

Keynote Address

Remarks of LYNN JONDAHL

Mr. Jondahl is the executive director of Michigan Prospect, a non-profit organization that encourages the development of sound public policies and effective public institutions. He served as Michigan state representative from the East Lansing/Meridian Township area from 1973 to 1994. He chaired the House Taxation Committee and the House Consumers Committee. His other house committee assignments were varied, including those dealing with utility regulation, economic development, higher education, education reform, juvenile justice and death and dying. In 1994, he was a candidate for the Democratic nomination for governor of Michigan.

My task this morning is the easiest one. It is to do some theme-setting, leaving to the others on the program the responsibility of dealing with the details, the budgets and those kinds of things that are incidental to anything I have to say. Who *cares* about money, who *cares* about program analyses? Somebody else will take care of that.

I have a very simple message. Stated briefly and directly, in a time of budget crisis, we're being given an opportunity and a reason to work together. That's another way to say that we are being *forced* to work together. So that's kind of the opportunity I'm talking about. I really do think the budget situation is bringing the right people together. That is, it is forcing us to realize that we've got to deal with relationships. We have got to look at issues that now break down traditional lines and figure out how to work together, and I think that's positive. That's what I celebrate about the Citizens Alliance. So that's the extent of my message this morning. Are there any questions?

Actually I'm not going to let you off that easy. I'm both a politician and a preacher so obviously, I will elaborate. There isn't any question about that. You just wish I would be that brief.

What are words or phrases that capture, you believe, Michigan's corrections policy? What are words or phrases that you think capture our policies?

Audience Responses:

Arbitrary and vindictive.

Irrational.

Political.

Expensive.

Administratively top-heavy and redundant. Top-heavy in the sense of having established a way of operating that hasn't been challenged seriously and needs to be and perhaps that is the good news, again, about the budget crisis.

Punitive.

Growth industry.

More complicated than you think.

Racist.

Public ignorant.

What I was anticipating was that there would be a variety of perspectives. And in some sense that's true. In another sense, there's a very consistent theme here, one that suggests that we've got a system that certainly is oriented and perceived, and accurately as all of you in this room will testify apparently, as not a very creative system. I think, clearly, we've seen those different perspectives. What fascinates me over and over again about public policy, and today public policy is a place that corrections is, you can't go to one place and find a definition of Michigan's corrections policy. You struggle for that and you look for it in a variety of ways. It's hard to do with any kind of policy discussion, to find what it is that really is the definition. Now I know this will surprise you, I hope it is not shocking, but a whole lot of people in the legislature don't understand that either.

You might find a debate in the legislature in which the issue of policy, that is, are we, in the bill we're debating, dealing with something consistent with our policy as regards corrections? You might never find that mentioned in the debate. And you might never find the discussion. I'm obviously being a little glib in suggesting that you might never. I'm not trying to be cute. The fact is that you almost never would see that. And there isn't a caucus, there isn't a point of view that says we want to address, for example, prevention issues. That doesn't really exist as part of the legislature and legislative structure. So it's that struggle to find the paragraph, the page, the chapter in the book that says "the corrections policy of Michigan is" and therefore your responses are as helpful and descriptive as any.

I think, unquestionably, a strong case could be made for characterizing Michigan's corrections policy as "lock 'em up and throw away the key". I think I could probably, if I spent a little time, but I won't, you know, make that case and proof test it in bills, budgets and those kinds of things. One can find it spelled out clearly in the corrections' budget, I think.

One can also find that spelled out in campaign literature. I read an interesting comment; it wasn't corrections related, but there was a comment in this morning's paper, I think, at least within the last 24 hours, I read of a legislator saying that what's going on with a particular issue is really just a fulfillment of campaign promises. He was using that as an attack on the debate. In fact, that is frequently where we see the policy articulated most clearly. I smile whenever I refer to campaign literature; it almost seems an oxymoron. Nevertheless, that's what we call it. But there is a place where you could look and find some real themes of policy. One can find policy spelled out in parole practices, obviously. Now again if you went with me to talk with legislators, even legislators sitting on the key budget and policy committees dealing with corrections, and started talking about parole history, I think you would find very little understanding of that. By parole history, I mean incidence of parole and how it works and so on. If you further talked about how does parole fit in a system of corrections, you'd be in even deeper water in terms of understanding. I'm not saying this as a put down of anybody. I'm saying we have an education job that is a critical one in order to try to shift the policy debate to be more focused on realities and facts and so on.

But then something happens now and then. We've said lock 'em up and throw away the key, then something happens that doesn't fit into that, and so it challenges the assertion that that's the same policy. Legislation is passed, for example, that replaces mandatory life sentences by instituting judicial discretion in drug cases, as happened in December (2002) -- a project that took years, incidentally, of work to try to turn that around. So should we say now there is a new policy in the state, that we have a new corrections policy with a different orientation? I'm reluctant to do that, because I enjoy my cynicism, but on the other hand, we certainly ought to take advantage of that. I don't think it's incidental. I talked earlier about budgets giving us opportunity. I don't think it's incidental that this happened in the context of a budget crisis. I think there is a relationship there.

I read recently, and probably somebody here or somebody related sent me an article about Supreme Court Justices Anthony Kennedy and Clarence Thomas, two of them testifying on the budget for the Supreme Court before Congress. And Kennedy cited an example of an 18-year-old who grows marijuana in the woods. He was pulled over with a hunting rifle in his car, and the offense, I guess, that he was charged with carries a 15-year mandatory sentence. Kennedy said "now, he shouldn't be doing that." I don't know if he meant raising marijuana or carrying a rifle, but at any rate, "an 18-year old doesn't know how long 15 years is," Kennedy said. Mandatory minimums, he said, are harsh and, in many cases, unjust, and Clarence Thomas criticized mandatory sentences for minor and non-violent crimes as well. So I see that and I say, well there is at least in some arenas, incidentally they were talking about the budget, some statements that say well let's look at our corrections policies that relate to sentencing.

Public policy is sometimes a result of a plan of action or an agenda but frequently, more clearly than the agenda, it's the specific result of a variety of actions, separate and apparently unrelated bills, policies, projects, statements, decisions in programs. I've been arguing for some time that human services folks ought to be spending a whole lot more time dealing with tax policy than with budget policy. Not because budget policy is not important, but because we have a tax policy problem that just clobbers vulnerable citizens. And that, in many ways affects them more directly than the budget policy. So I'm trying to suggest these interrelationships and that's why it's valuable to have as diverse a group as we have in this room, relationships, and that, as I say, is what I think CAPPS is about.

Rosemary Sarri just told me two weeks ago -- she taught me something I didn't know; she does that frequently, actually it's pretty easy -- Rosemary shared with me from a paper she presented in April on children of incarcerated parents, a project she is working on now. She wrote that 1.6 million or 2 percent of the total population of children under 18 in the United States had one or more parents in prison or in jail at that time -- 1.6 million or 2 percent. That is just incredible to me, but I've learned not to challenge Rosemary's information. Then she said, in addition, it's estimated that 10 million children, one child in seven, have a parent that has been incarcerated. But then, one in two African-American children have had an incarcerated parent. These kinds of numbers just stagger me. And I think even the degree to which we know them as numbers that's not appreciated in terms of how we go about our business, establishing our policy, our voting on bills, looking at budgets and so on.

We know who is in prison; we know the majority are young, poor male, minority. We know their characteristics in terms of school dropouts, substance abusers, themselves abused as children. This suggests, doesn't it, that if we're concerned about corrections

policies and costs, that we will have to work in coalitions with allies in education, in drug prevention services, in mental health advocacy. It also suggests that perhaps a cost-effective approach to corrections might focus on poverty. We have talked so much in the past, we've come together as corrections gurus frequently, but we need to expand and we are expanding that conversation to a broader base.

In Michigan, 7.2 percent of children in married couple families were in poverty in the last census. Fifty-four and one-half percent of kids raised by their mothers were in poverty. Among the littlest kids, zero to 6-year olds being raised by their mothers, the poverty rate was 66.5 percent. So Michigan has almost certainly guaranteed itself an increasing supply of children being raised in poverty in the future. That's kind of a critical thing to know and for policymakers in the corrections area to know. Because we have seen the correlations, the relationships between those kinds of realities and our future prison system.

The Michigan League for Human Services tells us in a report they wrote that between 1977 and 1995, the percentage of Michigan's poor working families with children grew by a staggering 152 percent. Now that is kind of impressive except when you put it even more impressively alongside only 48 percent in the nation as a whole. We also, incidentally, are the most segregated state for kids in the union. Excuse me, one of the foremost. We have the most segregated city. So the same study by the League for Human Services tells us over half a million of children live in poverty - 576,000. Over 300,000, 57 percent of those children, live in families in which at least one parent works. So this tells us something also about our economy, that we're not talking about simply unemployed and no income. We're talking about people who work who are living below the poverty level, which is a pretty common and growing trend.

We know some things. We know that the effects of poverty on child well-being are pretty well documented. Children in low income families face significantly higher health risks, develop mental difficulties, learning disabilities, hospitalization, illness and death. And they experience more difficulties in school, more problems as adolescents, more family stress. None of this is a surprise to us. You know what this reads like and sounds like. It struck me two days ago. This reads like Head Start for a potential prison group. You can't get away from that. Why should we be surprised? So we can be concerned about today's budget crisis but we certainly have got to look at that farm system, that set of relationships over a longer period that bring us to the table.

The implementation of Michigan's zero tolerance laws (and I challenge you to entertain yourself by defining those two words and then putting them together), which means no justice and no sensitivity, promotes the expulsion from school for a variety of offenses. We've been trying Student Advocacy Centers and others, to figure out first of all how many kids we're talking about, because we don't have good data and we don't have reporting of that. There is probably a lot of reasons for that, but what it means is that a lot of policy decisions are getting made without information.

When you make policy decisions without information, that means you make policy decisions largely on the basis of anecdotes. Without information, you say I'm going to pass a law to address a horrendous incident in my community. With information, you really look at something about relationships. It's hard to argue cause and effect but we do know some things about correlations and we start talking about how does that relate to this? With all this concern for education, wouldn't you think that policymakers would want to know what is happening to our children? Seems pretty logical. The student Advocacy Center sent Freedom of Information Act requests to 100 superintendents of schools asking for expulsion data for two school years. Among the districts that supplied acceptable data

on race, we found the average African American population was 39.8 percent, yet African American students accounted for 64 percent of the total who were excluded from school.

You know that they require kids under 16, the law says, to go to school. It's called the Mandatory Education Act. The majority of students expelled are between the ages of 12 and 15. You see where I am going. Many students never return to school following their expulsion and are not provided with alternative education. So one reason it's difficult to understand state policy is students who are, by law, required to be in school are, by law, expelled from school and by no law nor any resources are they educated or put in an alternative setup. So that's why it's hard to go to one place and find a policy and understand it.

When I was a grade school kid (I remember these things better and better over the years), I was sent to the principal's office on occasion. Two things, it strikes me, were different than if I were in school today. Usually I was sent to the office because I mouthed off to somebody and, I know this would surprise you, I was disruptive in one manner or another. This, today, is called verbal assault. And it's the legal basis in Michigan law for expulsion from school. So, either I lucked out because of my age, or maybe I'd be better off now. I don't know. The second thing, however, is when I met with the principal, I met with the principal. He and I, or she and I, (and I had both experiences), talked about my mouth and what I'd done. Today the meeting with the principal is usually also joined by an assigned law enforcement officer who is brought into the school and celebrated by the community as being there. That makes a difference. Many school suspensions and expulsions are then reported to and handled by the police, not by the school. They very quickly go over. So we now have a case that was a school discipline case that's very quickly become, in some cases, a felony charge. You may have read some time back there was a felony charge and what the kid had done down in one of the Detroit schools was flick a carrot slice that hit a teacher. I wish I were making that up. That becomes a felony charge, so again I'm saying when we are talking about corrections and the corrections system, we have to be sure that educators are at the table with us and we're focused on education.

It's bizarre, it seems to me, as juvenile crime rates drop, that prosecutors proposed and the legislature and governor agreed to identify more and more crimes that are charged against a child at a lower age which automatically result in their being treated in the system as adults. It was not a response to a growing problem, again it was an anecdotal response to some situations.

I want to say one other thing. That will probably turn into three, but nevertheless, I'll try. There is also the phenomenon of relationships that is interesting again and again and again. That is, as certain systems get restricted, let's say by the mental health system, so that restricted options are not available and so on. What we do is somehow do something with those people and the something that we do with those people frequently is to shove them into the criminal justice system. We do this because those people have become a problem; they're acting out in ways that are either, you know, slowing down traffic, or interrupting people's shopping or whatever it might be and so we are seeing that kind of shift. We have some, and need a lot more, good research on that phenomenon because it is one, sheriffs are not, for the most part, eager nor are they prepared to handle that constituency and yet it comes to them when no one else takes it up.

We do know some things. We know that recidivism rates are higher for youths sentenced to the adult correction system than those committed to the juvenile system. If we know that, wouldn't it be logical to have fewer juveniles sent into the adult system? Wouldn't

that be logical? And yet that is not, again, what we see happening. The burden, again, is on us to tell that story, to make that known.

If you know, as we do know, that early childhood programs work -- the Head Start studies, the Perry preschool study -- then we ought to expand such programs. Make them available for all kids. Some states have chosen to pursue this very logical investment in children, and it's a cost-effective investment.

Sixty to seventy percent of children, according to the National Mental Health Association, entering the juvenile system nationwide have mental health disorders and, again, it seems to be in light of that kind of phenomenon the treatment of mental illness in children and adolescents should rank as a priority in any state that truly values children and, of course, crime prevention. But in Michigan, our policy doesn't read that way.

I think of how many parents of kids in the juvenile justice system tell a similar story. The recounting of multiple failed attempts to get mental health services for the children before the children ultimately acted out and broke the law. You remember Nathaniel Abraham in the Pontiac area, the 11-year old who killed another child, and he was tried as an adult to show that we are not going to tolerate this kind of thing. As the story came out, according to the media accounts and others, his mother had sought for years assistance through the system. Not the criminal justice system, the mental health system, and looking for other resources to help her and to help her child. And she wasn't able to get that.

Good news. Now there is wealth of services available to Nathaniel Abraham, after he committed the crime and got treated as an adult and is now serving time. He had made available to him a variety of services. That's not a logical way to build a service system. Access ought not to have to be through the courts and through the criminal justice system. So again, I've jumped around a bit, but I'm just trying to say, we need to be and we are appropriately a cross-section here and it's that cross-section that gives us the ability to tell the critical stories about relationships. And those relationships tell us critical stories about cost-effective studies.

What are the trade-offs in terms of what we are paying? Nobody defends the economies of the current system as being an economical system. But there are ways for us to work together to find ways that address some of the budget problems that we face. So we need the education experts to help us to understand it isn't logical to throw thousands of kids out of school in the stupid hope that they will behave on the streets without education and services. We need the mental health advocates to help us understand that it isn't logical to eliminate intervention services for kids and families and turn the responsibility for dealing with these patients over to the corrections system. We represent many resources and I think we have access beyond this room to people who know a lot of things that need to be known if policymaking is to be cost-effective. We know the policymakers will make decisions with or without our input. We know that, don't we? With or without our experience, the decisions will continue to be made. So the challenge to us is to figure out how our experience and our knowledge gets represented there.

I thank you for spending the time today. Your efforts to really address that is the good news in the current picture.

Thank you very much!!

