



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

MICHIGAN JUVENILE JUSTICE REFORM TASK FORCE

SECOND TASKFORCE MEETING OCTOBER 19, 2021

Juvenile Justice Referrals and Diversion

Research and best practices on diverting youth from the juvenile justice system

- ❖ Low risk youth who are arrested and youth who are formally court processed are more likely to reoffend, suffer trauma, and less likely to complete high school than their similar peers who are diverted, even without any services.
- ❖ The nature of a youth's offense is not correlated with their risk of reoffending—use risk and needs screening tools to identify and divert low risk youth from any form of system involvement and meet their needs through other service systems and community-based services.
- ❖ Partner across service systems to establish school-based, behavioral health, and other specialized diversion programs so the juvenile justice system is not a default service provider.
- ❖ Establish a range of diversion opportunities, minimal supervision/conditions, and provide restorative justice opportunities so youth can repair any harm caused to victims and communities.

Policies and Practices from Other States

- Florida and Delaware have established statewide, pre-arrest civil citation programs to divert youth who commit low level offenses from being arrested/court involved.
- States across the country have legislated that youth who commit status offenses are served outside of the juvenile justice system—for example, some states have created legal categories for these youth, such as Children in Need of Services, and required schools/child welfare systems to meet this population’s needs.
- Massachusetts, Connecticut, and other states require diversion for youth who commit first-time, misdemeanor offenses, and Connecticut has local juvenile justice service boards responsible for providing diversion services.
- Colorado established a block grant to all counties for diverting low-risk youth and requires the use of a statewide validated diversion screening tool and data collection/reporting on the use of the tool/diversion programs.
- Kentucky has established multi-systems diversion teams to help assess and identify youth eligible for diversion and connect them with a range of services available across systems.

Key Questions for the Taskforce to Begin to Consider

1. Is the juvenile justice system the most appropriate and effective service system for youth who commit status and other low-level offenses? For youth as young as 9 years old? If not, what formal service alternatives exist or are needed?
2. Should all youth in Michigan that are low risk to reoffend and/or commit first-time/low level offenses have the opportunity for pre-arrest and/or pre-court diversion? How could/should state funding be used to support/incentivize/require the diversion of this population?
3. Should diversion decisions statewide be guided by the use of validated risk and needs screening tools while retaining local control and customization?
4. What responsibilities should schools have, along with associated structures/supports, to address truancy and low-level delinquency behaviors through school-based programs/policies?
5. What policies/programs/structures exist, or are needed, to identify and prevent youth with behavioral health needs, as well as youth involved with the child welfare system, who are lower risk from ever entering the juvenile justice system?
6. Should there be a common definition and set of expectations statewide for what “diversion” entails including guidelines/standards around supervision, service delivery, and restorative justice?



Use of Secure Detention and Detention Alternatives

Research and best practices on the use of detention

- ❖ Reserve detention for youth who pose a direct risk to public safety or flight risk as opposed to for need, service, or family-based reasons.
- ❖ Use validated screening instruments to guide detention decisions and establish specific criteria, policies, and training on their use.
- ❖ Establish a continuum of alternatives to detention, including supervision and service options in the community that are matched to the risk and needs of youth.
- ❖ Conduct detention screenings and make alternatives to detention available prior to court involvement to reduce unnecessary short detention stays and associated trauma.
- ❖ Eliminate the use of detention as a sanction, response to technical violations, or disposition, unless youth are a public safety risk.

Policies and Practices from Other States

- Kansas, Nebraska, and other states have statutorily restricted the use of detention for reasons other than public safety or flight risk, including for family, behavioral health, self-harm, or other “protection” reasons.
- Colorado has established a system of local detention coordinators, a statewide validated detention screening tool, and a block grant for judicial districts to establish a continuum of detention alternatives.
- North Dakota has eliminated the use of detention as a response to technical violations and Maryland established a statewide graduated response and incentive system to reduce detention as a response to technical violations.
- Connecticut is establishing a formal family-team meeting and safety planning structure to serve as an alternative to automatically detaining youth on a take into custody order or warrant.
- Georgia, Mississippi, and other states have placed limitations on the amount of time that youth can spend in detention, including awaiting a post-dispositional placement or for other reasons post-disposition.

Key Questions for the Taskforce to Consider

1. Should Michigan establish minimum statewide standards/guidelines on the use of detention including for what populations (e.g. age, offenses, status, etc.), for what purposes (e.g. public safety, flight risk, etc.) and in what ways (response to sanctions, as a disposition, etc.)?
2. What are the benefits and challenges of using a validated detention screening instrument or some other standard criteria/data statewide to guide detention decisions?
3. What kind of alternatives to detention should exist across the state, and what structures, funding, policies/practices, and data collection efforts should guide their creation and use?
4. Should there be different standards, policies, and oversight of court-operated vs. county-operated detention facilities, and who/how should this oversight be provided?
5. What if any limitations should exist on the length of time that youth spend in detention, pre and post disposition?
6. Is there a minimum set of assessments, services, and educational activities that should be offered to all youth who are detained?



Upcoming Meeting Schedule

Upcoming Taskforce Meetings

- November 19, 9-12pm: **Juvenile Justice System Overview** cont. (disposition, supervision, services, and out of home placement)
 - December 18, 10-12pm: **Juvenile Justice System Funding**
 - January TBD, 10-12pm: **Juvenile Justice Data Collection**
- After the December and January meetings, separate working groups will form on both of these topics to begin discussion on potential system improvements. Please consider your interest in being involved as well as key stakeholders outside of the taskforce.

