Diversion through Collaboration: Reducing School Referrals to Court in Birmingham, AL
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
Problem?

• Huge number of children being referred to the juvenile justice system.

• Most children are being referred for minor misdemeanor offenses.

• Most children being referred are African American.
Keep in mind....

• School engagement is a critical protective factor for kids but...

• A School Offense Protocol is not The Answer

• The “School to Prison Pipeline” is not The Problem
Commitments to Juvenile Prison are down by 73%

DYS ADMISSIONS FROM JEFFERSON COUNTY, 2003-2009

- 2003: 713
- 2004: 676
- 2005: 559
- 2006: 544
- 2007: 433
- 2008: 262
- 2009: 193
The average detention population is down 72%
Reform Begins at Intake

Jefferson County Family Court Intake Initiatives include:

- Children in Need of Supervision Policy
- Diversion through Counsel and Advise
  - The School Offense Protocol
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

Birmingham educates only 25% of the county’s public school students, but accounts for 83% of school referrals.
Birmingham students referred to family court in 2007/08 – by offense

- Misdemeanors & Violations, 491, 96%
- Other, 22, 4%
- Weapons, 9, 2%
- Non-violent felonies, 7, 1%
- Violent felonies, 6, 1%
Birmingham students referred to family court in 2007/08 – by offense

- Affray, 169, 33%
- Disorderly Conduct, 147, 29%
- Criminal Trespass 3, 60, 12%
- Harassment, 48, 9%
- Poss. Marijuana, 39, 8%
- Weapons
- Misc. Misdemeanors
- Non-violent felonies
- Felonies against persons
- Theft 3
Added to the disproportionate minority contact with the juvenile justice system......

- The Birmingham system educates only 25% of students in the county, but produces more than 80% of school referrals to Family Court.

- 99% of students arrested in the Birmingham schools are African American.
Racial Disparities in Detention

G. Ross Bell Detention Center

- African American: 88%
- White: 12%

Jefferson County

- African American: 41%
- White: 56%
- Other: 3%


Admitted that we had been doing something wrong...
Normal Adolescence

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- Withdrawn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

• Broken families
• Dysfunctional families
• Drug/alcohol abuse in families
• Criminal behavior “normal” in their families
• Learning disabilities
• Mental health issues
• Abuse victims
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
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.
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
Decide upon a better way of discipline.

• First “offense” – warning/written citation

• Second “offense” – Attend “School Offense Workshop

• Referral to court
Decide which “offenses” to include.

- Affray (fighting)
- Disorderly conduct
- Harassment
- Assault 3 (no weapon)
- Menacing (no weapon)
- Criminal Trespass 3
- Theft 3
Get it in writing!
Discussion alone produced a big drop in referrals, but a written document is critical for sustained results.
Despite a 50% drop from 2007-08 to 2008-09, misdemeanors and violations still accounted for more than 90% of arrests.
The collaborative agreement is projected to reduce court referrals from Birmingham schools by 84%.
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
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
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