

**MISSISSIPPI  
JUVENILE  
JUSTICE  
REFORM**

**BRIEFINGBOOK**



**MISSISSIPPI COALITION FOR THE PREVENTION OF SCHOOLHOUSE TO JAILHOUSE** is a state-wide group of educators, community, legal and public policy groups dedicated to using cost-effective and humane strategies to close Mississippi's schoolhouse to jailhouse pipeline and reform its wasteful, ineffective juvenile justice system.

## Introduction

Mississippi's juvenile justice system relies almost exclusively on incarceration — the most expensive, least effective means of combating juvenile delinquency.<sup>1</sup> Your Mississippi taxpayer dollars support the Oakley and Columbia training schools — \$115 per day for each incarcerated child.<sup>2</sup> And what are Mississippians paying for? The ongoing abuse and neglect in these institutions has been documented by the federal government, independent consultants, and the State itself.

But there is another way. Community-based sanctions cost the state only \$23.08 per child per day—and these programs are proven more effective at rehabilitating troubled youth.<sup>3</sup> The training schools simply don't work. Children there receive ineffective rehabilitative services; many find it impossible to escape old behaviors and end up cycling in and out of the system.<sup>4</sup> And once Mississippi resolves the lawsuits pending over conditions at the training schools, the cost of incarceration may rise to \$260.00 per child per day.<sup>5</sup>

**Given our budget crisis, we cannot afford to pump more money into a broken system. The time for true, cost effective juvenile justice reform is now.**

“If we don’t stand up  
for children, then we  
don’t stand for much.”

Marian Wright Edelman

Meaningful, systemic reform will require the Mississippi legislature to:

**1) End reliance on the paramilitary training schools.**

We can save taxpayers millions of dollars by eventually and safely phasing out one of the state-supported paramilitary training schools.

**2) Invest in community-based sanctions.**

The millions saved from phasing out a paramilitary training school should be used to create cost-efficient community-based sanctions proven to rehabilitate troubled youth.

**3) Create the Juvenile Justice & Delinquency Prevention Commission.**

The state agencies charged with providing services to at-risk youth should coordinate their services with youth courts, school districts, families and communities through a single Commission.

**4) Protect the rights of court-involved youth.**

The youth court process must be fair and uniform state-wide. Detention facilities should comply with national standards and the recommendations of the Mississippi Juvenile Detention Task Force. An “Office of Juvenile Advocacy and Representation” should ensure youth are adequately represented in youth court proceedings.

## Why reform? Why now?

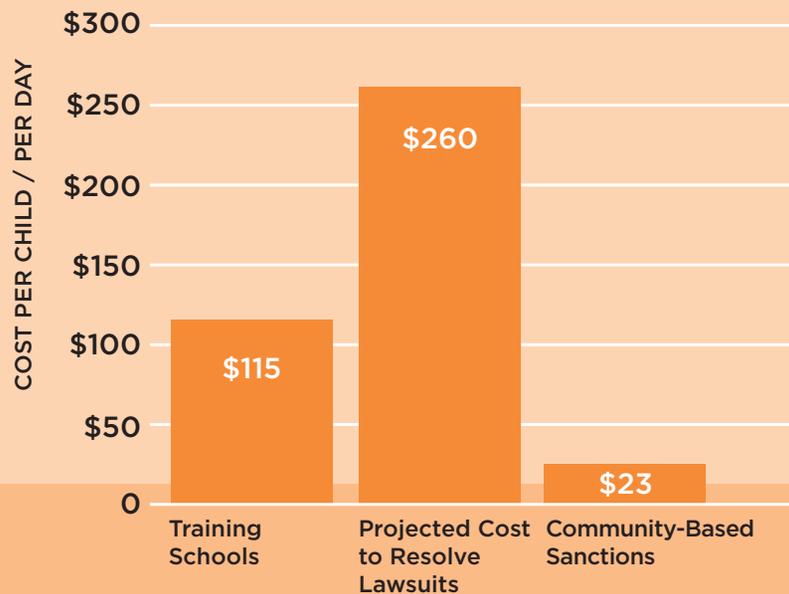
**Reform makes good financial sense.** Juvenile justice reform will ensure financial accountability — starting now. At the moment, only 25 counties have access to community-based alternatives to the training schools. In FY 2004, these 25 programs saved the State of Mississippi over \$14 million dollars.<sup>6</sup> By expanding these programs to all 82 counties, we can multiply these savings — and better serve our children. **All we need to do is re-direct funds from wasteful programs to models with proven effectiveness.** Because effective models are also more cost-efficient, reform not only pays for itself, it leaves money to spare.

**Reform is grounded in research.** Many other states that have implemented juvenile justice reform plans have reduced juvenile crime. “Experience shows that states ... can substantially reduce their reliance on incarceration — saving millions for taxpayers [and] increasing public safety.”<sup>7</sup>

**Reform has strong public support.** Major media outlets, including the *Clarion-Ledger*,<sup>8</sup> the *Hattiesburg American*,<sup>9</sup> the *Vicksburg Post*,<sup>10</sup> the *Biloxi Sun Herald* and the *Jackson Free Press*, have all endorsed our plan for juvenile justice reform.

Taxpayers and juvenile justice system stakeholders are counting on the legislature to implement juvenile justice reform this year and start reaping the benefits of wise investments.

### Cost of Incarceration



SOURCE Mississippi and Louisiana sources cited in notes 2-3 and 5

...out of Jackson. ... might it was taken care of," Powell ... he remained in jail for a couple of ...

... Attorney General Jeff Hood said. ... The passports, which are issued to ver- ... fied identity theft victims, are issued by ... the attorney general's office. ... tion is used illegally. ... Hinds County Sheriff's Department ... spokesman Lt. Steve Pickett said the at- ... tney general's resources will be a big help.

# Juvenile centers called 'worst' in U.S.



J.D. Schwantz/The Clarion-Ledger  
 A congressional town hall meeting to discuss the ongoing troubles at the Hinds County Training School in Mississippi.

# Justice Dept. cites widespread abuse

## Judges want options to 2 training schools

**By Sheila Hardwell Byrd**  
*The Associated Press*

Youth court judges say the state should put more money in programs aimed at keeping juvenile offenders out of Mississippi's training schools.

"We try to front-end load our children. We really don't want to send them to training schools. We would rather handle that case in the community," said Forrest County Judge Mike McFaul, one of four judges who spoke Thursday to members of the House Juvenile Justice Committee.

Adams County Judge John Hudson said about 3 or 4 percent of the 735 youth who came

Raymond or Columbia Training School in Columbia. He said young people who are community creating have sent to the facilities.

The U.S. Justice Dept. in December said Mississippi over the treatment of housed at the training school. Rep. Alyce Clarke, D-Miss., asked the judges what done for juvenile offenders come from troubled homes.

Hudson said his school has a family resource center. The Adolescent Office also said he recruits and children

## Suit alleges training school violating rights of children

**Group wants notices posted telling students they can speak to lawyer**

**By Jessica E. Quinn**  
*The Clarion-Ledger*

Mississippi is violating the constitutional rights of children confined to Columbia Training School by denying them access to civil rights attorneys, a federal lawsuit says.

The Jackson-based Center for Justice and the Southern Law Center filed the lawsuit in federal court in Columbia.

The lawsuit, filed in December, says children in the two schools, ages 10 to 18, were routinely hit, shackled to poles, sprayed with pepper spray while in restraints, and hog-tied in a cell known as the "dark room."

DHS spokeswoman Idetra

several reviews of abuse allegations between May 2000 and May 2002, most of them concerning staff at Columbia. They are aware of allegations of staff abuse at Columbia and Oakley that would have warranted more.

She said 19 investigations from the Division of Program Integrity during that time period. However, she said, the state did not conduct

Department of Justice lawsuit against the state over conditions at Columbia and Oakley juvenile training schools.

Justice officials, who filed the lawsuit in December after being unable to reach a consent decree with the state, said children in the two schools, ages 10 to 18, were routinely hit, shackled to poles, sprayed with pepper spray while in restraints, and hog-tied in a cell known as the "dark room."

DHS spokeswoman Idetra

notices notifying the students of their right to speak to a lawyer and public telephones installed so students can call their attorneys.

The lawsuit was filed for "the class of children whose voices are being silenced by the policy and practices of the Mississippi Department of Human Services," Center for Justice Advocacy Director Leslie Gross said Wednesday.

It was filed after the boy's mother saw bruises on her son during a visit to the school.

Attorneys, including the state, are expected to file answers to the lawsuit in the next few weeks.

# Care of Juvenile Offenders In Mississippi Is Faulted

**By DAVID M. HALPERIN**

... COLUMBIA, Miss. — One Saturday morning not long ago, when B.R.C. drove 60 miles to the Columbia Training School to see his 15-year-old daughter, locked up by the state in Mississippi for skipping school, she held up her hands and showed him dozens of cuts and scars. Staff members had lashed her to the screens of cages that she called "the cages," she said. Her father, who insisted she quietly told her father, said he could not believe what he saw.

"They said, 'You did it to yourself,'" she said. "You did it to yourself and your daughter." She said she was not proud of her daughter's behavior.

When James H. was ordered to the Oakley Training School in 2001, he was 15 years old.



THE CLARION-LEDGER ■ JACKSON

## Lawmakers must listen to juvenile justice ideas

Medicaid has become more top-of-mind for many these days, a sign of the times.

The debate has been heated as Gov. Haley Barbour and lawmakers navigate the intricacies of balancing the state budget and controlling spending while attempting to maintain critical services without increasing the tax burden.



Eric Stropfke

The governor's decision to adjust the Medicaid termination date for about 65,000, while made under duress, was still encouraging, Hazzard, at least in the short run, presided.

It's clear from Wednesday's special session the House is interested in more than extending a deadline, but now there is at least a chance to bring thought and sensitivity to this process, which would have been

# DOJ investigates Training School

**Part 1 of 2**

An investigation by the Department of Justice of the state's training schools, including the Columbia Training School, echoes the conclusions of the Marion County Grand Jury, but also alleges a wide range of problems involving the treatment of students at the facilities.

The local grand jury report, issued in May, noted a number of problems at the school resulting from a lack of funding, ranging from a shortage of staff to a shortage of core workers. Like Columbia's staffing pattern, staff members are expected to depart from the school in the next few months.

According to the letter, "In al, we found the Columbia Training School to be a place where the state is spending taxpayer dollars on a system that is not only overcrowded, but also lacks the basic resources to provide a safe and effective environment for the children who are confined there."

Mississippi's training schools are "clearly the worst two we have seen in probably 20 years in the Department of Justice — and that's saying something."

Deputy Assistant Attorney General Brad Schlozman, U.S. Department of Justice, Civil Rights Division, *Clarion Ledger*, July 2, 2004

## What is Happening to Our Children?

**Mississippi's juvenile justice system is among the worst in the nation.**<sup>11</sup> The U.S. Department of Justice issued a report detailing horrific abuses: children were beaten, shackled, tied to poles, and hogtied. Suicidal girls were stripped naked and locked in dark, solitary cells without ventilation or toilets. Other children were forced to exercise while staff members sprayed mace into the air. Mississippi also failed to provide for our children's medical, mental health, and educational needs.<sup>12</sup>

**The State of Mississippi has documented the abuse and neglect our children suffer at Oakley and Columbia.** A year before the Department of Justice's report, the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) found that the training schools neglected our children's medical needs. Most disturbingly, the PEER Committee found that Oakley and Columbia lacked "the policies, procedures and practices to prevent the ... abuse of juveniles."<sup>13</sup>

**An independent audit commissioned by the Mississippi Department of Education confirmed the State's failure to care for children in the training schools.** In an audit released in January 2004, JBHM Education Group concluded:

- A culture of low behavior and academic expectations has developed over the years and is serving to perpetuate an academic program that provides little benefit to the children that are served.<sup>14</sup>
- The principal mission, and one that is commonly held among staff, is clearly one of punishment — education

“This is not a place for kids. I’ve seen staff break a kid’s nose. I’ve seen staff mace kids for fun. They don’t take care of us here.”

E.O., Oakley cadet, age 15

is secondary to the mission.<sup>15</sup>

**Over-reliance on programs proven ineffective at reducing juvenile crime.** Large training schools have never proved effective at steering youthful offenders away from crime. Study after study proves that recidivism from large training schools like Oakley and Columbia is uniformly high.<sup>16</sup>

**Too few options for youth court judges.** In their 2004 testimony to the Mississippi legislature, youth court judges pleaded for more alternatives to the training schools.<sup>17</sup> Without community-based sanctions, judges are forced to choose between probation and incarceration, which often leaves non-violent youth with serious emotional disturbances or substance abuse problems behind bars.<sup>18</sup> These children could be treated in their communities for less than one-fourth the cost of incarceration.

**Lack of uniformity and fairness in youth courts and detention centers.** The cards are stacked against children who end up in youth court. Prosecutors get more funding and better training than public defenders;<sup>19</sup> court procedures vary wildly from county to county. The absence of a uniform set of standards in local detention centers leaves our children vulnerable to unconscionable abuse and neglect.<sup>20</sup>

**Failing our children, failing our taxpayers.** Mississippi taxpayers spend \$115 per child, per day to incarcerate children.<sup>21</sup> Even with so much taxpayer money in their budgets, the training schools fail to rehabilitate or educate the children entrusted to their care.<sup>22</sup> Due to the rampant abuse and violent conditions, the training schools do more harm than good.

“These are all our children. We will all profit by, or pay for, whatever they become.”

James Baldwin

## Youth-court involved children: Who are they?

**Overwhelmingly non-violent.** Mississippi law ensures that serious offenders over the age of twelve are tried as adults and serve adult time.<sup>23</sup> Children often find themselves in youth court — and in the training schools — for offenses like truancy and disruptive classroom behavior.<sup>24</sup>

**Can succeed in community-based programs.** Experts agree that more community-based programs reduce juvenile crime.<sup>25</sup> Without these programs, youth who pose no threat to public safety may end up behind bars, costing taxpayers at least \$115 per day.

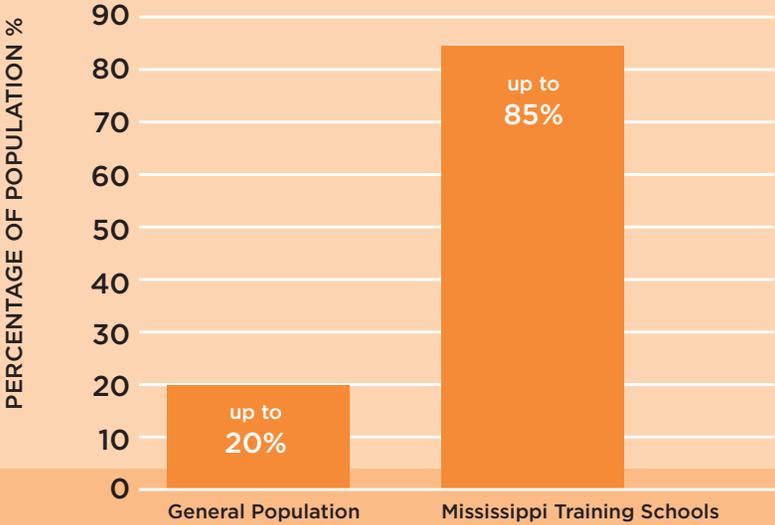
**Desperate for mental health services.** A study commissioned by the State of Mississippi found that up to 85% of youth in training school or juvenile detention live with some form of mental illness.<sup>26</sup>

**Disproportionately African-American.** Approximately 80% of the children locked up in Mississippi are African-American.<sup>27</sup> Yet African Americans comprise only 36% of Mississippi's overall population.<sup>28</sup>

**Failed by the State of Mississippi.** Mississippi law requires that every effort be made to avoid putting children behind bars.<sup>29</sup> When we incarcerate a non-violent child, we are admitting the State's failure to adequately invest in the child's community.

**Our future, and our most precious resource.** We cannot give up on youth who have lost their way. If we invest our resources in community-based programs proven effective at combating juvenile delinquency, we can ensure that Mississippi's children achieve their full potential and become productive members of society. If we continue to invest in incarceration, we will be preparing our children for nothing but Parchman Penitentiary.<sup>30</sup>

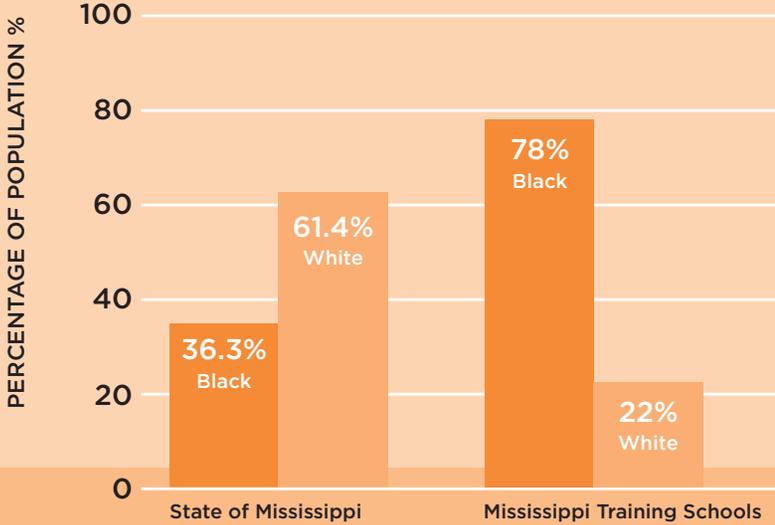
### Children with Mental Illness



SOURCE "Report: Prevalence of Mental Illness and Substance Abuse Disorders Among Incarcerated Juvenile Offenders," by Angela Robertson and Jonelle Husain

### Racial Composition

Children at Mississippi Training Schools



SOURCE Data from U.S. Census and MS Dept. of Youth Services

“What’s done to children, they will do to society.”

Karl A. Menninger

## The Department of Justice Investigation

The following excerpts<sup>31</sup> were taken from the Department of Justice investigation of the Mississippi juvenile justice system:

[T]o manage youth, [Oakley and Columbia] rely on discipline and force. This leads to unconstitutionally abusive disciplinary practices such as hog-tying, pole-shackling, improper use and overuse of restraints and isolation, staff assaulting youth and OC spray [mace] abuse.

[B]oys and girls consistently described the practice [of hog-tying], where youth are placed face down on the floor with their hands and feet shackled and drawn together.

[O]ne young girl reported that her arms and legs were handcuffed and shackled around a utility pole because she was non-compliant during military exercises.

Girls ... at Columbia are punished for acting out or being suicidal by being placed in a cell called the ‘dark room.’ The ‘dark room’ is a locked, windowless isolation cell with lighting controlled by staff. ... [W]hen the room is in use, the room is completely dark.

The cells are extremely hot with inadequate ventilation. Some girls were naked in a dark room where they must urinate and defecate in a hole that they cannot flush.

These exercises and disciplinary practices serve no penological or rehabilitative purpose. Many are cruel and demeaning. They are also unsafe because ... when this type of physical punishment is imposed the facility does not monitor the physical well-being of the youth.

The Mississippi Legislature has the power to resolve all pending lawsuits and safeguard the State against further litigation by enacting comprehensive juvenile justice reform this session.

## The Training Schools Are Lightning Rods For Lawsuits

In the past year alone, Mississippi has been forced to defend itself against three federal lawsuits over conditions at Oakley and Columbia Training Schools.

*Morgan v. Sproat*: A class action on behalf of abused and neglected children at Oakley that led to a lengthy order commanding the State to comply with federal and state law. In his 2003 testimony to the Joint Legislative Committee, then-Attorney General Mike Moore admitted that the State had been violating the *Morgan* court's orders for decades.<sup>32</sup>

*United States v. Mississippi*: A lawsuit by the U.S. Department of Justice over the inhumane and unconstitutional conditions at both training schools.

*K.L.W. v. James*: A recent class action on behalf of children at Columbia. K.L.W. is a fourteen-year-old child with special needs who was choked by a Columbia staff member, kept in solitary confinement for several days, and denied access to the courts.

The Mississippi Legislature has the power to resolve all pending lawsuits and safeguard the State against further litigation. If the legislature fails to enact comprehensive juvenile justice reform this session, the cost of incarceration at the training schools could rise to \$260 per youth per day or more.<sup>33</sup>

The Louisiana Legislature saved over \$18 million in taxpayer money by removing juveniles from the State's most troubled facility.

## The Mississippi Legislature Can Resolve All Training School Lawsuits

In the wake of litigation over conditions at its juvenile facilities — including a Department of Justice lawsuit — the Louisiana Legislature saved over \$18 million in taxpayer money by removing juveniles from the State's most troubled facility.<sup>34</sup> Some of these savings were invested in community-based sanctions.

The Mississippi Legislature can and should reap similar benefits for our taxpayers. Mississippi now spends \$115 per youth per day in its training schools. The cost is far higher in other states. According to the American Correctional Association, the national average is \$183.06 per youth per day.<sup>35</sup> Without that kind of spending, it is impossible to meet minimum legal standards and avoid litigation.

But investing in community-based sanctions — which cost as little as \$23.04 per youth per day — will save taxpayer money, better serve our children and help protect Mississippi from litigation over conditions at juvenile facilities.

“While I was at Columbia, the military program was tearing down my pride and building up my anger.”

J.W., former Columbia cadet, age 14

“The only thing I learned at Oakley was how to fight harder.”

A.H., former Oakley cadet, age 18

## Paramilitary Training Schools Don't Work

*Virtually every study examining recidivism among youth sentenced to juvenile training schools in the past three decades has found that at least 50 to 70 percent of offenders are arrested within one or two years after release. Clearly, training schools are not derailing the criminal careers of youthful offenders.*<sup>36</sup>

*A century of experience with training schools and youth prisons demonstrates that they constitute the one extensively evaluated and clearly ineffective method to treat delinquents.*<sup>37</sup>

The most current research confirms these grim findings. In October 2004, a panel of independent experts convened by the National Institute of Health, the U.S. Department of Education, and the U.S. Department of Justice again concluded that group detention centers, boot camps, and other “get tough” programs that rely on scare tactics only encourage youth to teach each other negative behaviors.<sup>38</sup>

By contrast, research shows that family services and community-based sanctions are tremendously successful in reducing juvenile delinquency.<sup>39</sup> The most effective strategies “work with young people in their own homes and communities, rather than in institutions, and they focus heavily on the family environment.”<sup>40</sup> In trial after trial, family-oriented interventions have reduced recidivism by 25 to 80 percent.<sup>41</sup> We can obtain these results for our children at only a fraction of the price of incarceration.<sup>42</sup>

According to Colonel Don Taylor, Executive Director of the Mississippi Department of Human Services,

community-based alternatives in 25 counties saved the state more than \$14 million in 2004.

Expanding these programs to make them available in all 82 counties could triple those savings.

## Community-Based Sanctions

Sensible juvenile justice reform means redirecting resources from expensive and wasteful prisons toward more cost-effective sanctions. The professionals who operate community-based programs ensure public safety by closely monitoring youth while helping them learn to avoid delinquent behavior. In other states, programs like those listed below have saved taxpayers millions of dollars each year while also lowering juvenile crime rates.<sup>43</sup>

**Day Treatment:** Year round alternative education, counseling, and life skills. Students attend classes for up to 6 hours each day and are involved in counseling and various community service activities before returning to their own homes. Some programming may be offered on weekends and evenings.

**Job Readiness / Work Experience Program:** Provides a variety of experiences in the non-profit sector. The program is often part of a state-wide interdepartmental agreement.

**Home Detention:** Staff provides intensive monitoring by making frequent, random, and sometimes unannounced home visits to ensure that youth stay out of trouble. Youth have a curfew and are required to phone staff regularly. Home detention is often combined with family counseling and case management.

**Family Therapy:** Counseling services for the entire family unit to reduce risk factors and help children recognize and avoid delinquent behavior.

**Case Management / Tracking:** A treatment assessment and planning program where case managers coordinate educational and vocational programs for at-risk youth. Each

youth is assigned a “tracker” (usually a college student) who monitors the youth’s behavior and activities and acts as a mentor.

Other community-based sanctions include: community service, anger management, structured after-school programming, alternative schools, therapeutic classrooms, and substance abuse treatment.<sup>44</sup>

### The Missouri Model

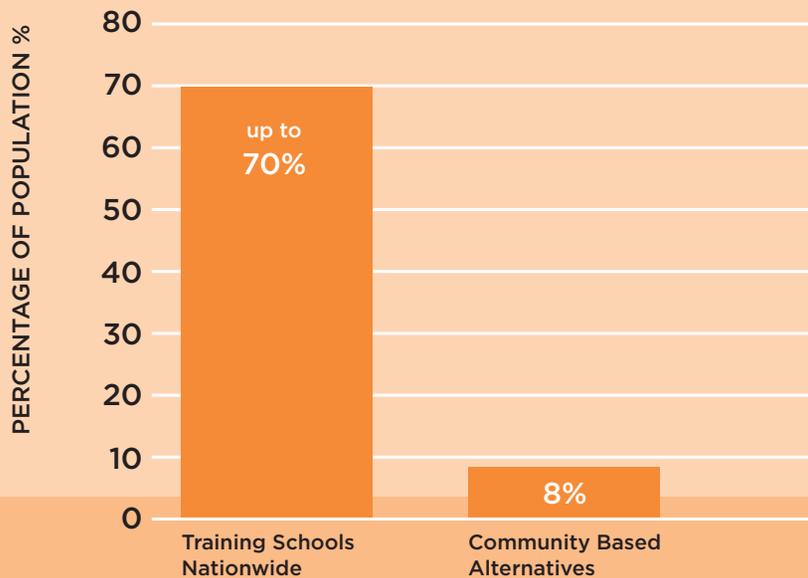
The Missouri system provides a highly effective and cost-efficient model for youth who require residential placement.

After a 1969 federal report condemned one of Missouri’s large training schools for its “quasi-penal-military” atmosphere, Missouri began to replace its large institutions with a network of small, regional facilities. Hallmarks of this program are highly trained staff; high quality educational programming; a 24-hour per day group and individual therapy regimen; and intensive family outreach made possible by the regional model. Missouri has a recidivism rate of 8%, while the national recidivism rate for training schools ranges from 50%-70%.

According to Mark Steward, the Director of Missouri’s system:

*We put (children) in a safe and stable and supportive environment — some of them for the first time in their lives. We help them see opportunities and make choices about their futures ... with us, they have an opportunity. Send them to a typical training school where staff intimidates them and they have to fight to survive, and they’ve got no shot.<sup>45</sup>*

## Rates of Recidivism



SOURCE "Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice," by Richard A. Mendel, 2003

# Endnotes

1 Richard A. Mendel, American Youth Policy Forum, *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice* (2001).

2 Shortly after this book was first published, DHS reported that the FY 2004 cost of incarceration in a Mississippi training school was \$115 per youth per day. Emily Wagster Pettus, "Wide range of changes possible for training schools, officials say," Sun Herald, Jan. 16, 2005 (relying on DHS materials distributed to senators and members of the press during a tour of Oakley on January 12, 2005). DHS officials had previously testified that the cost was \$89 per youth per day. Mississippi Juvenile Justice: Hearing Before the Senate Judiciary B Comm. 175th Legis., 3d Extra. Sess. (Miss. Nov. 12, 2004) (testimony of DHS Executive Director Donald R. Taylor, DHS Deputy Administrator Richard Harris, and DYS Director Kathy H. Pittman).

3 Mississippi Juvenile Justice: Hearing Before the Senate Judiciary B Comm. 175th Legis., 3d Extra. Sess. (Miss. Nov. 12, 2004) (testimony of DHS Executive Director Donald R. Taylor, DHS Deputy Administrator Richard Harris, and DYS Director Kathy H. Pittman that the average cost of the Adolescent Offender Program is \$23.08 per student per day); David M. Osher et al., "Deconstructing the pipeline: using efficacy, effectiveness and cost-benefit data to reduce minority youth incarceration," in *New Directions for Youth Development* at 92 (Fall 2003) ("[Research shows] that there are alternatives to costly detention, such as intensive school- and community-based interventions, that are efficacious and cost-effective.").

4 According to the testimony of DHS Executive Director Donald R. Taylor, DHS Deputy Administrator Richard Harris, and DYS Director Kathy H. Pittman before the Senate Judiciary B Committee in November 2004, at least 41% of youth at Oakley and Columbia have served multiple commitments. Mississippi Juvenile Justice: Hearing Before the Senate Judiciary B Comm. 175th Legis., 3d Extra. Sess. (Nov. 12, 2004). Experts from the University of Southern Mississippi's Marriage and Family Therapy Program agreed that "[y]outh incarcerated in residential boot camps have higher recidivism rates than control groups." Mississippi Juvenile Justice: Hearing Before the House Juvenile Justice Committee. 175th Legis., Reg. Sess. (2004) (testimony of Dr. Mary Ann Adams, Mr. Jeff Hinton, Dr. Pat Sims).

5 After two years of litigation with the U.S. Department of Justice over training school conditions, Louisiana's per youth per day costs have sky-rocketed. In the most recent appropriations bill, the Louisiana legislature appropriated a total of \$52,418,470 for the operation of three Louisiana Training Institutes ("LTI") in Fiscal Year 2004-2005. H.B. 1, § 08-403 (Office of Youth Development), Reg. Sess. (La. 2004) (appropriating \$19,517,642 for Swanson Correctional Center for Youth, \$8,621,265 for Bridge City Correctional Center for Youth, and \$24,279,563 for Jetson Correctional Center for Youth). In other words, Louisiana spends \$143,612.24 per day to operate its three juvenile facilities. With approximately 450-550 youth in LTI custody at any given time, Louisiana now spends at least \$260 and as much as \$319 per youth per day on facilities like Mississippi's training schools. See, e.g., Louisiana Department of Public Safety & Corrections, *Midnight Count Breakdown Secure Juvenile Facilities* (December 2004) (showing total LTI population of 451 youth); Louisiana Department of Public Safety & Corrections, *Midnight Count Breakdown Secure Juvenile Facilities* (July 2004) (showing total LTI population of 536 youth). The additional \$200 per day that Louisiana spends on each child funds a variety of services required by federal law but not provided in Mississippi's training schools.

6 Mississippi Juvenile Justice: Hearing Before the Senate Judiciary B Comm. 175th

Legis., 3d Extra. Sess. (Miss. Nov. 12, 2004) (presentation by DHS Executive Director Donald R. Taylor, DHS Deputy Administrator Richard Harris, and DYS Director Kathy H. Pittman).

7 Richard A. Mendel, American Youth Policy Forum, *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice* at 9 (2001).

8 "Juvenile Justice Reform needed, bureaucracy not," *Clarion-Ledger*, Oct. 7, 2004.

9 "State must implement key reforms," *Hattiesburg American*, July 20, 2004.

10 Charlie Mitchell, "Surely we can do better than kiddie prisons," *Biloxi Sun Herald*, Oct. 7, 2004, reprinted in *Vicksburg Post*.

11 John Fuquay, "Juvenile centers called worst in the U.S.," *Clarion-Ledger*, July 2, 2004.

12 U.S. Dep't of Justice, "CRIPA Investigation of Oakley & Columbia Training Schools in Raymond & Columbia, Mississippi" (June 19, 2003), available at [http://www.usdoj.gov/crt/split/documents/oak\\_colu\\_miss\\_findinglet.pdf](http://www.usdoj.gov/crt/split/documents/oak_colu_miss_findinglet.pdf).

13 Mississippi Joint Legislative Committee on Performance Evaluation & Expenditure Review, "Health and Safety Issues at the Oakley Training School" at vii, 9-12, 18-20 (May 14, 2002).

14 JBHM Education Group, *Juvenile Training Facilities of Mississippi - Evaluation Report* at 2 (Jan. 2004).

15 JBHM Education Group, *Juvenile Training Facilities of Mississippi - Evaluation Report* at 2 (Jan. 2004).

16 Richard A. Mendel, American Youth Policy Forum, *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice* at 8-9 (2001); David M. Osher et al., "Deconstructing the pipeline: using efficacy, effectiveness and cost-benefit data to reduce minority youth incarceration," in *New Directions for Youth Development* at 108 (Fall 2003) ("The Washington State Institute for Public Policy looked at the costs and benefits of juvenile boot camps and 'scared straight' programs and found that participants in these programs had higher recidivism rates than comparison groups.").

17 Shelia Hardwell Byrd, *Judges want options to 2 training schools*, *Clarion-Ledger*, Feb. 2, 2004.

18 *Mental Health Needs of Incarcerated Juveniles in Mississippi: Hearing before the House Juvenile Justice Committee*. 175th Legis. Reg. Sess. (Miss. March 1, 2004) (testimony of Tessie B. Schweitzer, Executive Director of Mississippi Families as Allies for Children's Mental Health, and Professor Angela Robertson, Mississippi State University); see also Julie Goodman, "Prof urges earlier tests for accused juveniles," *Clarion-Ledger*, March 2, 2004.

19 Miriam Gohara & Sarah Geraghty, NAACP Legal Defense & Educational Fund, *Assembly Line Justice: Mississippi's Indigent Defense Crisis* at 14 (February 2003) ("While resources for the defense of adults are scarce, even fewer resources are devoted to the defense of juveniles. As a result, children in some youth courts are routinely 'adjudicated delinquent' without the benefit of anything resembling legal advocacy."), available at [http://www.naacpldf.org/content/pdf/indigent/Assembly\\_Line\\_Justice.pdf](http://www.naacpldf.org/content/pdf/indigent/Assembly_Line_Justice.pdf).

20 Clarence Powell, Chair, Mississippi's Juvenile Detention Task Force, *Recommendations* at 2 (Dec. 11, 2002) ("[T]he provincial nature of juvenile detention

in Mississippi is of concern because it may lead to an inequity of services and care for juvenile detainees. ... Thus depending on where juveniles are detained, support services which provide for their physical, emotional and social development may or may not be appropriate.”); R. Gregory Dunway et al., Juvenile Detention Facilities Task Force, *Legislation Brief* at 3 (Dec. 2003) (recommending that the legislature (1) create a state agency to administer and enforce the uniform standards for juvenile detention centers, (2) establish sanctions for non-compliance with those standards, and (3) create a state advisory board to assist in administering the agency).

**21** Emily Wagster Pettus, “Wide range of changes possible for training schools, officials say,” *Sun Herald*, Jan. 16, 2005 (“DHS statistics show that in fiscal 2004, which ended last June 30, the state spent an average of \$115 per day for each student living at the training schools.”); Ronald Frazer, “Derail prison ‘gravy train’ to aid taxpayers,” *Clarion-Ledger*, Nov. 15, 2004 (“[T]axpayers are stuck with the cost of keeping 2 million men and women behind bars well into the future – not because justice demands it, but because economic benefits of the prison business are working to keep it that way.”).

**22** David M. Osher et al., “Deconstructing the pipeline: using efficacy, effectiveness and cost-benefit data to reduce minority youth incarceration,” in *New Directions for Youth Development* at 92 (Fall 2003) (“Cost benefit analyses suggest that the monetary benefits of effective prevention exceed the costs of such programs.”).

**23** Miss. Code Ann. § 43-21-151 & 43-21-157.

**24** *Mississippi Department of Human Services, Division of Youth Services, Annual Report* at 10 (2003) (reporting that 3,798 children were referred to youth court for disorderly conduct in 2003; 2,113 were referred for “malicious mischief”); see also, e.g., Mississippi Division of Youth Services, Columbia Training School: Weekly Offense Report – By County (Nov. 12, 2004) (showing children committed to training school for “truancy”, “runaway”, “incorrigible”, “suspended”, and “curfew” violations); Mississippi Division of Youth Services, Columbia Training School: Weekly Offense Report – By County (Mar. 16, 2004) (showing children committed to training school for “larceny of a dog”, “uttering conduct”, “ungovernable”, “runaway”, and offensive language); Mississippi Division of Youth Services, Oakley Training School: Weekly Offense Report – By County (Mar. 16, 2004) (showing children committed to training school for “uttering conduct”, “truancy”, “disorderly conduct”, “incorrigible”, “breaking curfew”, “suspended fr. school”, “malicious mischief”, and “violating school rule”).

**25** Richard A. Mendel, American Youth Policy Forum, *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice* at 15 & 20 (2001) (“[N]on-residential treatment and/or youth development services – aggressive intervention programs to resolve behavior problems in young people’s natural environment” are not only more effective in terms of rehabilitation, but also “cost far less than training schools.”). Dick Mendel, *Small is Beautiful: The Missouri Division of Youth Services*, 5 ADVOCASEY 29 (Spring 2003) (“Training school confinement is often justified as a necessary step to protect the public. Yet only 27% of incarcerated youth nationwide have been found guilty of a violent felony. Most have committed only property or drug crimes or disorderly conduct, sometimes only misdemeanors or ‘status offenses’ (like truancy or alcohol possession) that would not be crimes if committed by an adult.”).

**26** Angela Robertson & Jonelle Husain, Mississippi State University, *Prevalence of Mental Illness & Substance Abuse Disorders Among Incarcerated Juveniles* at 2 & 27 (July 2001) (66% to 85% of incarcerated juveniles in Mississippi suffer from at

least one diagnosable mental disorder, compared to only 14% to 20% of youth in the general population); see also *Mississippi Juvenile Justice: Hearing before the House Juvenile Justice Committee*, 175th Legis. Reg. Sess. (March 2004) (testimony of Jane Boykin and Kate McMillan, Mississippi Forum on Children and Families, that abused and neglected children are disproportionately represented in the juvenile justice system).

**27** Mississippi Division of Youth Services, *Columbia Training School: Weekly Offense Report – By County* (Nov. 12, 2004) (80% African-American); Mississippi Division of Youth Services, *Columbia Training School: Weekly Offense Report – By County* (Mar. 16, 2004) (78% African-American); Mississippi Division of Youth Services, Oakley Training School: Weekly Offense Report – By County (Mar. 16, 2004) (78% African-American); see also *Mississippi Department of Human Services, Division of Youth Services, Annual Report* at 6-7 (2003) (showing that 60% of children referred to youth court are African-American); David M. Osher et al., “Deconstructing the pipeline: using efficacy, effectiveness and cost-benefit data to reduce minority youth incarceration,” in *New Directions for Youth Development* at 91-92 (Fall 2003) (“[Y]outh of color . . . are disproportionately removed from family, school and community through a variety of unproven, ineffective, or harmful interventions.”).

**28** U.S. Census Bureau, *2000 Census of Population & Housing*, available at <<http://quickfacts.census.gov/qfd/states/28000.html>> (last modified July 9, 2004).

**29** Miss. Code Ann. § 43-21-103 (mandating that “each child coming within the jurisdiction of the youth court shall become a responsible, accountable, and productive citizen, and that each such child shall receive such care, guidance and control, preferably in the child’s own home as is conducive toward that end and is in the state’s and the child’s best interest.”) (emphasis added); Miss. Code Ann. § 43-21-605(g)(ii) (mandating preference for community-based treatment programs for delinquent youth).

**30** Richard A. Mendel, American Youth Policy Forum, *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice* at 9 (2001) (“[V]irtually every study examining recidivism among youth sentenced to juvenile training schools in the past three decades has found that at least 50 to 70 percent of offenders are arrested within one or two years after release.”); National Institutes of Health, *State-of-the-Science Conference Statement: Preventing Violence and Related Health-Risking Social Behaviors in Adolescents* at 13 (Oct. 13-15, 2004) (noting that the incarceration of juvenile offenders raises “the hazard of ‘contagion’” because “[w]hen young people with delinquent proclivities are brought together, the more sophisticated can instruct the more naïve in precisely the behaviors that the intervener wishes to prevent”); Ronald Frazer, “Derail prison ‘gravy train’ to aid taxpayers,” *Clarion-Ledger*, Nov. 15, 2004 (“[T]axpayers are stuck with the cost of keeping 2 million men and women behind bars well into the future – not because justice demands it, but because economic benefits of the prison business are working to keep it that way.”).

**31** U.S. Dep’t of Justice, *CRIPA Investigation of Oakley & Columbia Training Schools in Raymond & Columbia, Mississippi* at 5-9 (June 19, 2003), available at [http://www.usdoj.gov/crt/split/documents/oak\\_colu\\_miss\\_findinglet.pdf](http://www.usdoj.gov/crt/split/documents/oak_colu_miss_findinglet.pdf).

**32** *Mississippi Joint Legislative Budget Committee: Hearing on Attorney General’s Office Budget Request*, 174th Legis., Recess Sess. (Miss. Sept. 11, 2003) (testimony of then-Attorney General Mike Moore).

**33** H.B. 1, § 08-403 (Office of Youth Development), Reg. Sess. (La. 2004) (appropriating a total of \$52,418,470 – i.e., \$143,612.24 per day – for the operation of three Louisiana Training Institutes (“LTI”) in Fiscal Year 2004-2005; Louisiana

Department of Public Safety & Corrections, *Midnight Count Breakdown Secure Juvenile Facilities* (December 2004) (showing total LTI population of 451 youth); Louisiana Department of Public Safety & Corrections, *Midnight Count Breakdown Secure Juvenile Facilities* (July 2004) (showing total LTI population of 536 youth).

**34** Casey Strategic Consulting Group, *Report to the Joint Legislative Juvenile Justice Commission: Reducing Juvenile Incarceration in Louisiana* at 42 (Feb. 2003). Although Louisiana invested some of these savings in community-based sanctions, the State also continued to operate three large training schools. As a result of the DOJ litigation, the cost of those facilities has risen to more than \$260 per youth per day. See supra, note 33.

**35** American Correctional Association, *2004 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities* at 25 (2004).

**36** Richard A. Mendel, American Youth Policy Forum, *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice* at 9 (2001)

**37** Barry C. Feld, "Juvenile and Criminal Justice Systems' Responses to Youth Violence," in M. Tonry & M.H. Moore (eds.), *Youth Violence: Crime and Justice, A Review of Research*, Vol. 24 at 236-37 (1998).

**38** National Institutes of Health, *State-of-the-Science Conference Statement: Preventing Violence and Related Health-Risking Social Behaviors in Adolescents* at 13 & 26 (Oct. 13-15, 2004); see also David M. Osher et al., "Deconstructing the pipeline: using efficacy, effectiveness and cost-benefit data to reduce minority youth incarceration," in *New Directions for Youth Development* at 101 (Fall 2003) ("Congregating high-risk youth can increase the likelihood of delinquent behavior. Foremost, youth with deviant behaviors tend to have deviant friends, who model and reinforce antisocial behavior:").

**39** Richard A. Mendel, American Youth Policy Forum, *Less Hype, More Help: Reducing Juvenile Crime, What Works – And What Doesn't* at 16 (2000) ("Intensive community-based supervision programs typically produce recidivism rates as low or lower than out-of-home placement (at a fraction of the cost), while intensive family-focused or multidimensional intervention programs have produced the lowest recidivism rates of all."); Douglas W. Nelson, *On Adolescent Crime: Time to End Fad Justice*, in 5 *ADVOCASEY* 3 (Spring 2003) ("[M]any teens now locked in detention cells can be successfully supervised in the community for a fraction of the cost of confinement."); David M. Osher et al., "Deconstructing the pipeline: using efficacy, effectiveness and cost-benefit data to reduce minority youth incarceration," in *New Directions for Youth Development* at 92 (Fall 2003) ("[Research shows] that there are alternatives to costly detention, such as intensive school- and community-based interventions, that are efficacious and cost-effective.").

**40** Richard A. Mendel, American Youth Policy Forum, *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice* at 21 (2001); see also id. at 22 (describing multisystemic therapy, in which "trained mental health counselors . . . work with troubled teens in their homes, engaging not just the young person but his or her whole family based on the understanding that most adolescent misbehavior can be traced back to the family system"); Jeffrey A. Butts & Paul Demuro, Center for the Study of Youth Policy, *Population Profile and Risk Assessment Study: Mississippi Department of Youth Services* at 25 (Feb. 1989) ("Mississippi is blessed with coastline and wilderness areas that would seem especially suited for two popular program models - the Associated Marine Institutes (AMI), and Outward Bound. Both

programs have been proven effective in other states in dealing with the type of young offenders who would otherwise be placed in secure institutions.").

**41** Richard A. Mendel, American Youth Policy Forum, *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice* at 21 (2001).

**42** Richard A. Mendel, American Youth Policy Forum, *Less Hype, More Help: Reducing Juvenile Crime, What Works – And What Doesn't* at 17 (2000) ("For far less money, juvenile justice innovators have demonstrated that we can supervise these young offenders in the community, keep most of them crime-free, and reduce the likelihood that they will offend again in the future.").

**43** "Missouri system looks promising," *Clarion-Ledger*, Aug. 30, 2004; Alice Thomas-Tisdale, "State eyes Missouri's juvenile justice reform," *Jackson Advocate*, Aug. 26, 2004; Matthew Franck, "Juvenile Justice in Missouri serves as model for the nation," *Sunday Post Dispatch*, Oct. 5, 2003.

**44** For a description of several research-based treatment programs proven to reduce juvenile delinquency, see *Blueprints for Violence Prevention*, a project initiated by the Center for the Study and Prevention of Violence ("CSPV") at the University of Colorado, now funded by the Office of Juvenile Justice and Delinquency Prevention ("OJJDP") at the U.S. Department of Justice. You can access the Blueprints on the web at <http://www.colorado.edu/cspv/blueprints/index.html>.

**45** Dick Mendel, *Small is Beautiful: The Missouri Division of Youth Services*, 5 *ADVOCASEY* 38 (Spring 2003).

# Mississippi Coalition

for the Prevention of Schoolhouse to Jailhouse

Action Communication and Education Reform  
Activists With A Purpose  
Advancement Project [www.advancementproject.org](http://www.advancementproject.org)  
ACLU of Mississippi [www.msaclu.org](http://www.msaclu.org)  
Children's Rights [www.childrensrights.org](http://www.childrensrights.org)  
Citizens for Quality Education  
Citizens for a Better Greenville  
Coalition for Citizens with Disabilities [www.mscoalition.com](http://www.mscoalition.com)  
Concerned Citizens for a Better Tunica County  
Critical Resistance South [www.criticalresistance.org](http://www.criticalresistance.org)  
Hinds County Mental Health Commission  
Indianola Parent Student Group  
Lawyers' Committee for Civil Rights Under Law [www.lawyerscomm.org](http://www.lawyerscomm.org)  
Mississippi American Federation of Teachers [www.maft.org](http://www.maft.org)  
Mississippi Center for Justice [www.mscenterforjustice.org](http://www.mscenterforjustice.org)  
Mississippi Education Working Group <http://southernecho.org/mewg/mewgbrochure.html>  
Mississippi Families as Allies for Children's Mental Health, Inc.  
Mississippi Human Services Coalition  
Mississippi Immigrant Rights Alliance  
Mississippi State Conference NAACP [www.naacp.org/departments/education/education\\_index.html](http://www.naacp.org/departments/education/education_index.html)  
Mississippi Workers' Center for Human Rights [www.msworkerscenter.org](http://www.msworkerscenter.org)  
NAACP Legal Defense and Educational Fund, Inc. [www.naacpldf.org](http://www.naacpldf.org)  
Parents for Public Schools of Jefferson Davis County [www.parents4publicschools.com/JeffDavisCounty](http://www.parents4publicschools.com/JeffDavisCounty)  
Parents United Together [www.parentsunitedtogether.com](http://www.parentsunitedtogether.com)  
Public Policy Center of Mississippi [www.msolicy.org](http://www.msolicy.org)  
Second Chance  
Southern Echo [www.southernecho.org](http://www.southernecho.org)  
Southern Juvenile Defender Center [www.juveniledefender.org](http://www.juveniledefender.org)  
Southern Poverty Law Center [www.splcenter.org](http://www.splcenter.org)  
Teens Helping Teens  
Youth Innovation Movement [www.onlinearc.com/mira/mira2/MS\\_8.htm?](http://www.onlinearc.com/mira/mira2/MS_8.htm?)

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# Checklist for Effective, Meaningful Juvenile Justice Reform

Juvenile Justice Reform should accomplish the following:

1. Cut funding for expensive, ineffective paramilitary programs.
2. Establish cost efficient, effective community based sanctions in every county.
3. Prevent the incarceration of non-violent and status offenders.
4. Ensure that youth who require residential placement are safely confined in facilities that use programs proven to reduce juvenile crime.
5. Require state agencies charged with providing services to at-risk youth to collaborate and coordinate their efforts.
6. Ensure that all children are adequately represented in youth court proceedings.
7. Unify Mississippi's youth courts to standardize procedures across the state.
8. Require all detention centers to comply with national standards and the recommendations of the Mississippi Juvenile Detention Task Force.

## MISSISSIPPI JUVENILE JUSTICE REFORM BRIEFINGBOOK

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“These are all our children. We will all profit by, or pay for, whatever they become.”

JAMES BALDWIN

*Mississippi is currently paying the price of a failed juvenile justice system. Juvenile Justice Reform will allow us all to profit by investing in our greatest resource — our children.*



## **MISSISSIPPI COALITION**

**FOR THE PREVENTION OF SCHOOLHOUSE TO JAILHOUSE**

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