

**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?

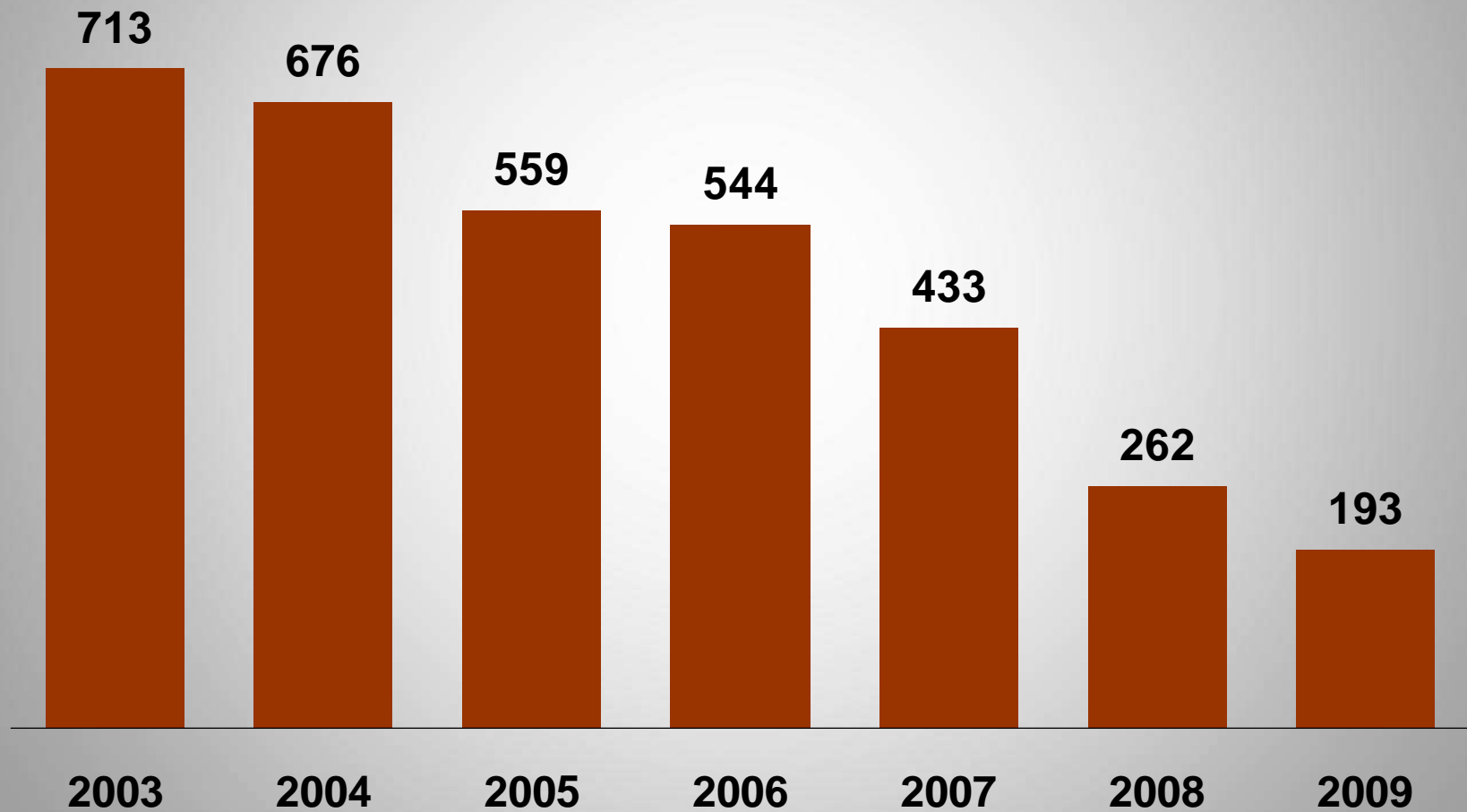
- Huge number of children being referred to the juvenile justice system.
- Most children are being referred for minor misdemeanor offenses.
- Most children being referred are African American.

# Keep in mind....

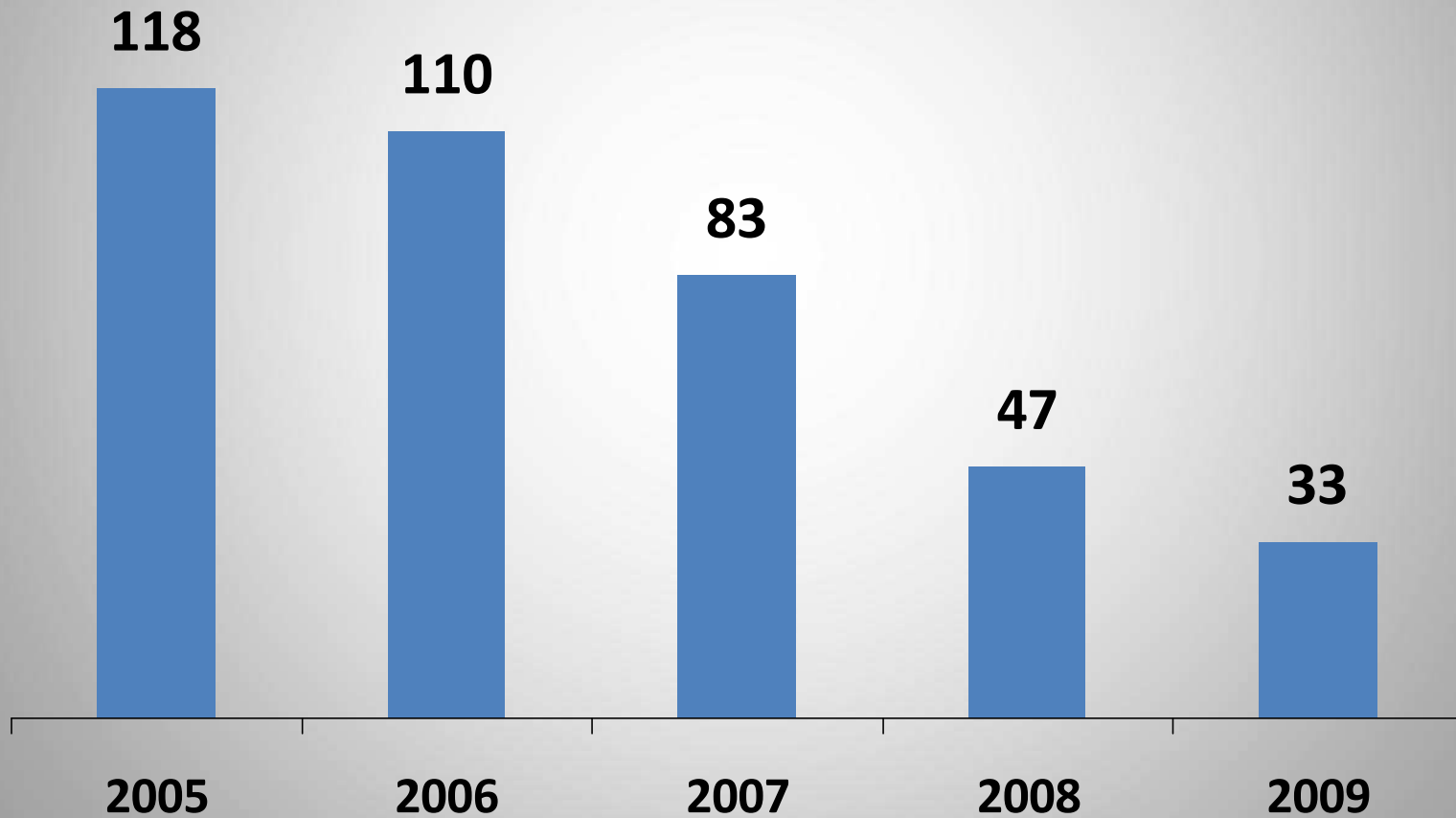
- School engagement is a critical protective factor for kids but...
- A School Offense Protocol is not **The Answer**
- The “School to Prison Pipeline” is not **The Problem**

# Commitments to Juvenile Prison are down by 73%

DYS ADMISSIONS FROM JEFFERSON COUNTY, 2003-2009



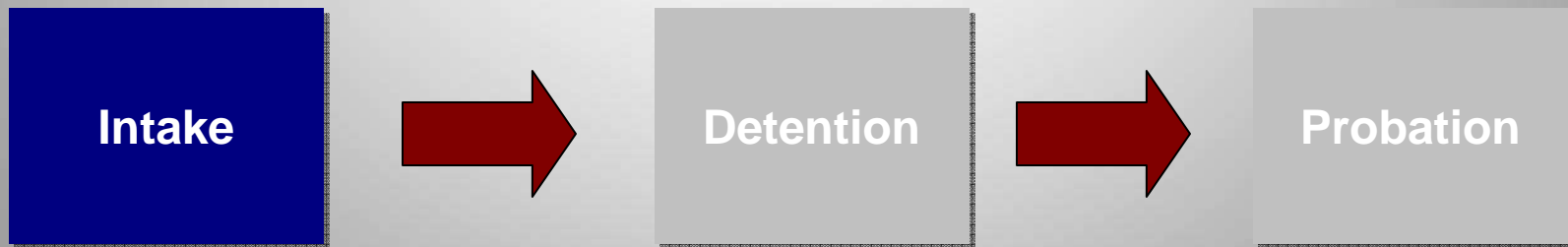
The average detention population is down 72%



# 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**



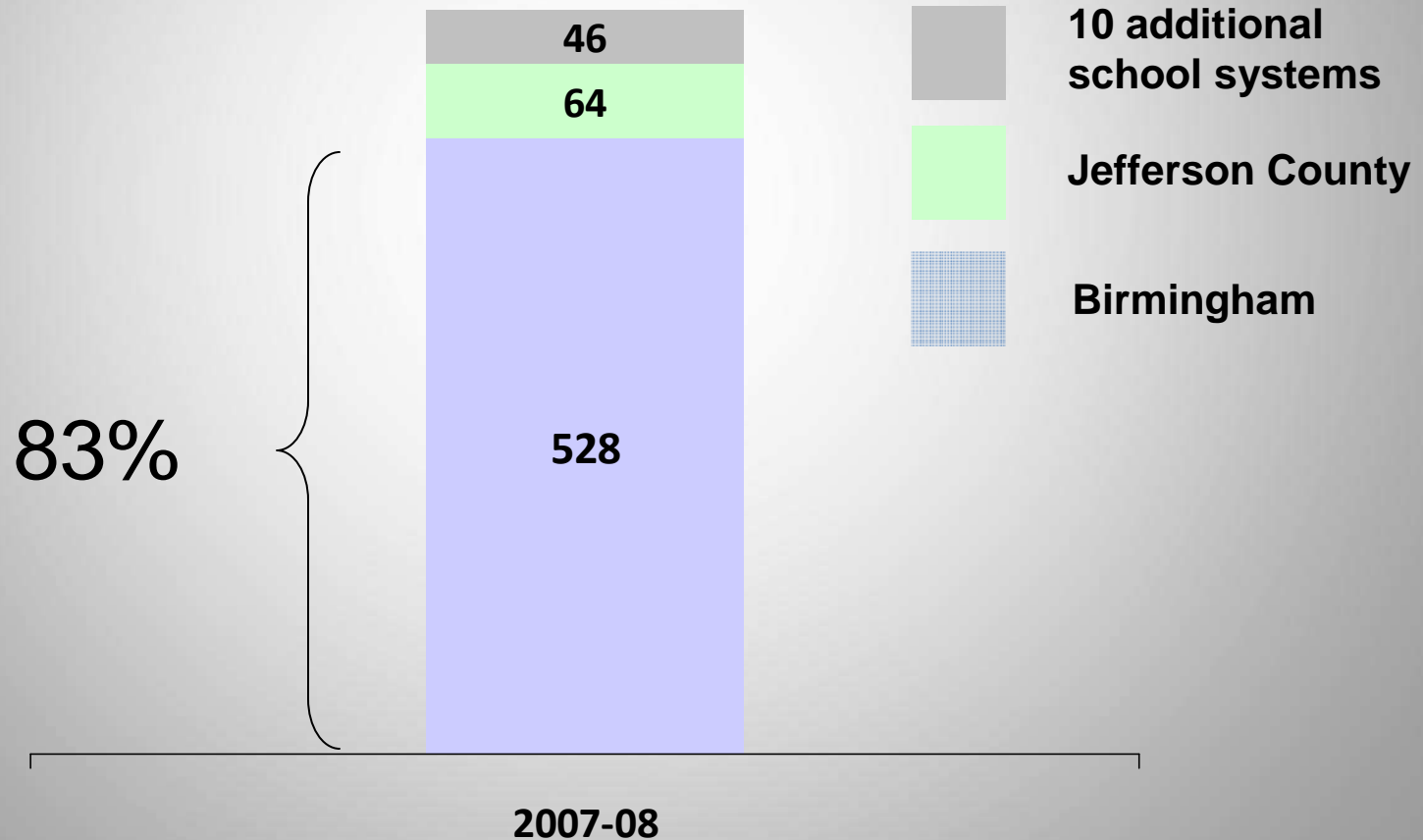
# Research shows a strong link between court referrals and dropout rates

- 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

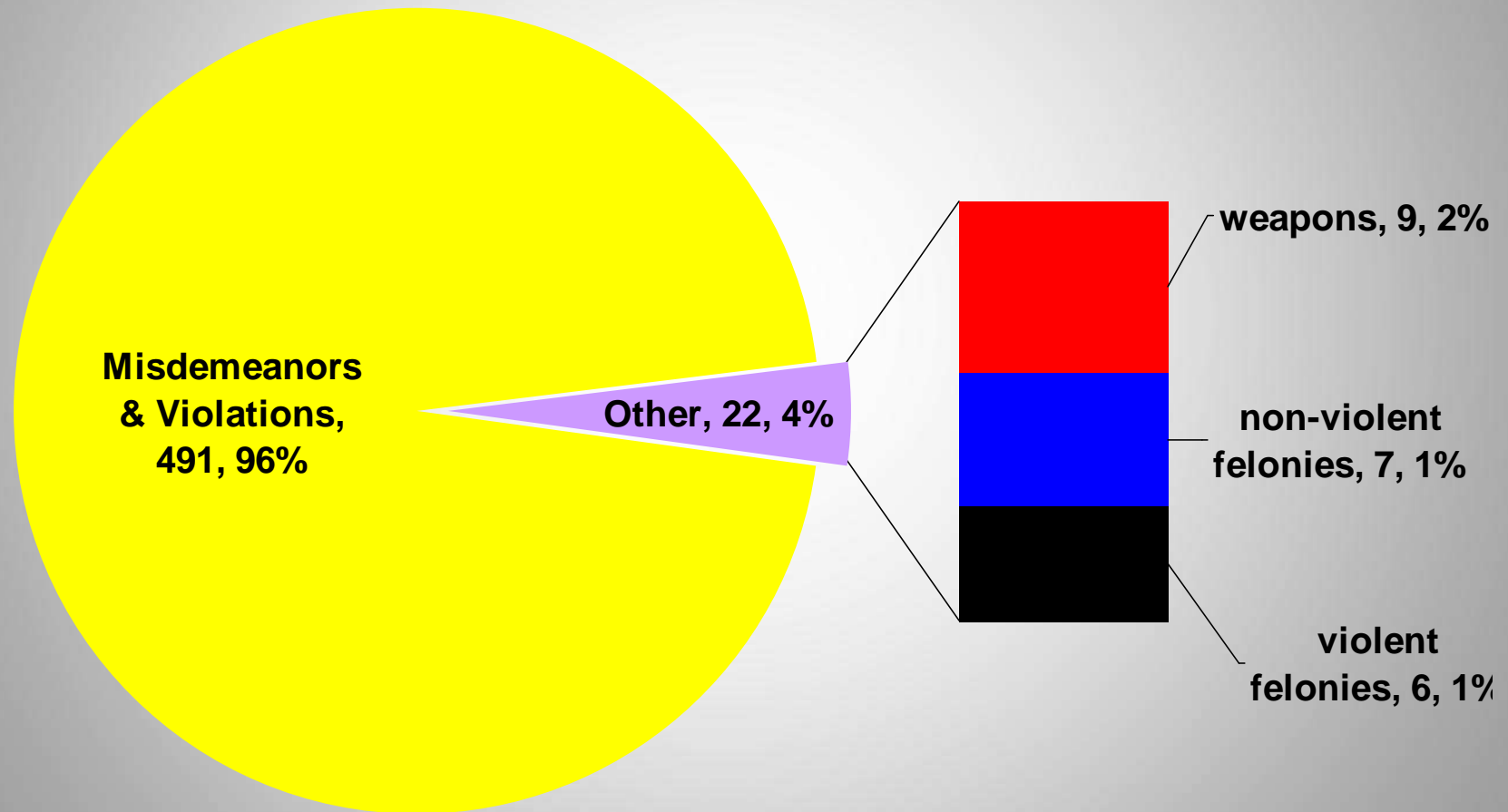
Sweeten, Gary, Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. 24.4, Justice Quarterly, 462-480 (December 2006).

Birmingham educates only 25% of the county's public school students, but accounts for 83% of school referrals

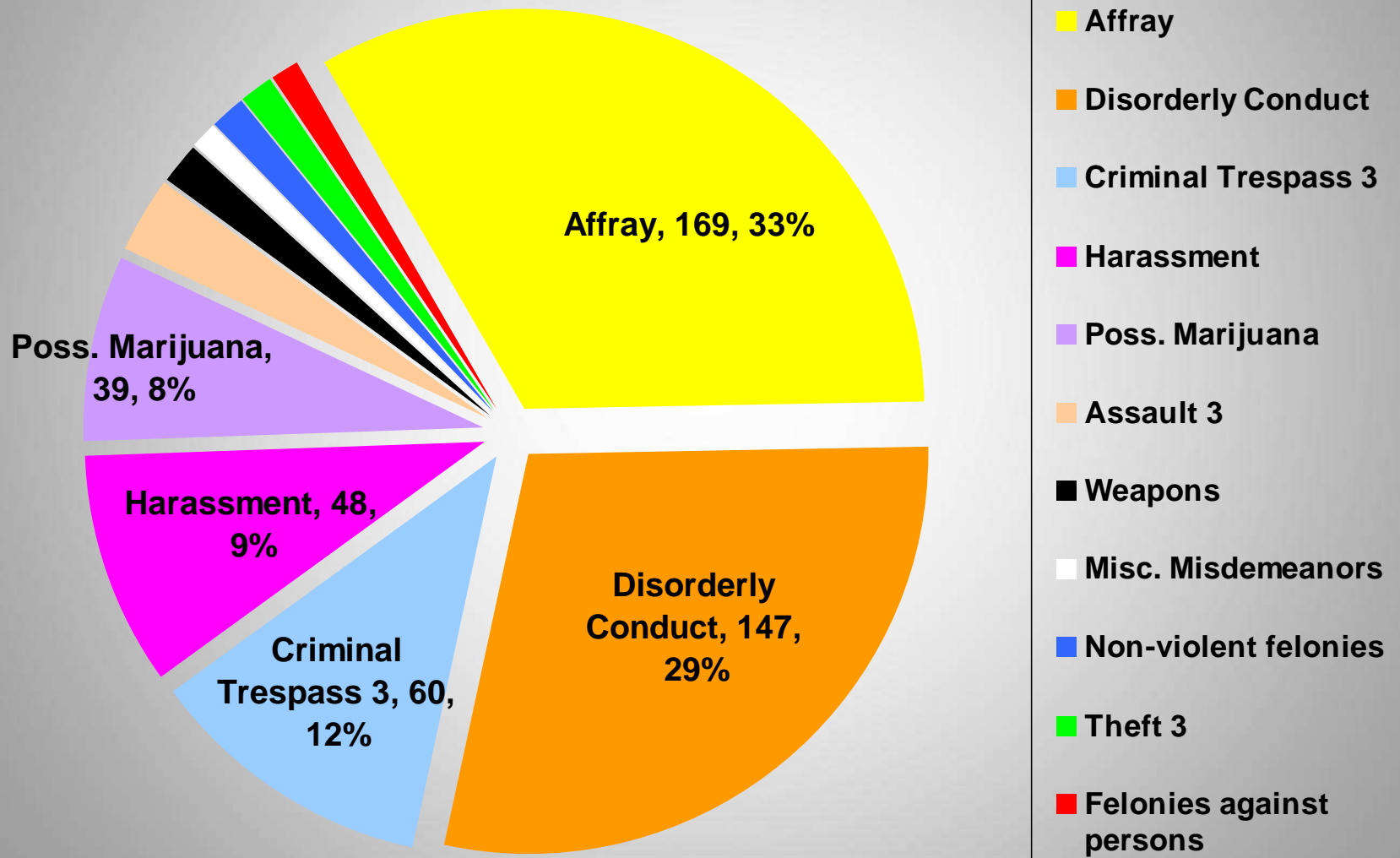
**SCHOOL REFERRALS TO JEFFERSON COUNTY FAMILY COURT,  
2007-08 SCHOOL YEAR**



# Birmingham students referred to family court in 2007/08 – by offense

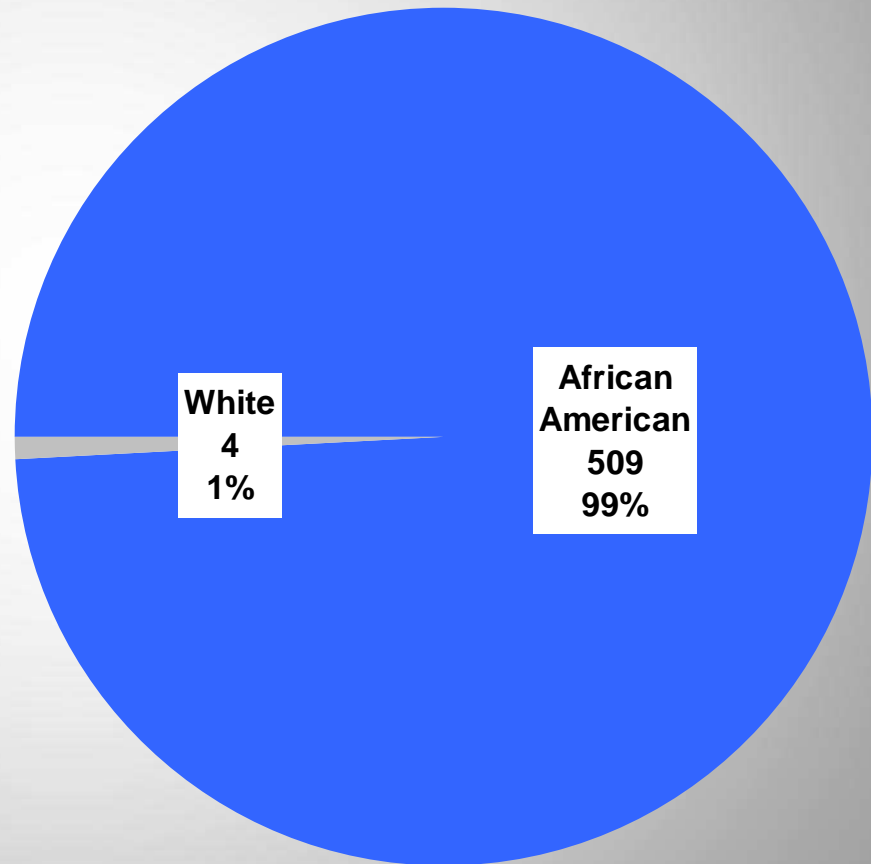


# Birmingham students referred to family court in 2007/08 – by offense



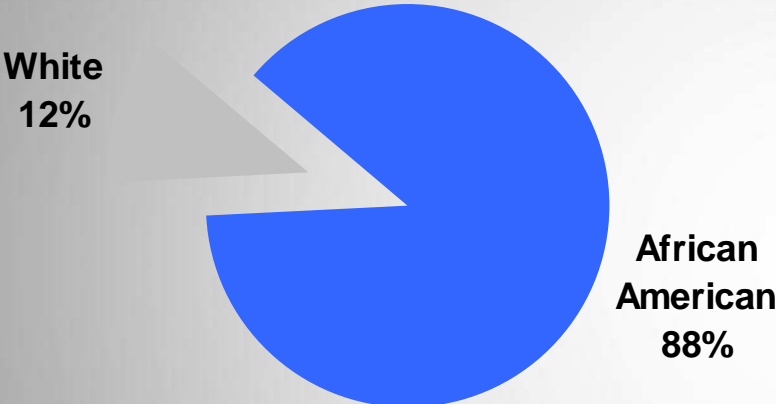
# Added to the disproportionate minority contact with the juvenile justice system.....

- 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

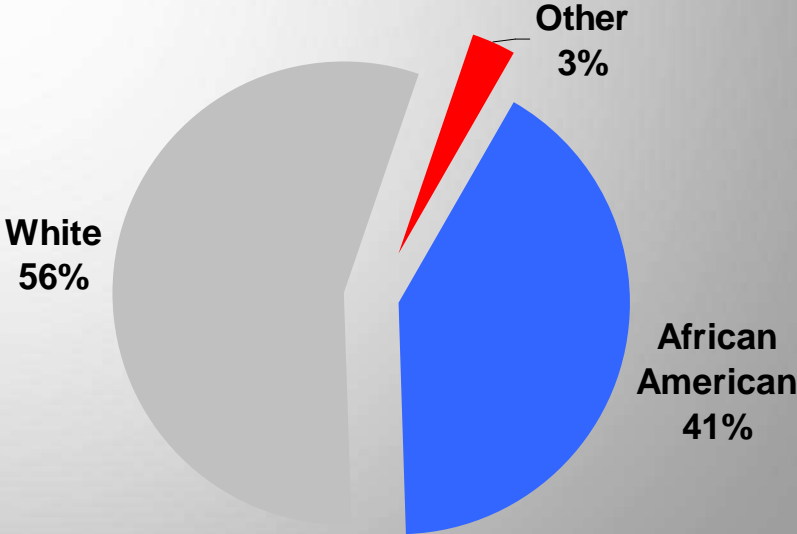


# Racial Disparities in Detention

## G. Ross Bell Detention Center



## Jefferson County



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.

**SUNDAY**  
**The Birmingham News**  
www.al.com March 22, 2009 • Our 122nd year \$1.55 home delivery • 52 newsstand



**NEWS EXCLUSIVE**  
**CITY SCHOOLS RELY ON ARRESTS TO KEEP ORDER**

NEWS STAFF/LINDA STELFER

Birmingham Police Officer Eric Poole patrols the halls at Wenonah High School, where he has been a school resource officer for four years. Poole communicates with teachers and administrators by two-way radio.



Too many incidents turned into criminal charges, officials say

By MARIE LEECH and CAROL ROBINSON  
*News staff writers*

The Birmingham city school system has become a pipeline to the courts. Records show criminal incidents in city schools topped 1,000 last year, and more than half of those students were arrested and taken to family court. Birmingham, with 27,525 students, accounts for about 25 percent of the public school population in Jefferson County, but 82 percent of the arrests that are referred to the Jefferson County Family Court. Court officials say an attempt to restore order and gain control in the Birmingham system has had the opposite effect — criminalizing students, flooding Family Court with cases that once would have been handled in a principal's office, and ceding control of school property to police.

See SCHOOLS | Page 8A

**WHAT OFFICIALS SAY**

**WHEN THE SYSTEM WORKS . . .**

In September, a Parker High School student's trust in a school resource officer led officers to an armed man just a half-block from the school.

The 18-year-old student confided in the Birmingham police officer that another teen called her cell phone and threatened to kill her, along with her boyfriend, after school. She gave the officer a description of the teen and his SUV. Moments later, school resource officers stopped his car and found a loaded assault-type rifle in plain view.

**. . . AND WHEN IT DOESN'T**

A 16-year-old boy at Jackson Olin High School was pushed to the ground, sprayed with Mace and handcuffed for yelling a curse word in the hallway.

A 17-year-old boy at Carver High School was sprayed and arrested for being loud and "boisterous."

A 13-year-old boy at Jones Valley K-8 School was arrested for being in the cafeteria after his lunch time, being loud when questioned about his presence there and bumping into the school resource officer as he left the cafeteria.

An 11-year-old boy at Riggins Alternative School was arrested for being at school while on suspension.

Sources: Birmingham Police Department and Jefferson County Family Court

# 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

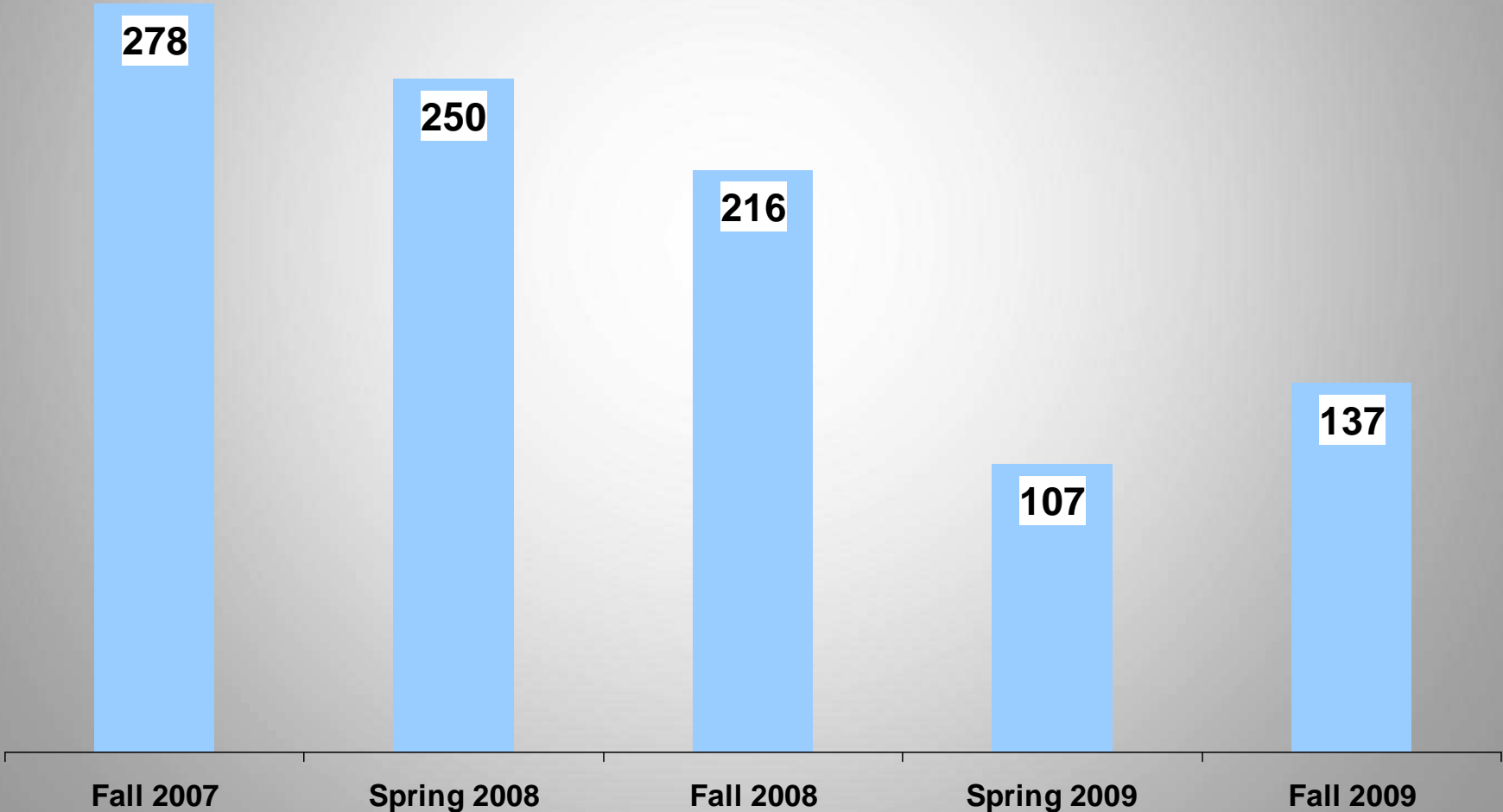
# Decide which “offenses” to include.

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

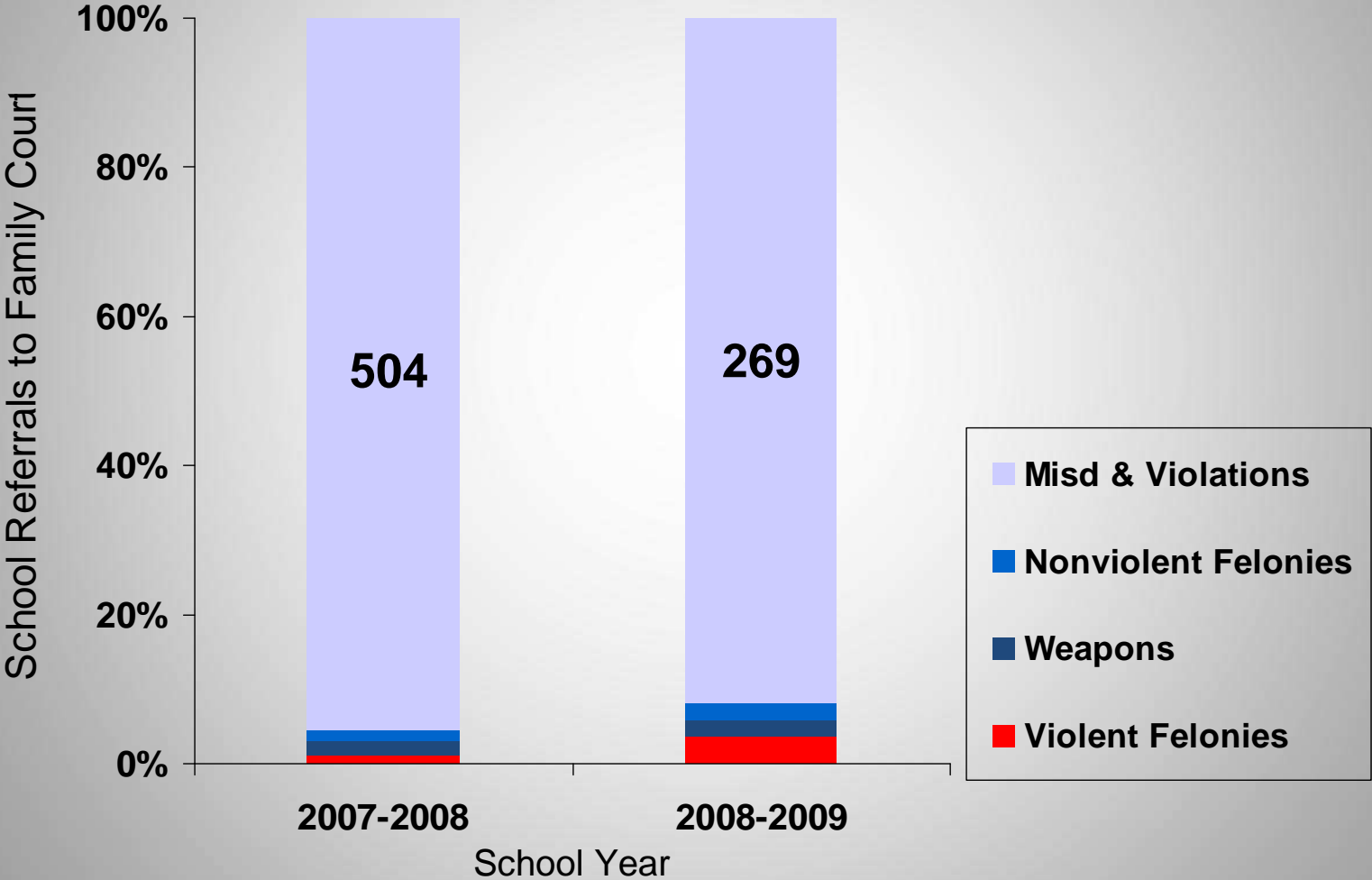
**Get it in writing!**

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

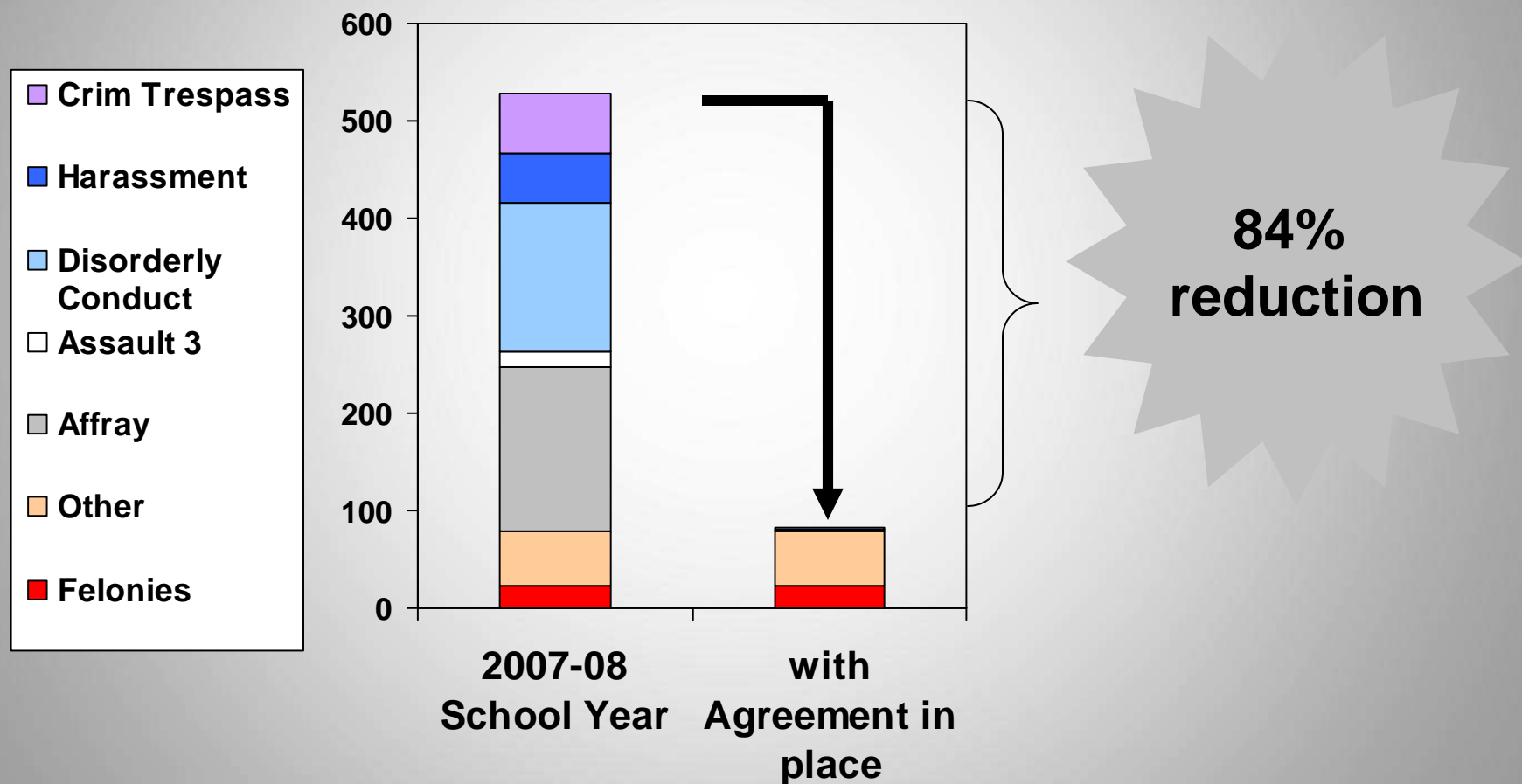
**COURT REFERRALS FROM BHAM SCHOOLS,  
BY SEMESTER**



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

For more information:

Brian Huff  
Presiding Judge  
Jefferson County Family Court  
205.325.5538  
[huffb@jccal.org](mailto:huffb@jccal.org)

Danielle Lipow  
Director, Juvenile Justice Policy Group  
Southern Poverty Law Center  
334.956.8336  
[danielle.lipow@splcenter.org](mailto:danielle.lipow@splcenter.org)