



MICHIGAN COUNCIL ON CRIME AND DELINQUENCY

1000 W. St. Joseph • Suite 400 • Lansing, Michigan 48915
Telephone: (517) 482-4161 • Fax: (517) 482-0020 • Email: mail@miccd.org

MCCD Responds to Request for Public Comment

The Michigan Council on Crime and Delinquency (MCCD) respectfully submits the following comments to the Coordinating Council on Juvenile Justice and Delinquency Prevention. MCCD has provided brief recommendations that address (1) Education and At-Risk Youth; (2) Juvenile Reentry and Transitions into Adulthood; and (3) Racial/Ethnic Disparities in the Juvenile Justice and Related Systems. It is our hope that these comments will add value as Federal policies and practices are continually improved to benefit children, youth, and families.

Education and At-Risk Youth

The best way to keep young people out of trouble is to keep them in school. Without structure and supervision that school provides, young people often turn to delinquent or criminal behavior during school hours and end up in the juvenile justice system. A number of factors contribute to the failure of young people to complete schooling including: chronic truancy, educational instability, “push out,” issues of access, co-occurring factors, school connectedness, and the absence of positive activities for afterschool times.

Maintain a strong public school system

The public education system in the United States is fundamental to ensuring that our citizenry is educated, productive, and innovative. Sadly, many school districts in Michigan and around the country are faced with the reality of only graduating a third of students. It is imperative that the federal government maintains a strong public school system that provides high quality education for all children, not only those who have access or privilege to attend private or charter schools.

Invest in early childhood education and care

A recent report by Fight Crime: Invest in Kids – Michigan highlighted the importance of investing in pre-schools and early education as a means of improving graduation rates and reducing crime. Evidence from two long-term evaluations of the effects of preschool programs – including the HighScope Perry Preschool Study in Ypsilanti, Michigan – show that participating in high-quality preschool increases high school graduation rates by as much as 44 percent.¹

Unfortunately, one in three eligible four-year-olds, and four in five eligible three-year olds, are not served by either Michigan’s Great Start Readiness Program or the Federal

¹ Fight Crime: Invest in Kids-Michigan. “School or the Streets: Crime and Michigan’s Drop-out Crisis.” Website: www.fightcrime.org.

Head Start program.² Federal resources for early childhood education and care must be increased in order to prevent negative outcomes associated with school dropout and delinquency.

Promote the use of early intervention and conflict resolution programs

Because youth misbehavior tends to escalate over time – and youth are more likely to drop out if suspended or expelled for any period of time - it is wise to invest in early interventions that effectively teach peaceful conflict resolution strategies. Current federal legislative measures that should be enacted include:

- Academic, Social & Emotional Learning Act of 2009 (HR 4223, Introduced by Congressman Kildee). This legislation would authorize funds to local education agencies and other non-profits to develop evidence-based programs that meet the social and emotional needs of students as part of the School Dropout Prevention Program and the Safe and Drug-free Schools Program.
- Positive Behavior for Safe & Effective Schools Act (HR 2597, Introduced by Congressman Hare). This legislation would authorize funds to local entities to improve early education efforts.
- Conflict Resolution & Mediation Act of 2009 (HR 4000, Introduced by Congressman Rush). This legislation would authorize funds to local schools “most affected by conflict & violence” to develop models for conflict resolution.

Support students with learning disabilities and/ or educational barriers

Children with learning or emotional needs are particularly likely to be pushed out of schools and into the juvenile justice system, despite the heightened protections afforded to them under law.

Federal policies and laws such as No Child Left Behind (NCLB), currently known as the Elementary and Secondary Education Act (ESEA) should be reauthorized to ensure that children with learning disabilities or emotional needs are provided supports and accommodations that allow them equal access to education.

Create alternatives to “zero tolerance” policies

The Gun-Free Schools Act requires expulsion from school for possession of firearms but does nothing to assure that the youth’s education is uninterrupted, reconnected or maintained at all.

Federal policy should prioritize effective alternatives to zero tolerance, including anti-violence programs like anti-bullying, anger management and peer mediation, to reduce

² Ibid.

discipline problems in schools. Alternatives should involve students, families, and their communities in efforts to provide a safe learning environment and safety in school. Building student-teacher relationships, challenging curriculum, and teacher training in classroom management and cultural competence make schools safer, equitable, and educational.

Juvenile Reentry and Transitions to Adulthood

Young people reentering the community from juvenile residential facilities often lack the support they need to change the course of their lives and avoid the destructive cycle of recidivism. The multiple needs of these young people (schooling, stable housing, skills to obtain meaningful employment, physical and mental health problems, etc.) require coordination of services, supervision, and support at the local level to help ensure each youth a successful transition back home and to adulthood. Youth aging out of foster care and youth who are homeless have similar needs for transitional support. A number of Federal policies, practices, programs, and legislation affect local and state capacity to provide solid support through transition.

Maintain a strong commitment to youth reentry by investing in systems change

Nearly all adjudicated youth who experience detention, incarceration, or residential placement will eventually return to the community. Unfortunately, the majority of them are rearrested within three years and over half will be re-incarcerated as adults.

The Federal government should be commended for investing in prisoner and youth reentry programs. During fiscal year 2010, the Department of Justice was appropriated \$114 million for prisoner reentry programs, including \$14 million for reentry initiatives in the Federal Bureau of Prisons and \$100 million for Second Chance Act grant programs.

Program development, however, is only one step in the process of systems change. A safe and effective transition back home requires the coordination of all juvenile justice stakeholders and community members to provide a seamless continuum of care that supports, nourishes, educates and provides opportunity for youth returning and succeeding at home.

Federal funds through the Second Chance Act and other sources should be made available to local agencies and non-profits that specialize in building community capacity and promoting systems change around reentry. Program sustainability is greatly enhanced if technical assistance, ongoing training, policy development, and quality management are delivered at the local level.

Promote an evidence-based approach to community-driven youth reentry

The national report prepared by the Youth Reentry Task Force of the Juvenile Justice and Delinquency Prevention Coalition outlines the principles and recommendations to ensure effective youth reentry from out of home placement back into the community.³ The report found that early approaches that included a heavy concentration on surveillance (probation contacts, electronic monitoring, urine testing) were not successful. Research now demonstrates that an individualized services model garners greater success through programming informed by actuarial risk assessments and aimed at improving thinking and behavior (educational tutoring, job skills training, cognitive-behavioral therapy, family and individual counseling).

Federal funds should be allocated to reentry programs that are evidence-based, youth- and family-driven, and culturally competent.

Maintain the core protections afforded to youth by reauthorizing the Juvenile Justice and Delinquency Prevention Act

The Juvenile Justice and Delinquency Prevention Act (JJDP A) provides the major source of federal funding to improve states' juvenile justice systems. The JJDP A was developed with a broad consensus that children should not have contact with adults in jails and other institutional settings and that status offenders should not be placed in secure detention.

Many jurisdictions, however, have practiced an exception whereby status offenders found to have violated a valid court order may be securely detained in a juvenile detention or correctional facility. At its March 14 meeting, the Board of Trustees of the National Council of Juvenile and Family Court Judges (NCJFCJ) voted to support the phase out of the Valid Court Order exception as proposed in Senate legislation reauthorizing the JJDP A.

The Administration should strongly urge Congress to reauthorize the Juvenile Justice and Delinquency Prevention Act in 2010.

Racial and Ethnic Disparities in the Juvenile Justice and Related Systems

Disproportionate contact of minorities (DMC) in juvenile justice has been a challenge for policymakers for decades. DMC is not an issue specific to the juvenile system; it is connected with inequities in other youth-serving systems and requires exploration of the relationship between child welfare, education, and youth's socioeconomic status. The team seeks to identify Federal legislation and practices that both assist States and

³ "Back on Track: Supporting Youth Reentry from Out-of-Home Placement to the Community." Washington D.C.: Youth Reentry Task Force of the Juvenile Justice and Delinquency Prevention Coalition, 2010.

those that function as barriers in reducing disparities in juvenile justice, child welfare, and education.

Maintain DMC as a core protection in the JJDPA

It is well-documented that youth of color are significantly overrepresented in the juvenile justice system and systematically treated more harshly than White youth, even when charged with the same category of offense.

The Juvenile Justice and Delinquency Prevention Act (JJDP A) currently requires states to “address” disproportionate minority contact (DMC) within the juvenile justice system but does not provide clear guidelines on how to reduce disparities. The DMC core protection should be strengthened by requiring states to take concrete steps to reduce racial and ethnic disparities in the juvenile justice system. States should be required to:

- Establish coordinating bodies to oversee efforts to reduce disparities;
- Identify key decision points in the system and the criteria by which decisions are made;
- Create systems to collect local data at every point of contact youth have with the juvenile justice system (disaggregated by descriptors such as race, ethnicity and offense) to identify where disparities exist and the causes of those disparities;
- Develop and implement plans to address disparities that include measurable objectives for change;
- Publicly report findings; and
- Evaluate progress toward reducing disparities.

For more information, contact:

Michelle Weemhoff, MSW
Senior Policy Associate
Michigan Council on Crime and Delinquency
1000 W. St. Joseph, Suite 400
Lansing, MI 48915
(517) 482-4161
mweemhoff@miccd.org

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