



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

MICHIGAN TASK FORCE ON JUVENILE JUSTICE REFORM

PRESENTATION OF FINDINGS: PETITIONS, DIVERSION, COURT PROCESS AND SUPERVISION

APRIL 12, 2022

Key findings presented today are based on focus groups with hundreds of stakeholders across Michigan.



Key findings are also informed by analysis of case level data from a sample of county courts.

Data Source	Description
County Court Data	<ul style="list-style-type: none">• 2016-2020 case level data• Petition to adjudication• 32 counties• Covers 55% of the state juvenile population (ages 10-16)

➤ The 32 counties include large, urban jurisdictions as well as smaller more rural jurisdictions, and include counties across regions in Michigan.



There are important caveats about our data analysis.

Data were collected from a sample of 32 counties, which may not be fully representative of the state.

Consent calendar analysis includes a subset of 30 counties. Counties that do not use consent calendar were excluded.

Violation information was only available and analyzed in 20 counties.

- Data limitations should reinforce commitment to data improvements. At the same time, these data coupled with the qualitative feedback and research from other states and nationally provides a lot information that can help Michigan address structural challenges and spur momentum for system transformation.



Data limitations/challenges make it difficult to answer critical questions about who is involved with the system, diversion, adjudications, and outcomes.

- Statewide arrest data are housed in the Michigan State Police (MSP) database, but these data are incomplete for juveniles.
- Referral data may exist within juvenile probation departments.
- Information on informal/non-public diversion is statutorily restricted.
- Counties use different case management systems with different ways of capturing data and different ways of defining data elements.
- There is no comprehensive source of offense codes to classify offenses by level, type, and severity.
 - Many systems had different spellings of the same offense, making it difficult to aggregate offense information by charge.
 - There is no uniform way of classifying status offenses across counties.
- Sentencing information was not available or provided for this analysis.
- Violation of probation information was only available consistently in one system, and no information was available on whether violations of probation were technical or for a new offense.

Statewide data is unavailable to answer critical questions about equity and to guide system decisions and drive improvement.

- There is a lot of variation in the way race and ethnicity information is captured across counties in Michigan.
- Certain categories currently used to capture race/ethnicity are inappropriate and inaccurate.
- The lack of standardization in the way race/ethnicity is captured makes it difficult to:
 - Understand who in contact with the juvenile justice system
 - Assess differential impact across the system
 - Aggregate data related to race/ethnicity across counties and statewide



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PETITIONS & 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.

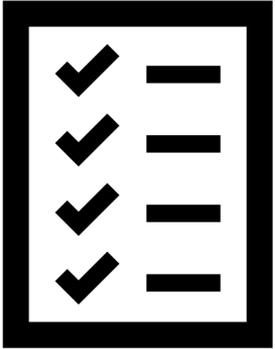
There are several local jurisdictions that have key strengths in their approach to diversion:

- ✓ Some counties are using a risk screening tool to inform diversion decisions, and some are also using a mental health screening tool and trauma screening tool to guide service matching.
- ✓ Some counties have school and community-based approaches to divert youth with truancy and other status offenses from juvenile court. Additionally, some courts have issued guidelines to schools and required schools to do more up front to prevent truancy cases from penetrating into the court system.
- ✓ Some counties have a full range of diversion options available for youth, from pre-arrest diversion opportunities whereby law enforcement can directly refer youth with domestic, status, or other low-level offenses to community-based organizations, to pre-court diversion and consent calendar.
- ✓ Some counties offer a wide range of evidence-based programming for youth on diversion including the use of trauma-focused services and restorative practices to promote victim voice and youth accountability.

Key Finding #1:

Michigan lacks the policy framework and service infrastructure necessary to ensure youth that have a low risk of reoffending are diverted from the juvenile justice system across the state.

Varying eligibility and oversight policies and practices create inequitable access to diversion across the state.



- Limited statutory or court guidelines for diversion or statewide definition for what diversion entails.
- Eligibility is primarily offense driven, as there is no statewide requirement to use a risk screening tool to inform diversion decisions or a mental health and/or trauma screening tool to inform services.
- The lack of family engagement in the diversion process and restitution can deem a youth ineligible for diversion in some jurisdictions.
- Decision-making authority for diversion varies for both consent calendar and pre-court diversion.
- Consent calendar is offered and assigned at different timeframes in the case process and by different decision makers.
- As a result of these varying policies and practices, the use of pre-arrest and pre-court diversion and consent calendar varies considerably by jurisdiction.

Policies and practices to address truancy and other school-based offenses vary considerably across the state leading to high rates of truancy petitions in many jurisdictions.



- No definition of truancy in statute and lack of statewide guidance on how to address truancy. As a result, counties respond differently to this behavior.
- Stakeholders report that some schools fail to conduct their own due diligence before referring youth to juvenile court for truancy.
- Limited state or local guidance or protocols/procedures around school-based referrals to law enforcement or juvenile court.



- Lack of statewide or local standards on the roles and responsibilities of school resource officers and there are no laws or regulations for statewide training requirements.
- While the newly established Office of School Safety is developing a specialized training curriculum for SROs, there is mixed support and buy-in from local law enforcement.

Additional barriers exist that inhibit the expanded use of diversion statewide.

Funding

- Limited resources and no incentive funding to support pre-court or pre-arrest diversion.
- Child Care Fund requires a court referral and the provision of intensive services, which makes it challenging for these dollars to be used for pre-court or pre-arrest diversion.

Support

- Stakeholders in multiple jurisdictions express a lack of prosecutorial support to expand diversion options, and a desire from many courts to use consent to increase court control over diversion cases.
- Stakeholders also report resistance from schools in handling truancy and other school-based offenses in-house prior to pursuing an arrest or juvenile court referral.

Services

- Limited use of restorative practices across the state.
- Lack of community-based services for low-risk youth, such as mentoring, in many jurisdictions.

There are gaps in community-based prevention services and the overall structure to address adolescent behavioral health needs.



- Most stakeholders reported a gap overall in community mental health services, and there are limited crisis stabilization services and responses statewide to address the increasing number of petitions rooted in family/domestic conflicts.
- While the Mental Health Diversion Council includes a juvenile justice focus and has mobilized responses, these efforts are limited by a lack of cross-system information sharing and resources to scale efforts statewide.
- Few formal partnerships between law enforcement, education, child welfare, and behavioral health agencies to support expanded diversion.
 - CMH providers cited the need for stronger collaboration with law enforcement and juvenile justice professionals to promote consistent alignment on effective mental health approaches.
- Few collaborative conversations happening to coordinate child and family services – lack of family and youth councils, service collaboratives, etc.

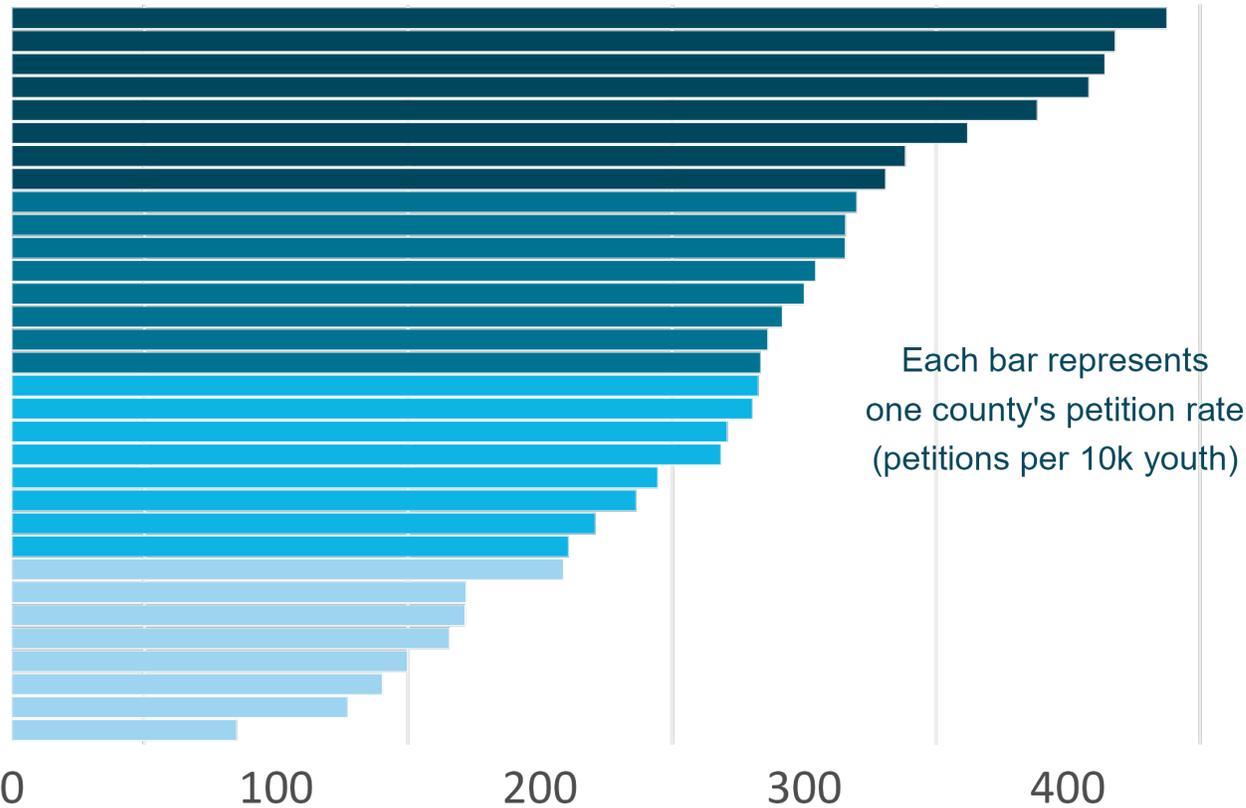
Key Finding #2:

As a result of limited state policies or supports, Michigan's juvenile justice system is heavily used to address the needs of youth committing status and low-level misdemeanor offenses, rather than focusing on youth that pose a public safety risk.

Petition rates vary considerably across counties.

Petitions per 10,000 Youth by County, 2016 - 2019

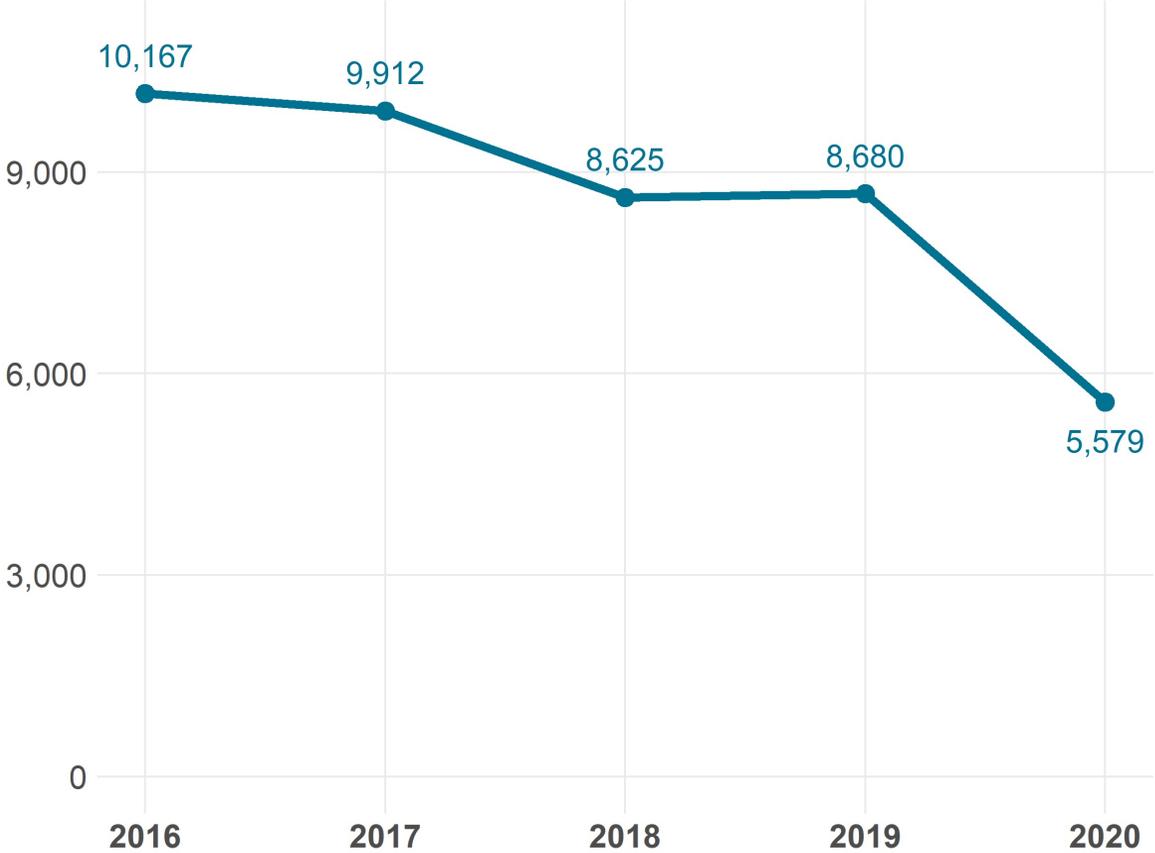
■ 323 to 437 ■ 283 to 323 ■ 210 to 283 ■ 85 to 210



No clear trends were observed with respect to county size or geographic location and petition rate.

The number of petitions filed in juvenile court remained consistent between 2016 and 2019, and then dropped 36 percent in 2020.

Number of Petitions Filed per Year, 2016 - 2020

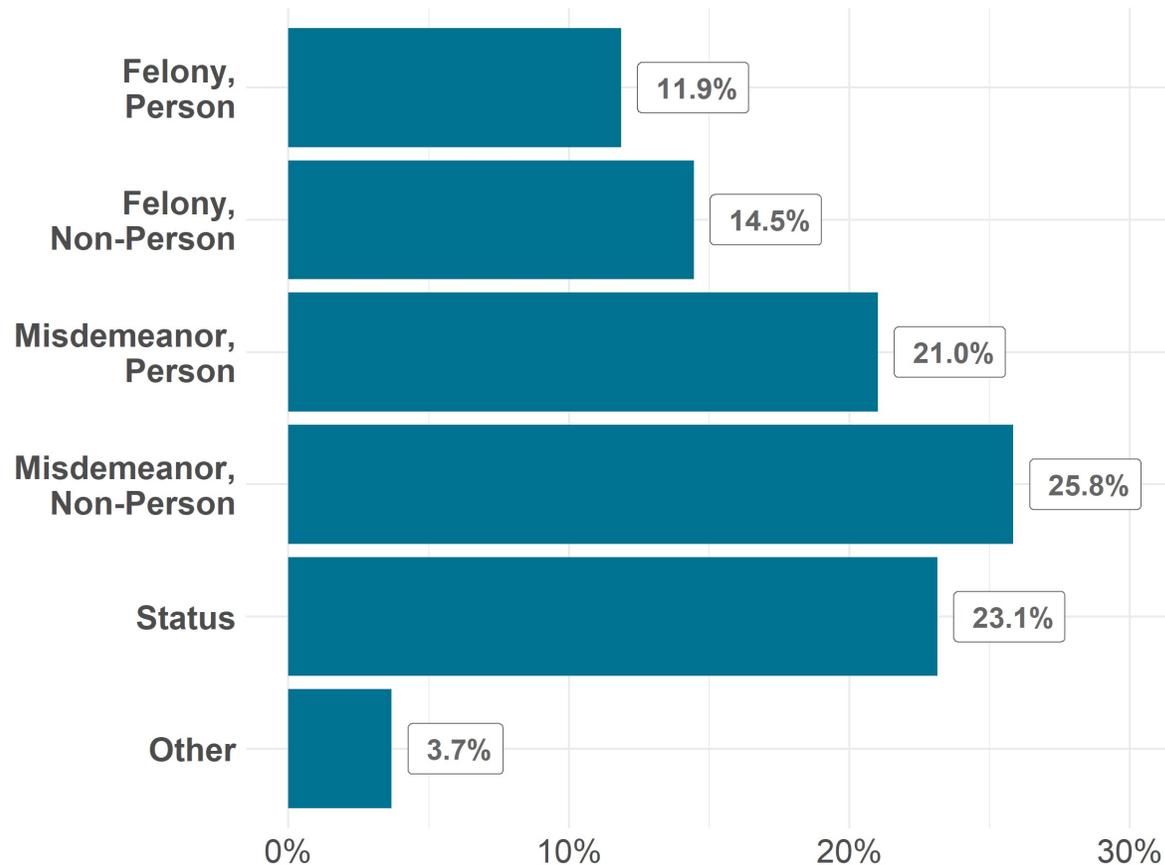


The significant reduction in petitions from 2019 to 2020 raises questions on whether policies/practices implemented during COVID can be continued?

Data come from 32 counties representing 55% of Michigan's juvenile population

Nearly half of all petitions between 2016 and 2019 are for status and non-person misdemeanor offenses.

Petitions by Offense Type, 2016 - 2019

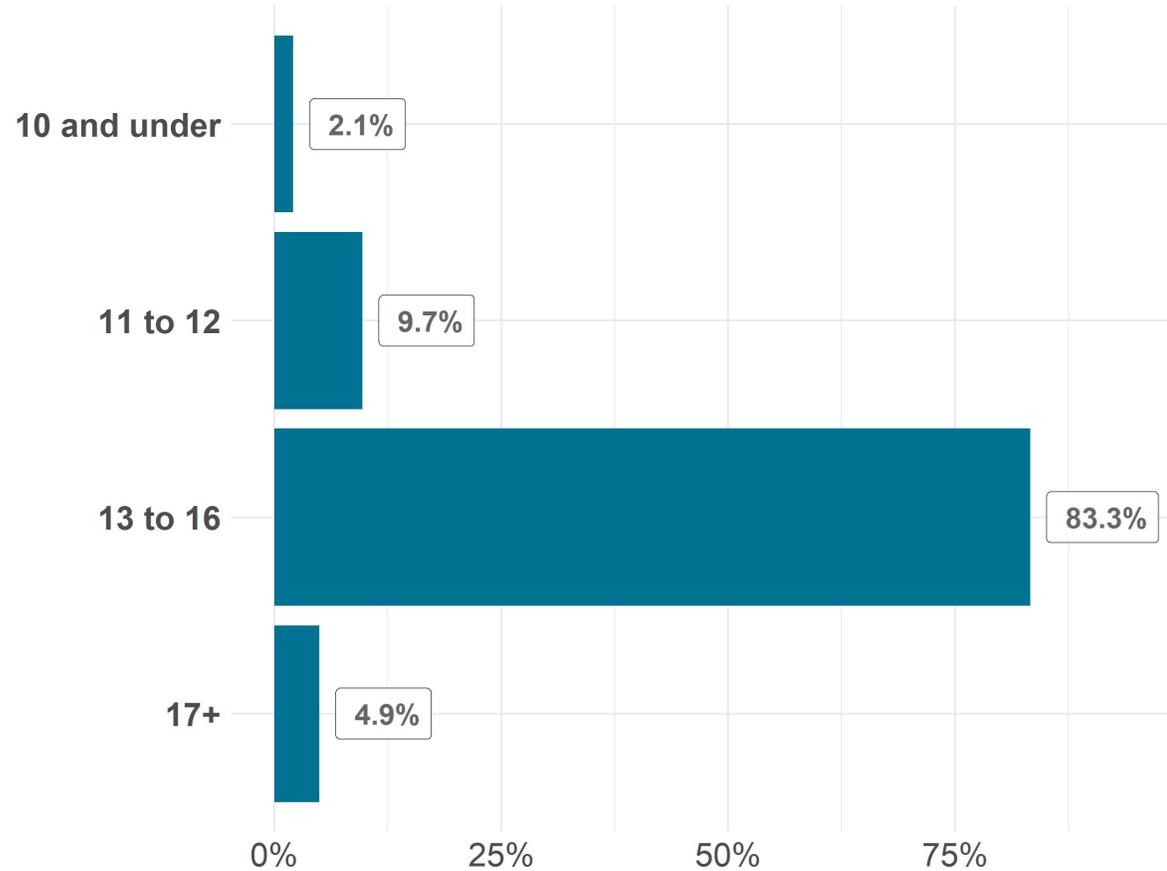


Data come from 32 counties representing 55% of Michigan's juvenile population
4.6% of petitions had missing offense information

While no data on arrests or referrals were available in Michigan, research from other jurisdictions would help us infer that referrals are likely to be even more heavily comprised of status and misdemeanor offenses than petitions.

Most petitions filed in juvenile court involve youth between the ages of 13 and 16, but nearly 12 percent were for youth 12 and under.

Petitions by Age, 2016 - 2019



Data come from 32 counties representing 55% of Michigan's juvenile population

4,400 petitions filed between 2016 and 2019 were for youth ages 12 and under.

Youth 12 and Under Petitioned Offense Profile

Felony person	12%
Felony non-person	10%
Misdemeanor person	27%
Misdemeanor non-person	18%
Status	27%
Other	6%

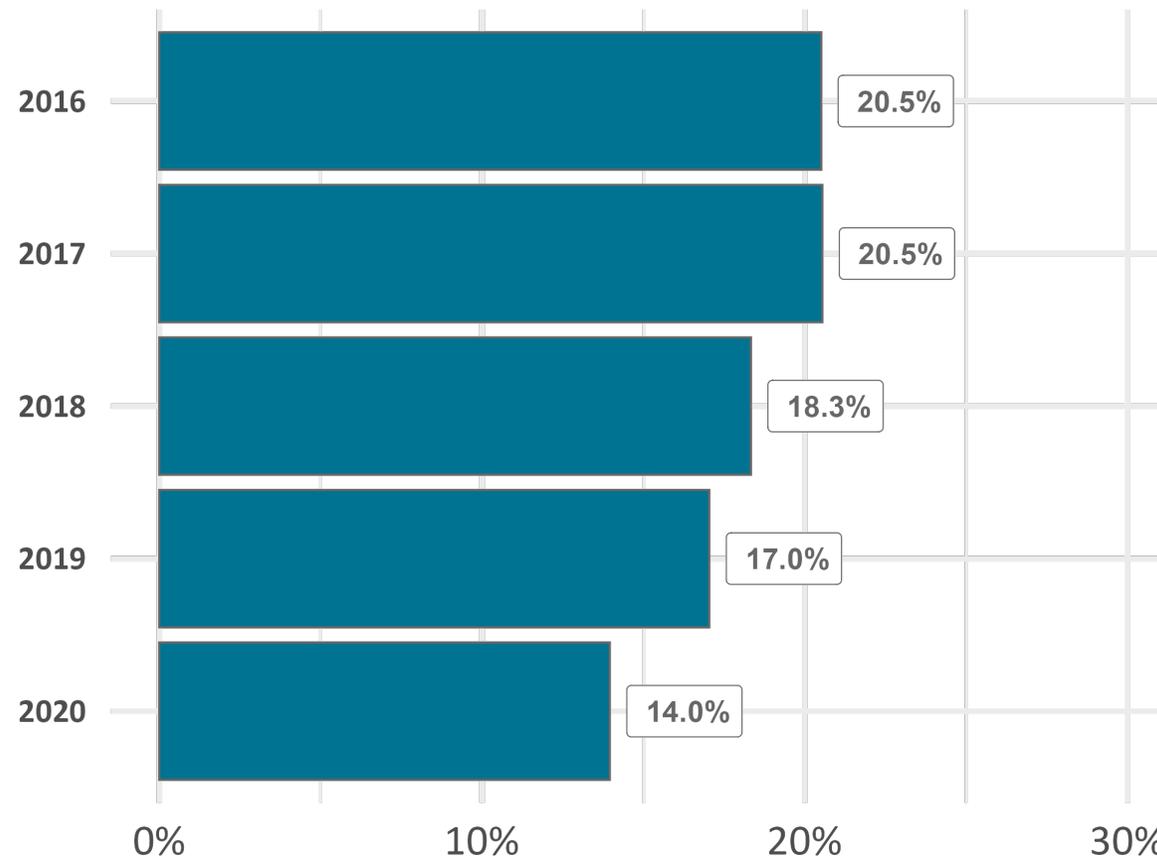
3.8% of petitions involving youth under 12 are missing offense information

Key Finding #3:

The consent calendar is the most used form of “diversion” but is limited in scope and faces challenges in function.

The proportion of petitions placed on consent calendar decreased each year from 2016 to 2020.

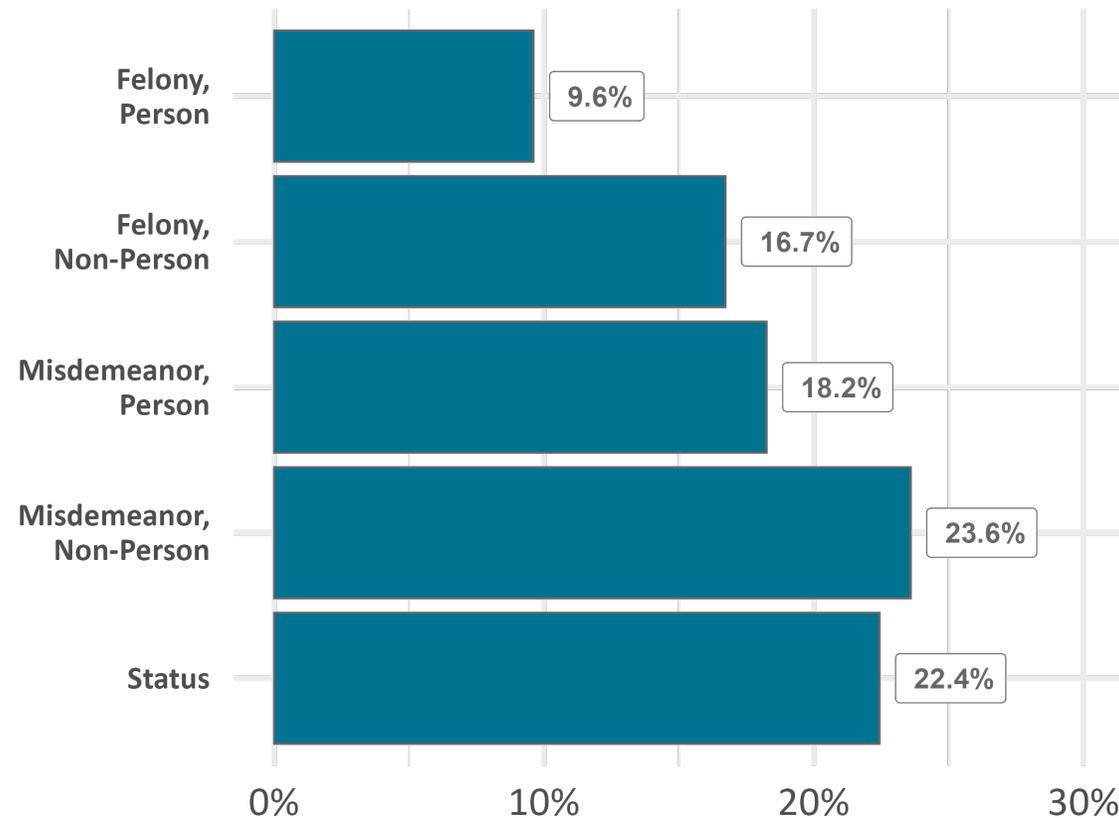
Percent of Petitions Placed on Consent Calendar, 2016 - 2020



Data come from 30 counties representing 34% of Michigan's juvenile population. Counties that do not utilize consent calendar were excluded from analysis.

Less than one quarter of status and non-person misdemeanor petitions are placed on the consent calendar.

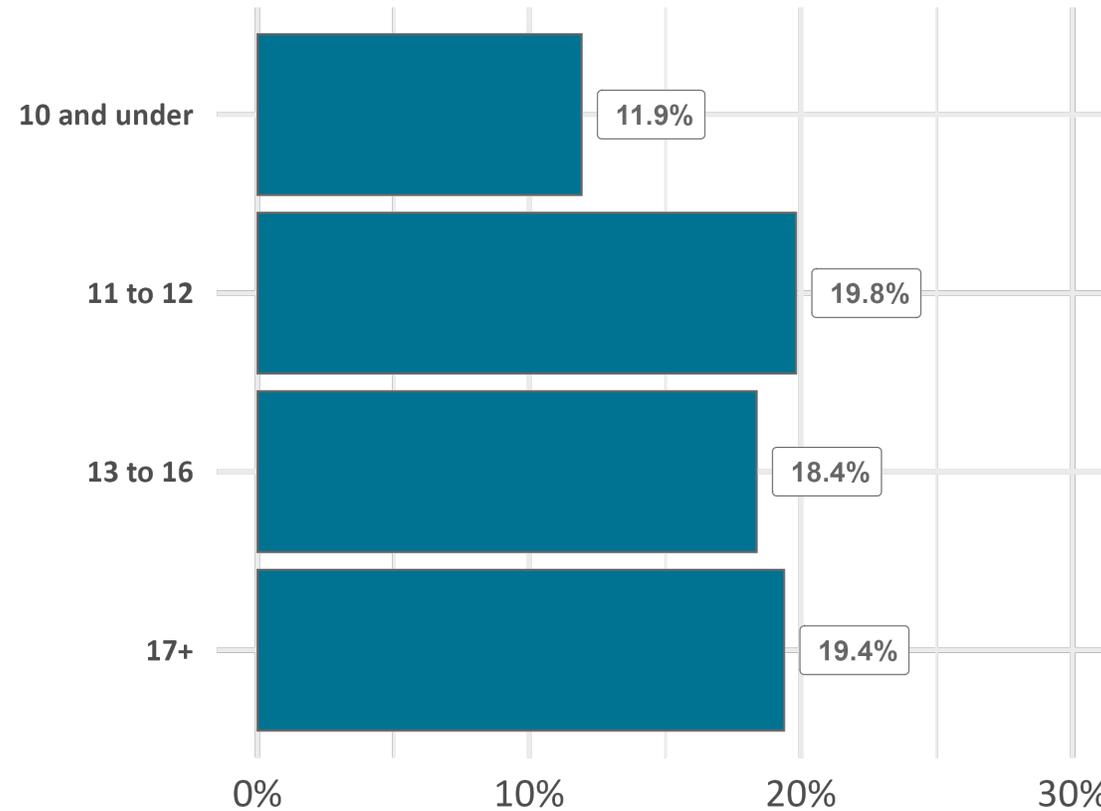
Percent of Petitions Placed on Consent Calendar by Offense Type, 2016 - 2019



Data come from 30 counties representing 34% of Michigan's juvenile population. Counties that do not utilize consent calendar were excluded from analysis.

Less than 1 in 5 petitions for youth ages 12 and under are placed on the consent calendar.

Percent of Petitions Placed on Consent Calendar by Age, 2016 - 2019



Data come from 30 counties representing 34% of Michigan's juvenile population. Counties that do not utilize consent calendar were excluded from analysis.

Policies and practices related to the consent calendar are not consistently aligned with research-based approaches.

Eligibility

- To be considered for consent calendar, youth must admit guilt and the parent/guardian and prosecutor must agree.
- As previously stated, decisions are primarily offense-based in practice, and some jurisdictions impose their own additional limitations.
- Youth on consent calendar are subject to similar supervision conditions as youth on formal probation and can be on supervision for as long as 9-12 months.
- Supervision often requires weekly case contacts and youth are often over-serviced, in large part due to the requirements of the Child Care Fund.
- Some youth must pay a fee to be on the consent calendar—as high as \$350—and youth can remain on consent for long periods of time to address restitution.
- There is limited use of restorative practices in jurisdictions using consent calendar to hold youth accountable and repair harm to victims.

Terms and Conditions

Services

Potential Opportunities for System Reform and Transformation

- ❖ Ensure that the juvenile justice system is primarily focused on supervising and serving higher risk youth by expanding pre-arrest and pre-court diversion options for lower risk youth.
- ❖ Ensure that diversion decisions are based primarily on the results of a risk screening tool and establish more consistent eligibility criteria, including using automatic diversion for certain populations of youth such as status offenses or younger youth.
- ❖ Strengthen collaboration across education, justice, and behavioral health systems to address the educational and behavioral health and crisis needs of youth and families outside the juvenile justice system.
- ❖ Establish more robust, statewide research-based standards for diversion and consent supervision, by restricting the length of time and the intensity of supervision and services for low-risk youth.
- ❖ Establish the statewide data infrastructure necessary to describe, track, evaluate, and improve the diversion system.



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COURT PROCESS & SUPERVISION

Research and best practices in dispositional decision making, supervision, and services

- ❖ Conduct validated risk/needs assessments and behavioral health assessments prior to disposition and use the results to match youth to the right level and type of supervision and services.
- ❖ Focus supervision on promoting positive youth behavior change rather than surveillance and sanctions.
- ❖ Focus services on moderate/high risk youth and on community-based services demonstrated by research as effective.
- ❖ Use funding to support/require/incentivize research-based policies, practices, and services.
- ❖ Partner across service systems to provide a coordinated approach to funding, case management, and service delivery.
- ❖ Provide ongoing quality assurance and collect data to assess and improve service fidelity and outcomes.

There are several local jurisdictions that have key strengths in their approach to court decision-making and probation supervision:

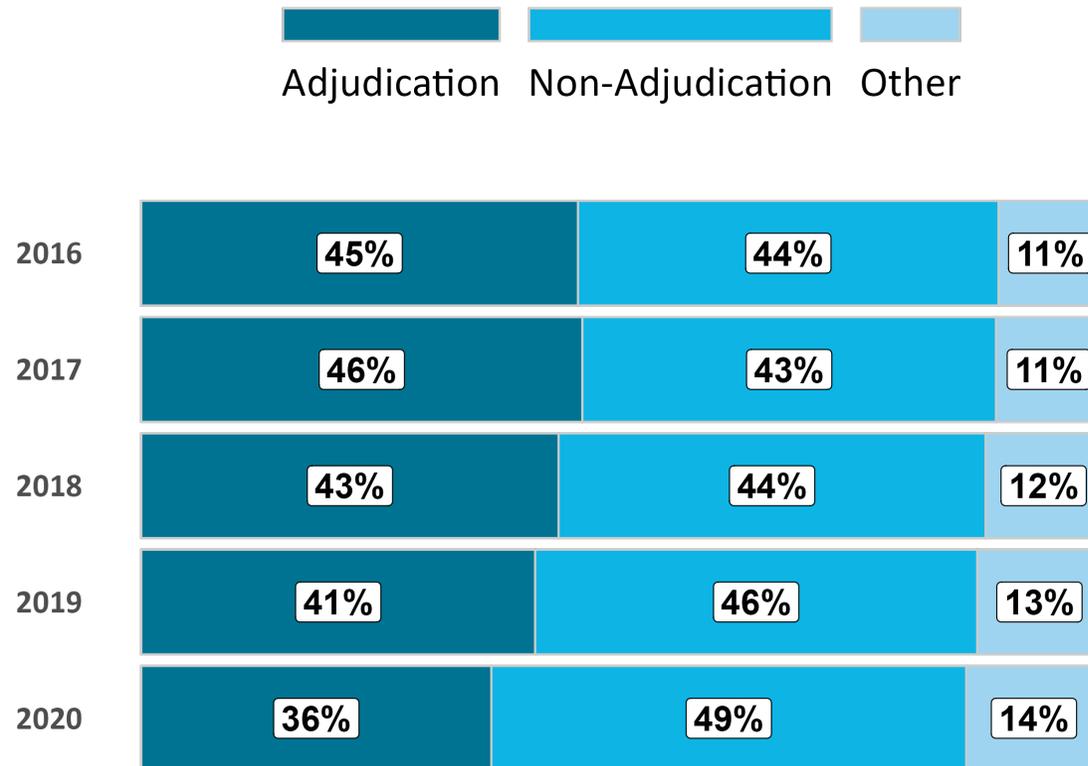
- ✓ Some counties conduct risk and needs assessments pre-disposition and use the results to guide dispositional decision-making, case planning, supervision conditions, and service matching.
- ✓ Some counties are using evidence-based approaches and services for youth on probation, like EPICS, MST, and ART, and some are also using graduated responses to address probation violations and incentives to reward positive behavior change.
- ✓ Some counties are implementing family-centered approaches and integrating family engagement standards as part of their probation policies and practices. Additionally, some courts have established family engagement principles, home-based approaches, or family support groups.
- ✓ Some counties have moved to eliminate the assessment of fines and costs for juvenile justice system involvement.

Key Finding #4:

Adjudicated cases are largely comprised of status and misdemeanor offenses. And, a high proportion of petitioned cases are not adjudicated, raising the question of whether these youth need to experience the court system in the first place.

Less than half of petitions filed with juvenile court are adjudicated.

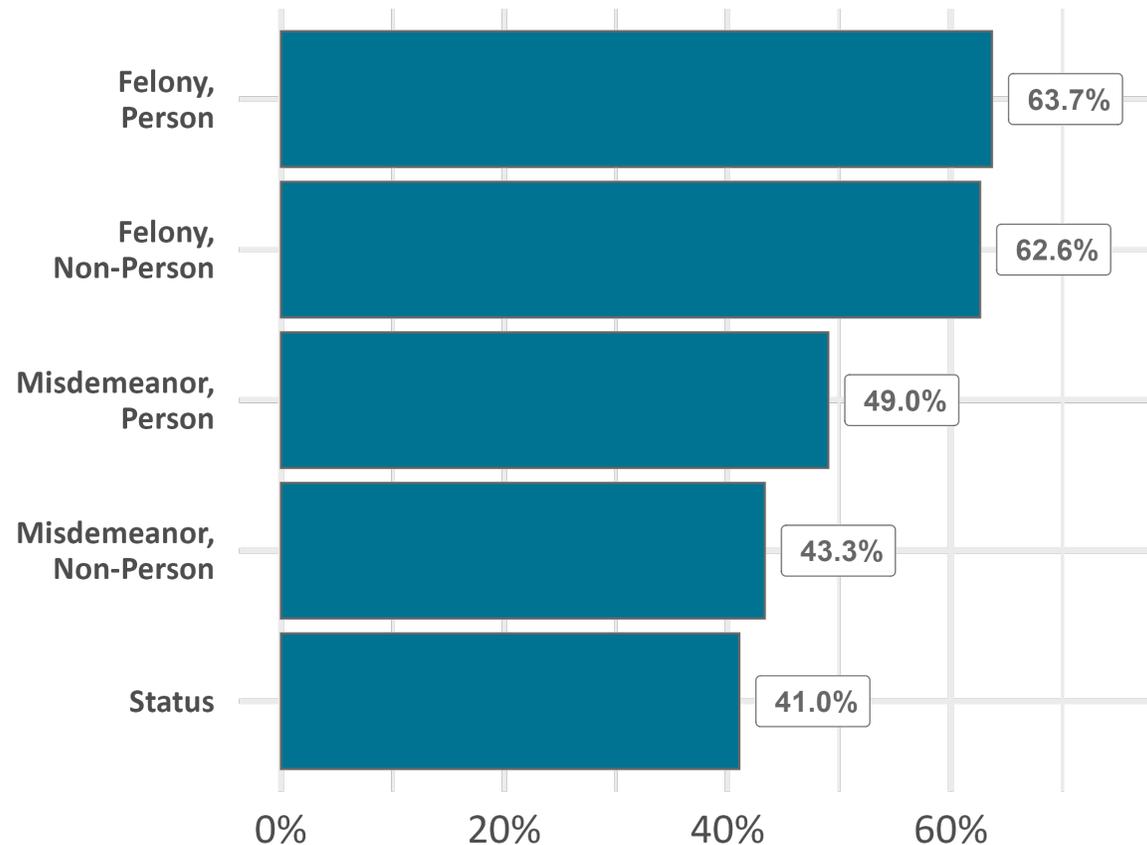
Petition Adjudication Status and Year, 2016 - 2020



Data come from 32 counties representing 55% of Michigan's juvenile population

More than 40 percent of petitions for which status was the most serious offense are adjudicated.

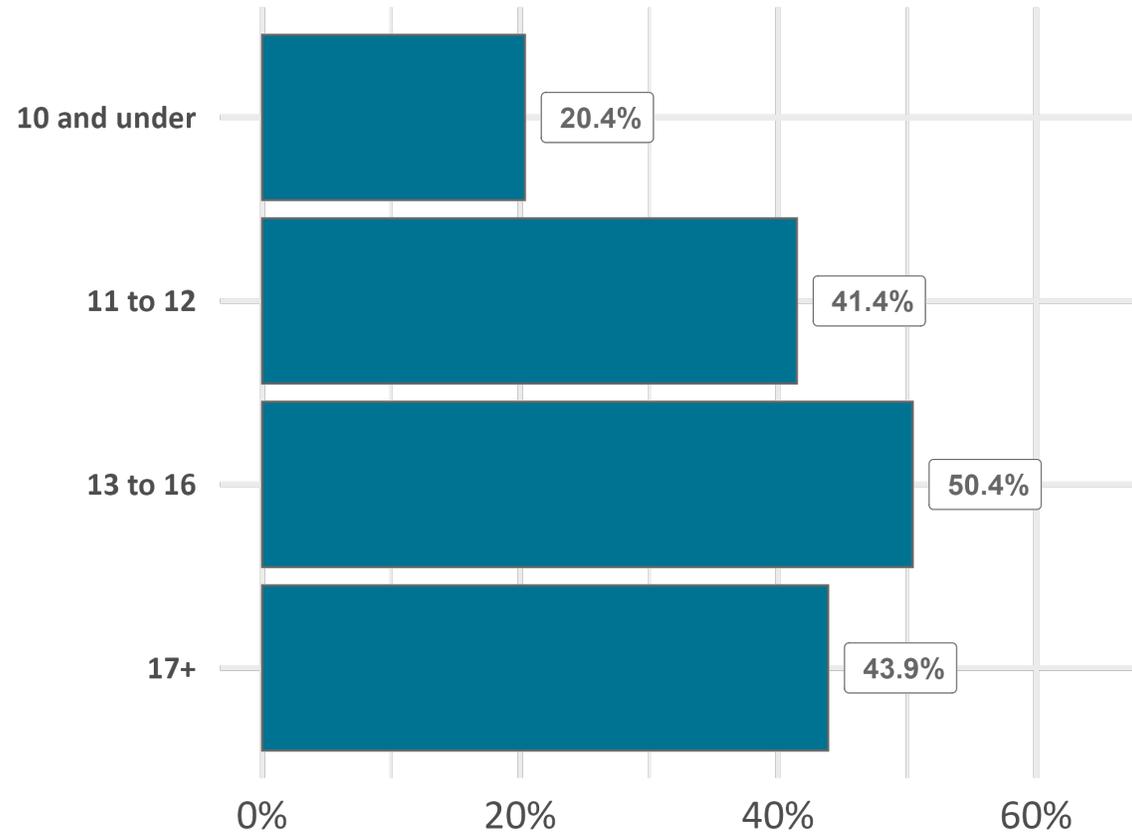
Percent of Petitions Adjudicated by Offense Type, 2016 - 2019



Data come from 32 counties representing 55% of Michigan's juvenile population

Less than half of petitions for youth ages 12 and under are adjudicated, and mostly for misdemeanor and status offenses.

Percent of Petitions Adjudicated by Age, 2016 - 2019



Data come from 32 counties representing 55% of Michigan's juvenile population

Approximately 1,300 petitions involving youth ages 12 and under were adjudicated between 2016 and 2019.

Youth 12 and Under Adjudicated Offense Profile

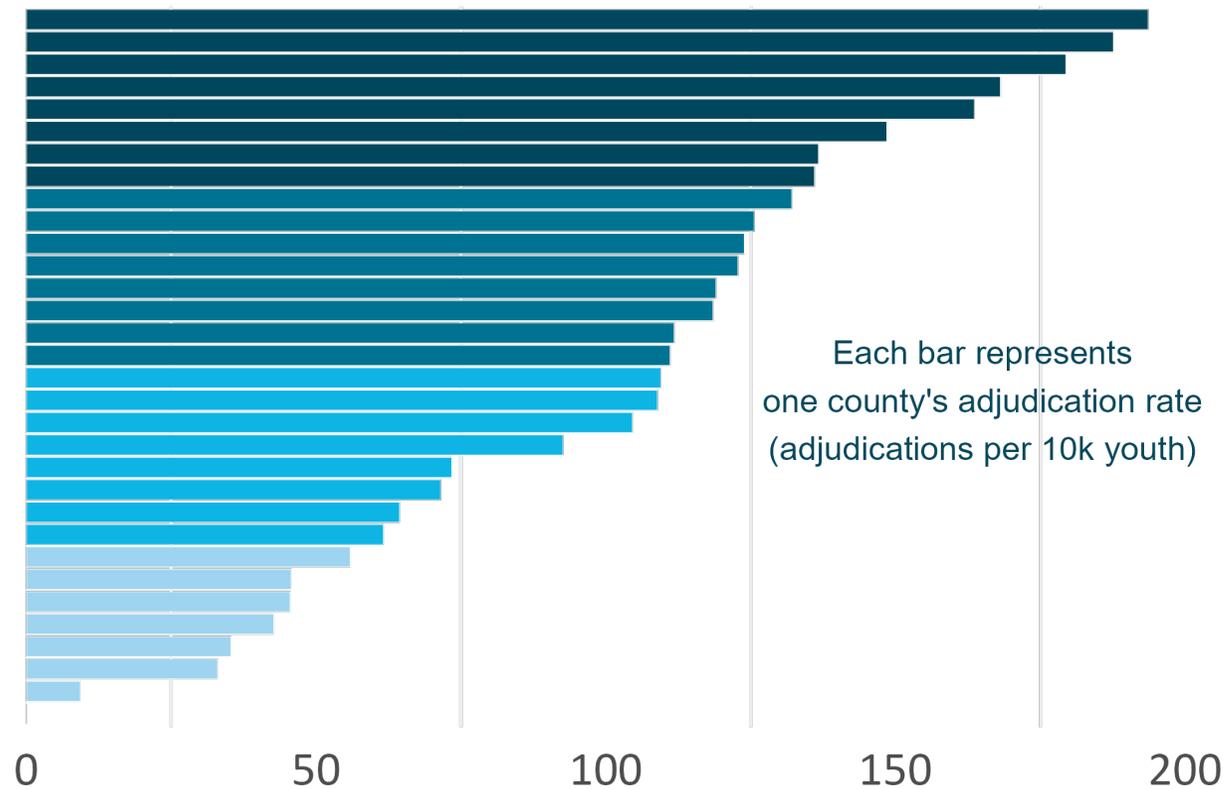
Felony person	11%
Felony non-person	10%
Misdemeanor person	31%
Misdemeanor non-person	22%
Status	24%
Other	2%

1.8% of adjudicated petitions involving youth under 12 are missing offense information

Adjudication rates vary considerably by county.

Adjudications per 10,000 youth by county, 2016 - 2019

■ 133 to 194 ■ 110 to 133 ■ 60 to 110 ■ 0 to 60

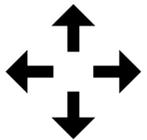


No clear trends were observed with respect to county size or geographic location and adjudication rate.

The juvenile justice system in Michigan imposes numerous fines and costs on youth and their families.



- Michigan statutes mandate certain fines and fees, including for state minimum costs, crime victims fund, administrative court costs, program participation, disposition fees, and record expungement, among others.
- Other fines and fees can be assessed based on judicial determination, including attorney costs, consent calendar participation, and costs for a youth's care in residential placement.
- Restitution can be a barrier to diversion participation and can also impact a youth's length of stay on supervision.
- Fees remain on the record until paid, even if the youth is no longer under jurisdiction of the court.



- How juvenile courts handle fines and fees varies across the state. While some counties have eliminated all juvenile fines and fees, others routinely apply them even to indigent families.
- Fines and fees more negatively impacts youth of color since they are more likely to be adjudicated or placed in a residential facility.
- Not being able to pay can result in wages being garnered and other collateral consequences.

In 2019, 41 percent of juvenile court cases had a fine ordered or cost associated.

Fines and Costs by Juvenile Court Case, 2019

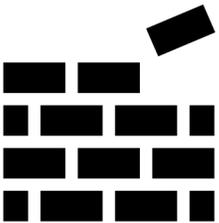
	Amount Ordered (Median)	Amount Paid (Median)	Total Amount Paid			
			\$0	Up to \$300	\$300 to \$1000	More than \$1000
Overall	\$300	\$75	32%	44%	16%	8%
Juvenile Only	\$125	\$75	33%	54%	9%	4%
Other Parties	\$377	\$60	42%	35%	15%	9%

Data come from 72 counties in the JDW Financial Data System. The year represents the year the case was disposed. Amounts ordered and paid may occur in different years that the year of the disposition.

Fines and Costs by Type

- The median amount paid for reimbursement costs (placement, evaluation, treatment) was \$850, with 11% of cases paying more than \$1000.
- The median amount paid for probation fees was \$150 and the median amount paid for state minimum costs was \$75

Adjudicated youth, including youth that have committed low-level offenses, are subject to multiple collateral consequences, many of which can have a life-long impact.



- Recent clean slate legislation established a process for automatically "setting aside" many juvenile records. However, there are still offense restrictions and youth must wait two years after the completion of supervision for their record to clear.
- The definition of a conviction in Michigan's occupational licensing statute includes juvenile adjudications.
- Licensing statute includes 'moral character' requirements which can be interpreted to include juvenile adjudications.
- While the state has enacted broad confidentiality of public records, open court proceedings undercut the privacy of youth of families, particularly when courts have been livestreaming hearings during Covid.
- Statute does not prohibit post-secondary educational institutions from asking about juvenile adjudications on admission applications.

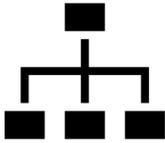
Key Finding #5:

Many elements of the juvenile court process are not consistently aligned with research and developmentally appropriate practices across the state.

There are limited statewide guidelines and requirements in place around dispositional decision-making and lengths of stay.

- No statewide guidelines or requirements around:
 - ✗ Use of risk and needs assessments
 - ✗ Pre-dispositional reports and information sharing
 - ✗ Dispositional decision-making
 - ✗ Length of stay on supervision
 - ✗ Use of out-of-home placement
- Risk assessments are conducted at varying points (pre/post disposition) and different assessments are being used across the state (MJAS, YLS, YASI), with some counties not using risk assessments at all.
- Judges, referees, and attorneys have limited and different information available to guide them in making recommendations and risk-based decisions.
- Length of stay and terms and conditions of supervision are not always informed by youth's criminogenic risk and needs and not individualized to youth.

Michigan lacks the statewide infrastructure to provide quality assurance and technical assistance to support the local juvenile courts.



- SCAO has limited capacity to provide statewide quality assurance, technical assistance, and training to local courts and probation departments.
- Most stakeholders identified a need for more statewide support and oversight in tracking and using system level data, identifying effective programs, and supporting the adoption and implementation of evidence-based practices.



- There are very few state standards around training for defenders, prosecutors, judges, or referees handling juvenile delinquency proceedings.
 - Many judges and referees hear a mixed docket of cases and are not required to have juvenile justice experience prior to taking the bench.
 - In parts of the state, juvenile court is perceived as a "lesser" court, resulting in fewer resources and less experienced officials being assigned to juvenile cases.
- A lack of training and support has also led to inconsistency in practice in meeting the needs of crime victims.

There is no statewide oversight structure or funding mechanism to ensure consistent access to high quality juvenile defense.



- There is no statewide system, standards, or monitoring processes in place to ensure youth are receiving adequate defense services.



- Lack of statewide funding for juvenile defense has resulted in significant variation in local systems in terms of accessibility to trained and qualified defenders, the types of services that are available, and when in the court process counsel is appointed. Many attorneys have transitioned to the adult defense system as well due to funding challenges.



- Youth and families often must pay attorney fees, in addition to other fines and costs imposed by the system, which can result in youth waiving an attorney or pleading their cases quickly to lessen cost.



- Youth reported that defense attorneys were not always prepared to advocate for their best interest, and parents cited the quick conversations they had with attorneys in the public hallways of the court building as their only exchange during the court process.

Court processes and practices do not consistently engage youth and families in a developmentally appropriate way.

No statewide guidelines or policies exist on youth and family engagement in court decision making and processes. As a result, youth and families have varying experiences with court and probation staff and processes, even within the same county.

Youth and families report feeling excluded, and parents repeatedly cited the desire to be seen as experts on their children.

Youth report supervision monitoring activities as unproductive and harmful to their progress and it was often unclear why probation was continuously extended even after meeting the stated goals.

Key Finding #6:

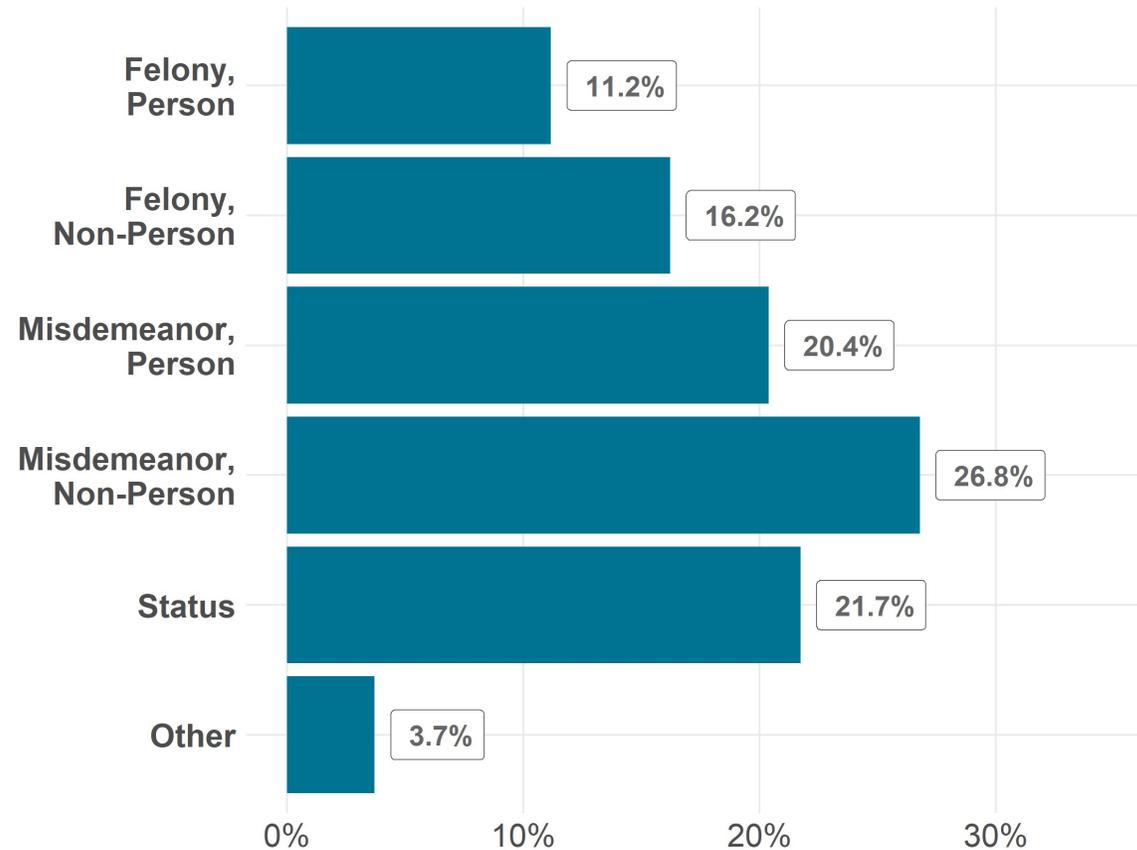
Limited statewide support and oversight for local court systems results in varying adherence to research-based approaches in probation supervision and services across the state.

Probation policies and practices vary across the state in their adherence to research-based approaches.

- Supervision conditions are generally standard and long and are not tailored to each individual youth. Some jurisdictions are having conversations around moving towards individualized conditions.
- In some jurisdictions, probation does not have much input on dispositional recommendations or on terms and conditions.
- Limited statewide guidelines exist around length of stay on supervision or criteria for youth to be discharged early, resulting in long lengths of stay.
- Lack of statewide guidelines and standards for supervision and case planning. As a result, while many jurisdictions are focused on positive behavior change, others are utilizing a more punitive/surveillance approach to probation supervision.
- Variability exists across counties in the use of graduated responses to address violations and many counties use detention as a sanction.

In our sample of counties, nearly half of all violations of probation are on petitions where the most serious offense is a non-person misdemeanor or status offense.

Violations of Probation by Most Serious Adjudicated Offense, 2016 - 2019



Data come from 20 counties representing 16% of Michigan's juvenile population.

There is no statewide infrastructure to promote the use of effective, evidence-based services for youth on supervision.



- There are no statewide standards or definitions on the use of evidence or research-based practices.
- There is inconsistent use of risk and needs assessments and trauma, mental health, and other screening tools to inform service matching and referrals.
- Lack of service matching matrices and tools or inventories of research-based services.



- Very limited, if any, data is being collected and tracked on service effectiveness or on youth outcomes. As a result, referrals are made primarily based on anecdotal evidence, relationships, or availability.
- Limited quality assurance infrastructure or accountability mechanisms for service providers or a process and support for continuous improvement.

Potential Opportunities for System Reform and Transformation

- ❖ Ensure that the results of risk and needs assessments are used by the court to inform dispositional decisions and to determine the most appropriate dispositions commensurate with public safety and improved outcomes for youth.
- ❖ Ensure that case plans, supervision terms and conditions, and service matching are tailored to each individual youth and guided by the results of risk and needs assessments and other validated needs screening and assessment tools.
- ❖ Develop statewide guidelines around length of stay on supervision and establish criteria and a more uniform process to inform the use of out-of-home placement and to inform early termination of supervision.
- ❖ Require the use of graduated incentives and responses to incentivize positive behavior change and address probation violations.
- ❖ Establish performance measures for providers to ensure that services are effective and to identify system strengths, challenges, and inform funding decisions.
- ❖ Create and fund a statewide system of juvenile defense.



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EQUITY

Key Finding #7:

There is limited statewide support and structure to address racial and ethnic disparities, promote equity, and increase family and community voice and engagement in the juvenile justice system.

Black youth are petitioned at two times the rate of White youth and are more than 1.5 times as likely to be adjudicated.

- Black:White RRI for petitions = 2.1
- Black:White RRI for adjudication = 1.7
- Black youth within the study cohort had significantly more adjudications during the study period than white youth

Michigan's juvenile justice system lacks a comprehensive equity strategy around race, gender, and youth and family inclusion.

There is a lack of strategy and focus on racial equity at the local and state level, including culturally-specific interventions, training for juvenile justice professionals, and overall system performance metrics.

Disproportionate minority contact data are reported through the Michigan Committee for Juvenile Justice (MCJJ) however counties provide these data voluntarily and not all counties participate.

MCJJ recently established a subcommittee focused on racial equity and mobilized funding for racial equity pre-arrest diversion efforts, however received very limited applications from counties.

There are limited data and focus on equity when serving victims, including satisfaction with engagement and outcomes.

There is not a clear framework or guidance of when and how families and youth are engaged by juvenile justice professionals and in system processes, or how this effort should be measured and reported.

Some counties have established equity efforts including councils that include youth and families to inform solutions, cultural competency trainings, work groups to target specific decision points, and family engagement principles and resources.

Next Steps

Next Steps

1. Share presentation and key findings with other key stakeholders.
2. Continue working group meetings and discuss options for system reform/transformation inside and outside of the working groups.
3. Next taskforce meeting on May 20th
4. June or July taskforce meeting to reach consensus