

By Judge Steven Teske for the [Juvenile Justice Information Exchange](#)

I am on a plane heading home from Reno. I spent a day at the National Council of Juvenile and Family Court Judges teaching relatively new judges on the topic of juvenile detention alternatives. I was impressed with the group of judges and their favorable disposition to detention reform. In fact, in all my travels to present or deliver technical assistance, I have yet to meet a judge who doesn't already understand, appreciate, and or have the desire to apply detention alternative tools and practices.

The key to developing strategies to reduce unnecessary detention is collaboration — bringing police, schools, social services, mental health, and other stakeholders to the table to understand the principles and law underlying alternatives to detention and more importantly identify resources and best strategies. Just as collaboration is the key to detention reform, judicial leadership is the key to collaboration. Despite most judges favorable disposition to detention reform, many juvenile justice practitioners have commented that they would like their judge to show more leadership in addressing the underlying causes of unnecessary detention — especially the school system's zero tolerance policies.

The Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI) model for detention reform includes eight core strategies of which collaboration is primary and the judge is integral in making it happen. Not all stakeholders intersect with each other involving a child, but all stakeholders intersect in the courtroom at some point involving a kid. This makes the courtroom the intersection of juvenile justice — and the judge the traffic cop. This unique role gives judges significant ability to influence stakeholders to come together. Juvenile judges possess a unique dichotomy of judicial leadership — a traffic cop in the court room but a convener in the community.

I believe former NCJFCJ president Judge Leonard Perry Edwards and recipient of the National Center for State Courts Rehnquist Award for Judicial Excellence best describes this unique dichotomous leadership when he said “. . . we have to get off the bench and work in the

community. We have to ask these agencies in the community to work together to support our efforts so that the orders we make on the bench can be fulfilled. We have to be champions of collaboration.”

A judge’s collaborative efforts to connect the bench and community increases the effectiveness of juvenile justice. When this occurs, the kid, victim and community win. This is what we call Balance and Restorative Justice.

Applying the JDAI core strategies in 2001, the judges in Clayton County, Ga., became conveners. We created a juvenile justice cooperative that meets bi-annually or at anytime if needed to address juvenile justice issues, including detention reform.

In 2003, the cooperative was presented with horrendous data showing a 2,000 percent increase in school referrals since the introduction of police on school campus — and 91 percent of which were misdemeanor offenses including school fights, disrupting public school and disorderly conduct. Even worse was the impact out-of-school suspensions and arrests were having on graduation rates — an all time low of 58 percent.

The cooperative agreed to tackle this issue. Members asked me to convene the school superintendent and chiefs of police. I did. They came.

I included others as well. The NAACP was invited because of the racial disparities inherent in zero tolerance policies. Social services and mental health because of the need to assess and provide family functional type services to disruptive kids and parents as an alternative to suspension and arrest and to stop chronic disruptive conduct. A couple parents and students because they are most affected.

I asked the executive director of the Children and Youth Coordinating Council — our state Advisory Group for Georgia — to facilitate the meetings. The role of the judge is to convene, not facilitate — at least on this issue. The facilitator should be neutral and I couldn’t. My court was affected by these referrals. The docket was overburdened, intake overwhelmed and probation caseloads too high.

I got one vote. I didn't get everything I wanted. That was good. I think the others respected me for that.

It took us nine months to hammer out a written protocol. We had some heated discussion. We learned a lot about each other. What we do, how we do it, and the pains we go through in doing it. It was hard, but good. We are better for it. We are truly a cooperative.

School referrals have since fallen 78 percent. Graduation increased 21 percent. Serious weapons on campus fell 70 percent. Youth of color referred to court went down 60 percent.

Now we travel to other places to teach this process of collaboration. We go as a team — school, police and court — to Alabama, Indiana, Massachusetts, Connecticut, Kentucky, North Carolina, Montana, and other states. We did not go without first getting judicial acceptance. The judges must agree to lead. They must accept their convening role or we don't come.

These judges — as with most judges — were already friendly to reducing detention. Judges want to do right for the kid, family and community. The question is "How?" It's just not good enough in our business of fixing kids to be in favor of it. When kids arrested on campus are twice as likely not to graduate and four times more likely to appear in court, it is not enough to divert school referrals. The damage is already done.

It's not enough to be passive/aggressive on this issue — aggressive in speech but passive in leadership. It is a waste of our unique role to influence stakeholders to do what is right for our kids, families, victims and community.

More judges are leading their communities to make changes in their respective systems —reducing unnecessary school referrals. They have sustained the traditional role of the judge on the bench — the one grounded in the rule of law and due process — while simultaneously breathing life into the non-traditional, but equally important, role of off-the-bench collaboration.