counter horror stories with data
- Choose reps carefully
- Nodding and smiling is not enough
- Consider engaging an independent facilitator
- Media can be a blessing and a curse
- Set timelines and stick to them

It takes more than a meeting to build a collaborative

- Raise awareness – share numbers, legal background, research
- Share stories – not just about statistics!
- Listen to your partners and consider their interests and motivations – be flexible with messaging
- Set goals and timelines for the group's work
- Frame the issues carefully and repeat constantly

Replication Tips: Implementation

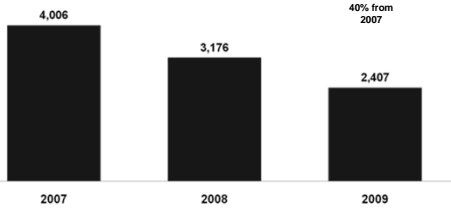
- Don't assume the protocol will enforce itself – appoint a watchdog
- Be deliberate and explicit about how each leader will get the word out to staff
- Training
- Back it up with policy – what will the court do if a referral comes in that violates the protocol?
- Invite the community/the media to hold the collaborative accountable for results

CHINS POLICY

- ▶ First time CHINS complaints will be referred to the community so that **all attempts are being made to access services outside the court**
- ▶ If no counseling has been done before filing the complaint, **the child and parent must attend five counseling sessions in the community** before the complaint will be accepted – and written documentation must be provided
- ▶ In the vast majority of CHINS complaints the intake **officer should attempt to divert the case from court** through an Informal Adjustment.
- ▶ With a few exceptions, **a revocation of the Informal Adjustment is not appropriate** until the parties have fully complied with the counseling component of the Informal Adjustment

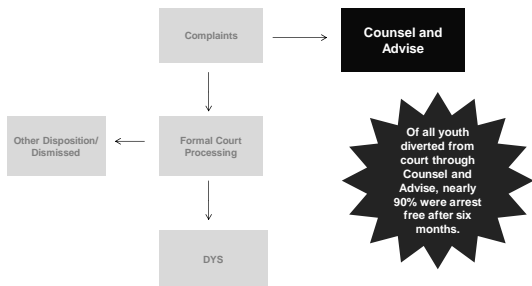
RESULTS OF POLICY CHANGE

CHINS REFERRALS

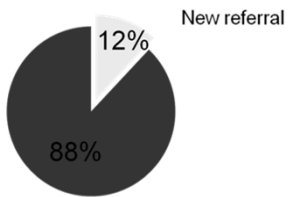


CHINS referrals are steadily declining, likely because of the increased requirements that must be met before a petition will be filed

C & A...In October 2008, Family Court began diverting low-risk misdemeanants through a highly successful "Counsel and Advise" policy.



**COUNSEL & ADVISE RE-ARRESTS
WITHIN SIX MONTHS**



Only 20 out of 169 youth that were counseled and advised
Instead of being placed on informal supervision were
re-arrested within 6 months

For more information:

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