YOUTH PRISON REDUCTION THROUGH OPPORTUNITIES, MENTORING, INTERVENTION, SUPPORT, AND EDUCATION (PROMISE) ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

ON

H.R. 1064

JULY 15, 2009

Serial No. 111–86

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CAROLINE LYNCH, *Minority Counsel*

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YOUTH PROMISE ACT

WEDNESDAY, JULY 15, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 3 p.m., in room 2141, Rayburn House Office Building, the Honorable Robert C. "Bobby" Scott (Chairman of the Subcommittee) presiding.

Present: Representatives Scott, Conyers, Waters, Gohmert, Poe and Goodlatte.

Also Present: Representative Watt.

Staff Present: (Majority) Carol Chodroff, Counsel; Jesselyn McCurdy, Counsel; Karen Wilkinson, Fellow, Federal Public Defender Office Detailee; Ron LeGrand, Counsel; Joe Graupensperger, Counsel; Veronica Eligan, Professional Staff Member; (Minority) and Caroline Lynch, Counsel.

Mr. SCOTT. The Subcommittee will now come to order.

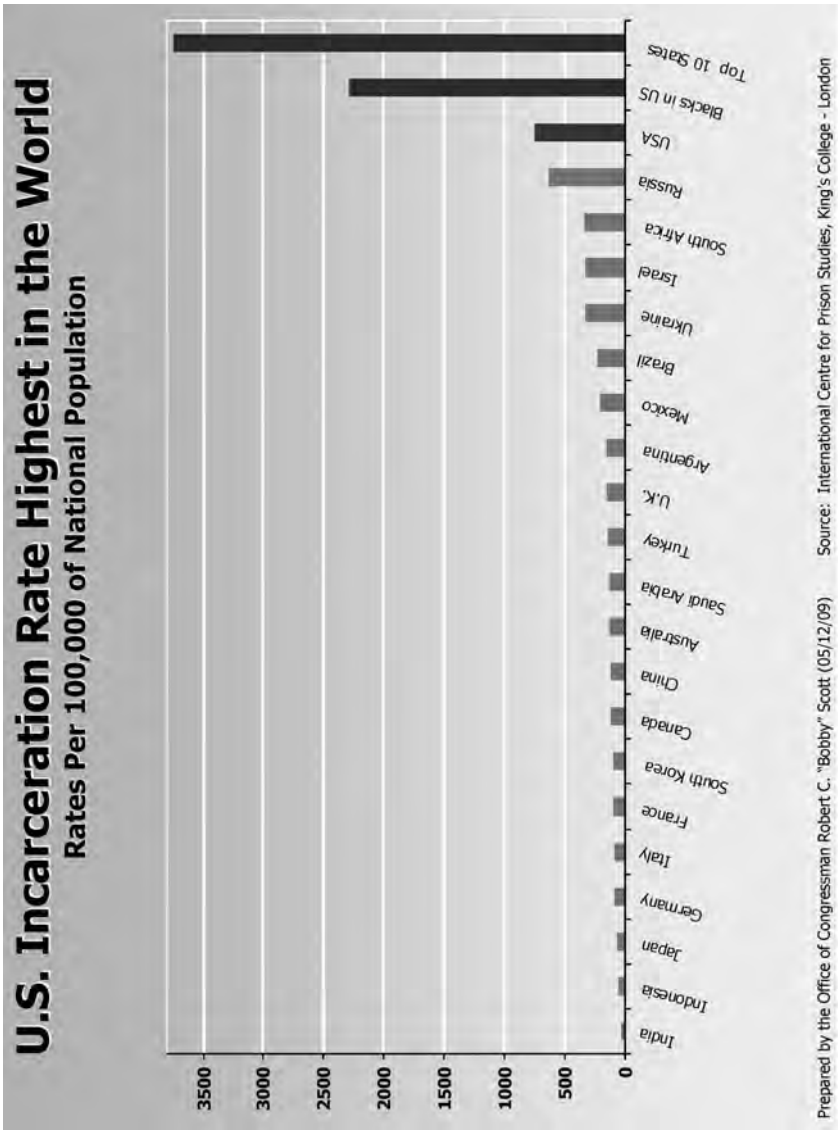
I am pleased to welcome you today to this hearing before the Subcommittee on Crime, Terrorism, and Homeland Security on H.R. 1064, the "Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support, and Education Act," better known as the "Youth PROMISE Act."

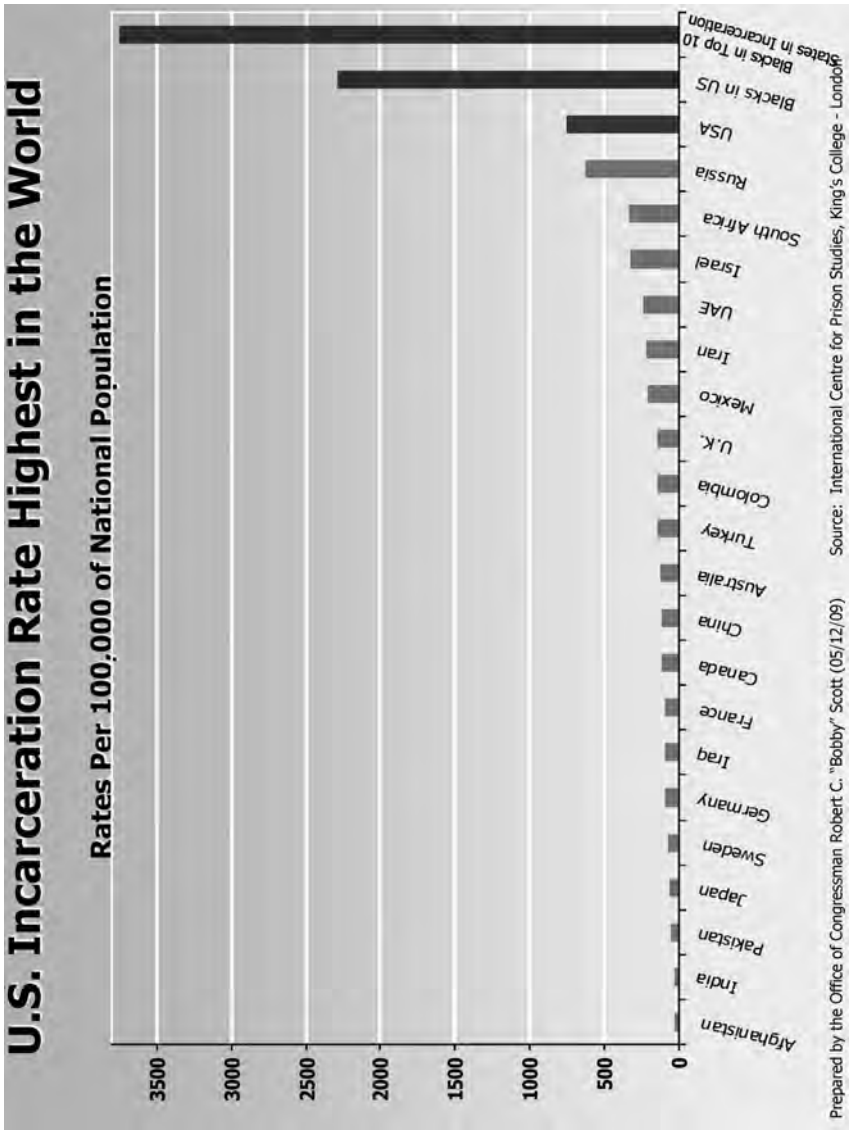
In this hearing we will discuss and consider the legislation which is currently pending before the House and as of today has 226 bipartisan cosponsors.

As a result of our primary focus on tough-on-crime strategies to address crime over the last 25 years, the United States now has the highest average incarceration rate of anywhere in the world with 2.3 million people behind bars.

The chart over here shows the incarceration rate in about every country you can name, showing the blue—the second blue bar is the average U.S. incarceration rate, number one in the world. The first purple bar is the African American average incarceration rate, and the larger purple bar is the African American incarceration rate in the top 10 States in incarceration. It shows at a rate far and above anywhere found on Earth that we already lock up more people than anywhere on Earth.

[The material referred to follows:]


U.S. Incarceration Rate Highest in the World
Rates Per 100,000 of National Population
3500
3000
2500
2000
1500
1000
500
0
India
Indonesia
Japan
Germany
Italy
France
South Korea
Canada
China
Australia
Saudi Arabia
Turkey
U.K.
Argentina
Mexico
Brazil
Ukraine
Israel
South Africa
Russia
USA
Blacks in US
Top 10 States
Prepared by the Office of Congressman Robert C. "Bobby" Scott (05/12/09)
Source: International Centre for Prison Studies, King's College - London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France
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China
Australia
Turkey
Colombia
U.K.
Mexico
Iran
UAE
Israel
South Africa
Russia
USA
Blacks in US
Blacks in Top 10 States in Incarceration
Prepared by the Office of Congressman Robert C. "Bobby" Scott (05/12/09)
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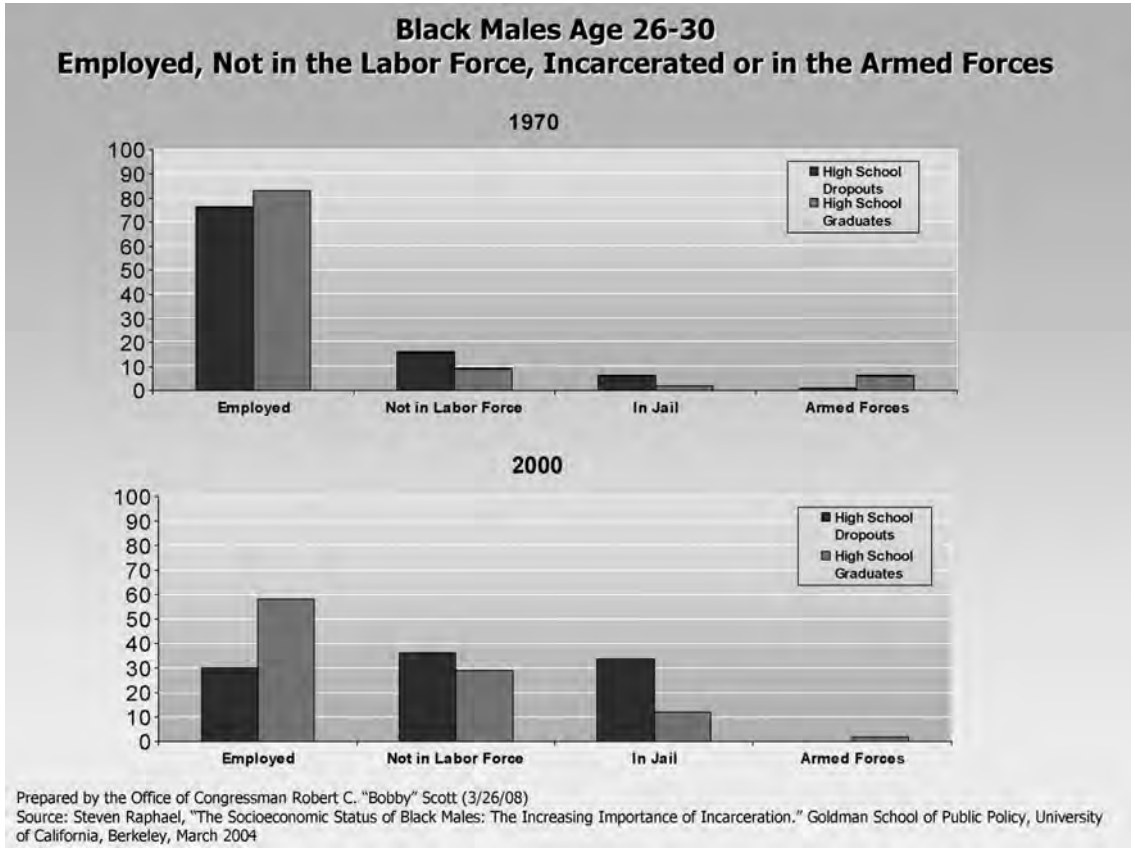
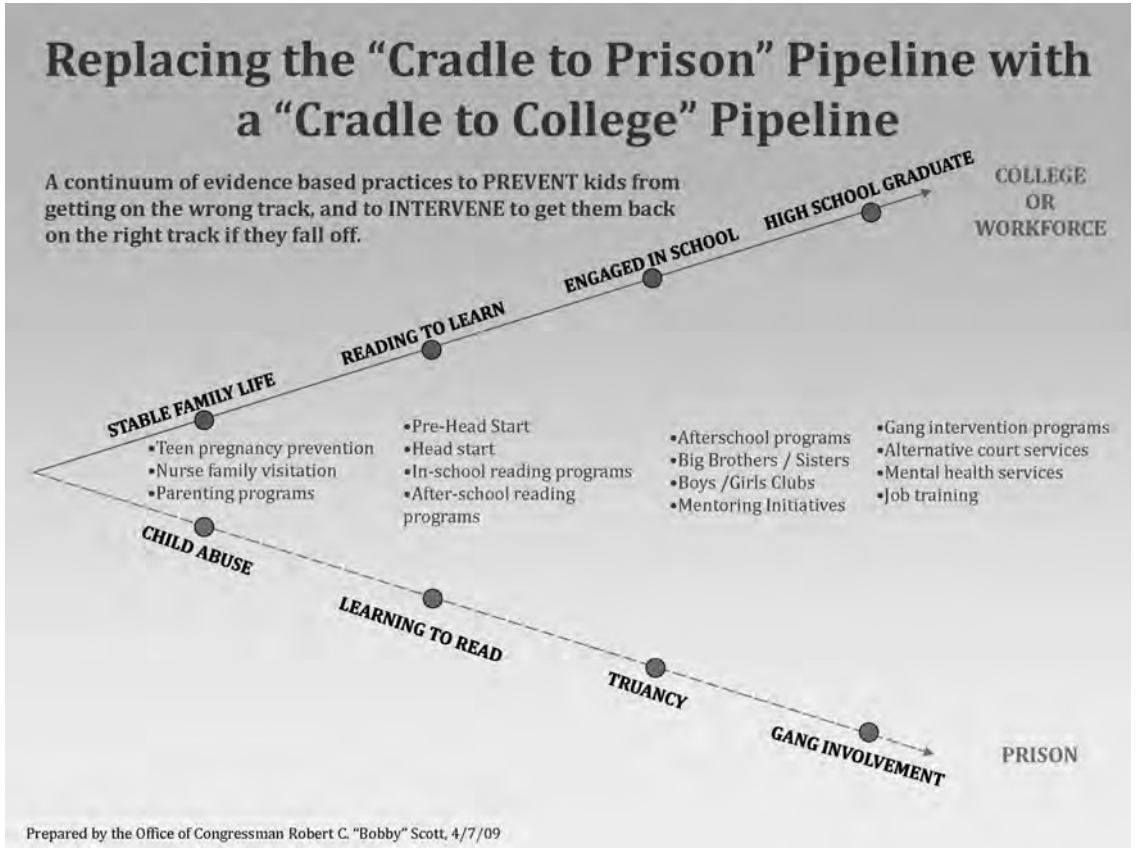
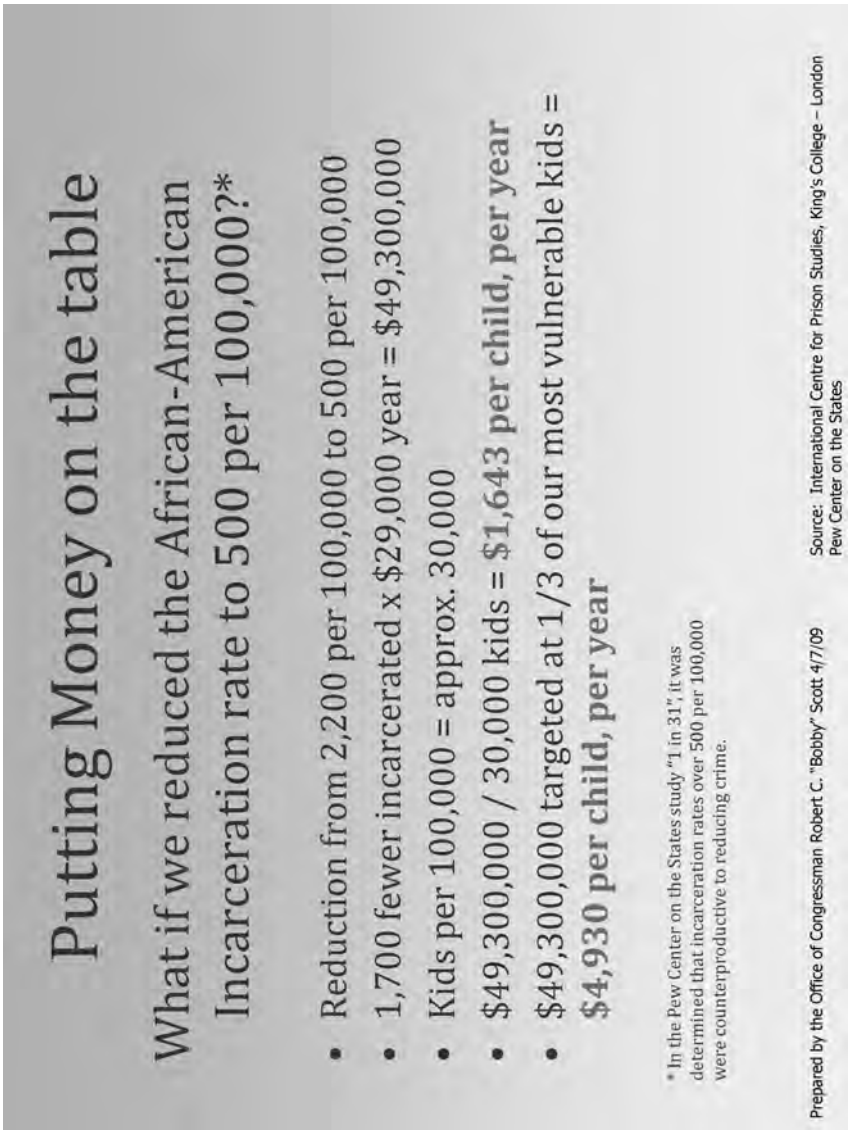


Prepared by the Office of Congressman Robert C. "Bobby" Scott (3/26/08)
Source: Steven Raphael, "The Socioeconomic Status of Black Males: The Increasing Importance of Incarceration." Goldman School of Public Policy, University of California, Berkeley, March 2004


Replacing the "Cradle to Prison" Pipeline with a "Cradle to College" Pipeline
A continuum of evidence based practices to PREVENT kids from getting on the wrong track, and to INTERVENE to get them back on the right track if they fall off.
STABLE FAMILY LIFE
READING TO LEARN
ENGAGED IN SCHOOL
HIGH SCHOOL GRADUATE
COLLEGE OR WORKFORCE
•Teen pregnancy prevention
•Nurse family visitation
•Parenting programs
•Pre-Head Start
•Head start
•In-school reading programs
•After-school reading programs
•Afterschool programs
•Big Brothers / Sisters
•Boys /Girls Clubs
•Mentoring Initiatives
•Gang intervention programs
•Alternative court services
•Mental health services
•Job training
CHILD ABUSE
LEARNING TO READ
TRUANCY
GANG INVOLVEMENT
PRISON
Prepared by the Office of Congressman Robert C. "Bobby" Scott, 4/7/09



Mr. SCOTT. The impact of this focus on tough on crime falls disproportionately on minorities. A staggering disproportionate number of those that are incarcerated are poor and minority. While the average incarceration rate is seven times the international average, it averages in 10 States at almost 4,000 per 100,000, a rate about 40 times the international average.

For Black boys born today, the Sentencing Project estimates that one out of three will end up incarcerated within their lifetime unless there is appropriate intervention. The problem is so bad the

Children's Defense Fund has launched a campaign to address the Cradle to Prison Pipeline, and we are fortunate to have Marian Wright Edelman here, who will talk about that in her testimony as well as the various contributing factors to the pipeline, including poverty, a struggling education system, and an unresponsive, overly punitive justice system.

One of the issues presented by our focus today talks about the ways to effectively address crime. The Pew Research Forum found that any incarceration rate above the range of 350 to 500 per 100,000 were not only counterproductive, but when it comes to addressing crime, it is actually counterproductive. In addition to being racially discriminatory and counterproductive, it is extremely expensive.

We have—go to the last slides, keep going, keep going okay.

This chart shows what we waste in putting money on the table. This shows that if you reduce the African American incarceration rate to 500 per 100,000, which is the top you can do before you have gone into counterproductive, if you do the back-of-the-envelope arithmetic and targeted the money to the one-third of the children that are actually at risk, that you could save in the top 10 States approximately $10,000 per child per year that you are spending in counterproductive incarceration.

[See previous charts.]

Now, we know that we can do better. The research shows that if you focus in the appropriate investments as the Youth PROMISE Act requires, that you can reduce crime by having a focus on the continuum of support for juveniles starting with teen pregnancy prevention, which will reduce the number of children born into dysfunctional families; prenatal care, reduces mental health and mental retardation problems. Early childhood education and programs like that, getting children off on the right track and keeping them on the right track, will not only reduce crime, but save more money than it spends.

Based on evidence and recommendations of hearings that we have held, we worked with the experts to introduce the Youth PROMISE Act. Under the act, communities facing the greatest youth gang and crime challenges come together to form a Youth PROMISE council. This council will involve all the stakeholders in the juvenile and criminal justice systems, including law enforcement, school system, court services, social services, health and mental health providers, foster care, community-based and faith-based organizations, prosecutors, defense attorneys, parents, families and, of course, our youth. They will come together and form a plan, which must be based on sound evidence and research, not just poll-tested slogans and sound bites.

The Youth PROMISE Act will also enhance local and State law enforcement efforts regarding youth and gang violence through a provision that provides for youth-oriented policing, or YOPS, to work with at-risk youth to keep them from becoming involved in crime and appropriately responding to them when they do.

There is nothing in the Youth PROMISE Act that eliminates any of the current tough-on-crime laws. It is obviously understood that the laws will continue to be enforced, and the prosecution will go forward. But if we don't do something about the trajectory that the

children are in, whatever we do to this year's cohort, next year's cohort will be right back where we started. So we have to do something to actually—something to reduce crime.

Now, again, I want to emphasize that we are not talking about spending more money, we just need to reallocate the money we are already spending today. When Pennsylvania invested in about 100 communities, spent about $60 million in 100 communities, they found that the collaborative approach ended up saving $5 for every dollar they spent. Other programs have been able to do the same thing. So we are not talking about new money, just reallocating the money that you are spending.

The Youth PROMISE Act has, as I indicated, over 226 bipartisan cosponsors. It is supported by over 248 national, State and local organizations. Cities have supported by resolution the Youth PROMISE Act, including Los Angeles California; Pasadena, California; New York City; Pittsburgh; Philadelphia; Norfolk, Newport News, Hampton in Virginia; Santa Fe County, New Mexico. The U.S. Conference of Mayors last month endorsed the Youth PROMISE Act in their annual convention. And just this week the Los Angeles Unified School District passed a resolution supporting the Youth PROMISE Act.

So we know it works. We know we can save more money than we spend. So it is just a matter of passing the legislation and taking advantage of what we know that works.

[The text of the bill, H.R. 1064, follows:]

I

111TH CONGRESS
1ST SESSION

H. R. 1064

To provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Mr. SCOTT of Virginia (for himself, Mr. CASTLE, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, Mr. CAO, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. WEINER, Mr. SESTAK, Mr. KENNEDY, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MCGOVERN, Mr. CUMMINGS, Ms. BORDALLO, Mr. SERRANO, Mr. MARKEY of Massachusetts, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. NADLER of New York, Ms. KILPATRICK of Michigan, Ms. DEGETTE, Mr. HONDA, Ms. SUTTON, Mr. CLAY, Ms. WATERS, Mr. JOHNSON of Georgia, Ms. NORTON, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Ms. HIRONO, Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, Mr. MCDERMOTT, Ms. WOOLSEY, Mrs. LOWEY, Mr. COHEN, Mr. MEEKS of New York, Mr. ELLISON, Ms. LORETTA SANCHEZ of California, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. SHEA-PORTER, Mr. SARBANES, Mr. TIERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Pennsylvania, Mr. DAVIS of Alabama, Mr. FALEOMAVAEGA, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. RUSH, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. STARK, Mr. CARSON of Indiana, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. CLEAVER, Mr. HINOJOSA, Mr. WATT, Mr. FILNER, Mr. MILLER of North Carolina, Mr. RUPPERSBERGER, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on

the Judiciary, and in addition to the Committees on Education and Labor, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

A BILL

To provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act" or the "Youth PROMISE Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Findings.

TITLE I—FEDERAL COORDINATION OF LOCAL AND TRIBAL JUVENILE JUSTICE INFORMATION AND EFFORTS

Sec. 101. PROMISE Advisory Panel.
Sec. 102. Geographic assessment of resource allocation.

TITLE II—PROMISE GRANTS

Sec. 200. Purposes.

Subtitle A—PROMISE Assessment and Planning Grants

Sec. 201. PROMISE Assessment and Planning grants authorized.
Sec. 202. PROMISE Coordinating Councils.
Sec. 203. Needs and strengths assessment.
Sec. 204. PROMISE Plan components.
Sec. 205. Authorization of appropriations.

Subtitle B—PROMISE Implementation Grants

Sec. 211. PROMISE Implementation grants authorized.
Sec. 212. PROMISE Implementation grant application requirements.
Sec. 213. Grant award guidelines.
Sec. 214. Reports.
Sec. 215. Authorization of appropriations.

Subtitle C—General PROMISE Grant Provisions

Sec. 221. Non-supplanting clause.
Sec. 222. Grant application review panel.
Sec. 223. Evaluation of PROMISE grant programs.

TITLE III—PROMISE RESEARCH CENTERS

Sec. 301. Establishment of the National Research Center for Proven Juvenile Justice Practices.
Sec. 302. Grants for Regional Research Proven Practices Partnerships.

TITLE IV—YOUTH–ORIENTED POLICING SERVICES

Sec. 401. Purpose.
Sec. 402. Definitions.

Sec. 403. Grants to State, local, and tribal law enforcement agencies to hire and train youth-oriented policing officers.
Sec. 404. Establishment of Center for Youth-oriented Policing.
Sec. 405. Authorization of appropriations.

TITLE V—ENHANCED FEDERAL SUPPORT OF LOCAL LAW ENFORCEMENT

Subtitle A—Comprehensive Gang Prevention and Relief

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Designation as a comprehensive gang prevention and relief area.
Sec. 504. Interagency Gang Prevention Task Force.
Sec. 505. Authorization of appropriations.

Subtitle B—Community and Police Collaboration

Sec. 511. Gang prevention grants.

Subtitle C—City Youth Violence Recovery

Sec. 521. Findings.
Sec. 522. Grants to prevent or alleviate the effects of youth violence.

TITLE VI—PRECAUTION ACT

Sec. 601. Short title.
Sec. 602. Purposes.
Sec. 603. Definitions.
Sec. 604. National Commission on Public Safety Through Crime and Delinquency Prevention.
Sec. 605. Innovative crime and delinquency prevention and intervention strategy grants.

TITLE VII—ADDITIONAL IMPROVEMENTS TO JUVENILE JUSTICE

Sec. 701. Youth Victim and Witness Assistance Program.

"Sec. 31707. Authorization of appropriations.

Sec. 702. Expansion and reauthorization of the Mentoring Initiative for system-involved youth.
Sec. 703. Study on adolescent development and sentences in the Federal system.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) COMMUNITY.—The term "community" means a unit of local government or an Indian Tribe, or part of such a unit or Tribe, as determined by such a unit or Tribe for the purpose of applying for a grant under this Act.

(3) DESIGNATED GEOGRAPHIC AREA.—The term "designated geographic area" means a 5-digit postal ZIP Code assigned to a geographic area by the United States Postal Service.

(4) EVIDENCE-BASED.—The term "evidence-based", when used with respect to a practice relating to juvenile delinquency and criminal street gang activity prevention and intervention, means a practice (including a service, program, or strategy) that has statistically significant juvenile delinquency and criminal street gang activity reduction outcomes when evaluated by—

(A) an experimental trial, in which participants are randomly assigned to participate in the practice that is the subject of the trial; or

(B) a quasi-experimental trial, in which the outcomes for participants are compared with outcomes for a control group that is made up of individuals who are similar to such participants.

(5) INTERVENTION.—The term "intervention" means the provision of programs and services that are supported by research, are evidence-based or promising practices, and are provided to youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued involvement in, juvenile delinquency or criminal street gangs, as a result

of indications that demonstrate involvement with problems such as truancy, substance abuse, mental health treatment needs, or siblings who have had involvement with juvenile or criminal justice systems.

(6) JUVENILE DELINQUENCY AND CRIMINAL STREET GANG ACTIVITY PREVENTION.—The term "juvenile delinquency and criminal street gang activity prevention" means the provision of programs and resources to children and families who have not yet had substantial contact with criminal justice or juvenile justice systems, that—

(A) are designed to reduce potential juvenile delinquency and criminal street gang activity risks; and

(B) are evidence-based or promising educational, health, mental health, school-based, community-based, faith-based, parenting, job training, social opportunities and experiences, or other programs, for youth and their families, that have been demonstrated to be effective in reducing juvenile delinquency and criminal street gang activity risks.

(7) PROMISING.—The term "promising", when used with respect to a practice relating to juvenile delinquency and criminal street gang activity prevention and intervention, means a practice that is not evidence-based, but—

(A) that has outcomes from an evaluation that demonstrate that such practice reduces juvenile delinquency and criminal street gang activity; and

(B) about which a study is being conducted to determine if such practice is evidence-based.

(8) YOUTH.—The term "youth" means—

(A) an individual who is 18 years of age or younger; or

(B) in any State in which the maximum age at which the juvenile justice system of such State has jurisdiction over individuals exceeds 18 years of age, an individual who is such maximum age or younger.

SEC. 4. FINDINGS.

The Congress finds as follows:

(1) Youth gang crime has taken a toll on a number of urban communities, and senseless acts of gang-related violence have imposed economic, social, and human costs.

(2) The use of a wide range of evidence-based and promising programs, integrated into a youth-oriented community system of care, has been demonstrated to reduce youth violence, delinquency, and crime risks, as well as criminal justice, public assistance, victim assistance, and other costs.

(3) Coordinated efforts of stakeholders in the juvenile justice system in a local community, together with other organizations and community members concerned with the safety and welfare of children, have a strong record of demonstrated success in reducing the impact of youth and gang-related crime and violence, as demonstrated in Boston, Massachusetts, Chicago, Illinois, Richmond, Virginia, Los Angeles, California, and other communities.

(4) Investment in prevention and intervention programs for children and youth, including quality early childhood programs, comprehensive evidence-based school, after school, and summer school programs, mentoring programs, mental health and treatment programs, evidence-based job training programs, and alternative intervention programs, has been shown to lead to decreased youth arrests, decreased delinquency, lower recidivism, and greater financial savings from an educational, economic, social, and criminal justice perspective.

(5) Criminal justice costs have become burdensome in many States and cities, requiring reductions in vital educational, social, welfare, mental health, and related services.

(6) Targeting interventions at special youth risk groups and focusing upon relatively low-cost interventions increases the probability of fiscal benefit.

(7) Savings achieved through early intervention and prevention are significant, especially when non-criminal justice social, educational, mental health, and economic outcomes are considered.

(8) Evidence-based intervention treatment facilities have been shown to reduce youth delinquency and to be cost-effective.

(9) The prevention of child abuse and neglect can help stop a cycle of violence and save up to $5.00 for every $1.00 invested in preventing such abuse and neglect.

(10) Quality early childhood education programs have been demonstrated to help children start school ready to learn and to reduce delinquency and criminal street gang activity risks.

(11) Evidence-based mentoring programs have been shown to prevent youth drug abuse and violence.

(12) Evidence-based school-based comprehensive instructional programs that pair youth with responsible adult mentors have been shown to have a strong impact upon delinquency prevention.

(13) After-school programs that connect children to caring adults and that provide constructive activities during the peak hours of juvenile delinquency and criminal street gang activity, between 3:00 and 6:00 in the afternoon, have been shown to reduce delinquency and the attendant costs imposed on the juvenile and criminal justice systems.

(14) States with higher levels of educational attainment have been shown to have crime rates lower than the national average. Researchers have found that a 5 percent increase in male high school graduation rates would produce an annual savings of almost $5,000,000,000 in crime-related expenses.

(15) Therapeutic programs that engage and motivate high-risk youth and their families to change behaviors that often result in criminal activity have been shown to significantly reduce recidivism among juvenile offenders, and significantly reduce the attendant costs of crime and delinquency imposed upon the juvenile and criminal justice systems.

(16) Comprehensive programs that target kids who are already serious juvenile offenders by addressing the multiple factors in peer, school, neighborhood, and family environments known to be related to delinquency can reduce recidivism among juvenile offenders and save the public significant economic costs.

(17) There are many alternatives to incarceration of youth that have been proven to be more effective in reducing crime and violence at the National, State, local, and tribal levels, and the failure to provide for such effective alternatives is a pervasive problem that leads to increased youth, and later adult, crime and violence.

(18) Drug- and alcohol-dependent youth, and youth dually diagnosed with addiction and mental health disorders, are more likely to become involved with the juvenile justice system than youth without such risk factors, absent appropriate prevention and intervention services.

(19) Research funded by the Department of Justice indicates that gang-membership is short-lived among adolescents. With very few youth remaining gang-involved throughout their adolescent years, ongoing opportunities for intervention exist.

(20) Excessively punitive juvenile justice policies, including over-reliance on incarceration and confinement of youth, particularly in the early stages of delinquent behavior and for non-violent delinquent behavior, have been shown to increase long-term crime risks.

(21) Children of color are over-represented relative to the general population at every stage of the juvenile justice system.

(22) The rise in homicides in several cities in recent years followed declines in Federal funding provided for law enforcement, educational, health and mental health, social services, and other support to localities for youth, their families, and other community-oriented programs and approaches.

(23) Direct expenditures for jails and prisons, correctional personnel, prosecution, and law enforcement strategies that lead to increased incarceration have been steadily increasing. In fiscal year 2005, Federal, State, and local governments spent an estimated $204,000,000,000 for law enforcement, incarceration, corrections, judicial, and attendant criminal justice expenses, a 5.5 percent increase over the previous year.

TITLE I—FEDERAL COORDINATION OF LOCAL AND TRIBAL JUVENILE JUSTICE INFORMATION AND EFFORTS

SEC. 101. PROMISE ADVISORY PANEL.

(a) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—Section 223(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—The Administrator shall provide technical and financial assistance to a nonpartisan, nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, to assist such organization in carrying out the

functions specified in paragraph (2). To receive such assistance, an organization shall—

"(A) be governed by individuals who—

"(i) have been appointed by a chief executive of a State to serve as a State advisory group member under subsection (a)(3); and

"(ii) are elected to serve as a governing officer of such organization by a majority of the Chairs (or Chair-designees) of all such State advisory groups;

"(B) include member representatives from a majority of such State advisory groups, who shall be representative of regionally and demographically diverse States and jurisdictions; and

"(C) annually seek appointments by the chief executive of each State of one State advisory group member and one alternate State advisory group member from each such State to implement the advisory functions specified in subparagraphs (D) and (E) of paragraph (2), including serving on the PROMISE Advisory Panel, and make a record of any such appointments available to the public."; and

(2) in paragraph (2), by amending subparagraph (D) to read as follows:

"(D) advising the Administrator with respect to particular functions or aspects of the work of the Office, and appointing a representative, diverse group of members of such organization under paragraph (1) to serve as an advisory panel of State juvenile justice advisors (referred to as the 'PROMISE Advisory Panel') to carry out the functions specified in subsection (g); and".

(b) PROMISE ADVISORY PANEL.—Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is further amended by adding at the end the following new subsection:

"(g) PROMISE ADVISORY PANEL.—

"(1) FUNCTIONS.—The PROMISE Advisory Panel required under subsection (f)(2)(D) shall—

"(A) assess successful evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention carried out by PROMISE Coordinating Councils under such Act;

"(B) provide the Administrator with a list of individuals who have experience in administering or evaluating practices that serve youth involved in, or at risk of involvement in, juvenile delinquency and criminal street gang activity, from which the Administrator shall select individuals who shall—

"(i) provide to the Administrator peer reviews of applications submitted by units of local government and Indian tribes pursuant to title II of such Act, to ensure that such applications demonstrate a clear plan to—

"(I) serve youth as part of an entire family unit; and

"(II) coordinate the delivery of service to youth among agencies; and

"(ii) advise the Administrator with respect to the award and allocation of PROMISE Planning grants to local and tribal governments that develop PROMISE Coordinating Councils, and of PROMISE Implementation grants to such PROMISE Coordinating Councils, pursuant to title II of such Act;

"(C) develop performance standards to be used to evaluate programs and activities carried out with grants under title II of the Youth PROMISE Act, including the evaluation of changes achieved as a result of such programs and activities related to decreases in juvenile delinquency and criminal street gang activity, including—

"(i) prevention of involvement by at-risk youth in juvenile delinquency or criminal street gang activity;

"(ii) diversion of youth with a high risk of continuing involvement in juvenile delinquency or criminal street gang activity; and

"(iii) financial savings from deferred or eliminated costs, or other benefits, as a result of such programs and activities, and the reinvestment by the unit or Tribe of any such savings; and

"(D) provide the Center for Youth-oriented Policing with a list of individuals the Panel recommends for membership on the Youth-oriented Policing Services Advisory Board, pursuant to section 403(c) of the Youth PROMISE Act.

"(2) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Youth PROMISE Act, and annually thereafter, the PROMISE Advisory Panel shall prepare a report containing the findings and determinations

under paragraph (1)(A) and shall submit such report to Congress, the President, the Attorney General, and the chief executive and chief law enforcement officer of each State, unit of local government, and Indian Tribe.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 299(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)(1)) is amended to read as follows:

"(1) There are authorized to be appropriated to carry out this title—

"(A) $6,800,000 for fiscal year 2010;

"(B) $7,800,000 for fiscal year 2011;

"(C) $8,800,000 for fiscal year 2012;

"(D) $11,000,000 for fiscal year 2013; and

"(E) $13,600,000 for fiscal year 2014.".

SEC. 102. GEOGRAPHIC ASSESSMENT OF RESOURCE ALLOCATION.

(a) GRANT FOR COLLECTION OF DATA TO DETERMINE NEED.—Subject to the availability of appropriations, the Administrator shall award a grant, on a competitive basis, to an organization to—

(1) collect and analyze data related to the existing juvenile delinquency and criminal street gang activity prevention and intervention needs and resources in each designated geographic area;

(2) use the data collected and analyzed under paragraph (1) to compile a list of designated geographic areas that are in need of resources to carry out juvenile delinquency and criminal street gang activity prevention and intervention;

(3) use the data collected and analyzed under paragraph (1) to rank such areas in descending order by the amount of need for resources to carry out juvenile delinquency and criminal street gang activity prevention and intervention, ranking the area with the greatest need for such resources highest; and

(4) periodically update the list under paragraph (2) and the rankings under paragraph (3) as the Administrator determines to be appropriate.

(b) DATA SOURCES.—In compiling such list and determining such rankings, the organization shall collect and analyze data relating to juvenile delinquency and criminal street gang activity prevention and intervention—

(1) using the geographic information system and web-based mapping application known as the Socioeconomic Mapping and Resource Topography (SMART) system;

(2) from the Department of Health and Human Services, the Department of Labor, the Department of Housing and Urban Development, and the Department of Education; and

(3) from the annual KIDS Count Data Book and other data made available by the KIDS Count initiative of the Annie E. Casey Foundation.

(c) USE OF DATA BY THE ADMINISTRATOR.—The list and rankings required by this section shall be provided to the Administrator to be used to provide funds under this Act in the most strategic and effective manner to ensure that resources and services are provided to youth in the communities with the greatest need for such resources and services.

(d) LIMITATION ON USE OF COLLECTED DATA.—The information collected and analyzed under this section may not be used for any purpose other than to carry out the purposes of this Act. Such information may not be used for any purpose related to the investigation or prosecution of any person, or for profiling of individuals based on race, ethnicity, socio-economic status, or any other characteristic.

(e) AUTHORIZATION AND LIMITATION OF APPROPRIATIONS.—Of the amount appropriated for fiscal year 2010 to carry out this section and subtitle A of title II of this Act (as authorized under section 205), not more than one percent of such amount, or $1,000,000, whichever is less, shall be available to carry out this section.

TITLE II—PROMISE GRANTS

SEC. 200. PURPOSES.

The purposes of the grant programs established under this title are to—

(1) enable local and tribal communities to assess the unmet needs of youth who are involved in, or are at risk of involvement in, juvenile delinquency or criminal street gangs;

(2) develop plans appropriate for a community to address those unmet needs with juvenile delinquency and gang prevention and intervention practices; and

(3) implement and evaluate such plans in a manner consistent with this Act.

Subtitle A—PROMISE Assessment and Planning Grants

SEC. 201. PROMISE ASSESSMENT AND PLANNING GRANTS AUTHORIZED.

(a) GRANTS AUTHORIZED.—The Administrator is authorized to award grants to units of local government and Indian Tribes to assist PROMISE Coordinating Councils with planning and assessing evidence-based and promising practices relating to juvenile delinquency and criminal street gang activity prevention and intervention, especially for youth who are involved in, or who are at risk of involvement in, juvenile delinquency and criminal street gang activity. Such PROMISE Coordinating Councils shall—

(1) conduct an objective needs and strengths assessment in accordance with section 203; and

(2) develop a PROMISE Plan in accordance with section 204, based on the assessment conducted in accordance with section 203.

(b) GRANT DURATION, AMOUNT, AND ALLOCATION.—

(1) DURATION.—A grant awarded under this section shall be for a period not to exceed one year.

(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this section shall not exceed $300,000.

(c) ALLOCATION.—

(1) MINIMUM ALLOCATION.—Subject to the availability of appropriations, the Administrator shall ensure that the total funds allocated under this section to units of local governments and Indian tribes in a State shall not be less than $1,000,000.

(2) RATABLE REDUCTION.—If the amount made available for grants under this section for any fiscal year is less than the amount required to provide the minimum allocation of funds under paragraph (1) to units of local government and Indian tribes in each State, then the amount of such minimum allocation shall be ratably reduced.

SEC. 202. PROMISE COORDINATING COUNCILS.

To be eligible to receive a grant under this subtitle, a unit of local government or an Indian Tribe shall establish a PROMISE Coordinating Council for each community of such unit or Tribe, respectively, for which such unit or Tribe is applying for a grant under this subtitle. Each such community shall include one or more designated geographic areas identified on the list required under section 102(a)(2). The members of such a PROMISE Coordinating Council shall be representatives of public and private sector entities and individuals that—

(1) shall include, to the extent possible, at least one representative from each of the following:

(A) the local chief executive's office;

(B) a local educational agency;

(C) a local health agency or provider;

(D) a local mental health agency or provider, unless the representative under subparagraph (C) also meets the requirements of this subparagraph;

(E) a local public housing agency;

(F) a local law enforcement agency;

(G) a local child welfare agency;

(H) a local juvenile court;

(I) a local juvenile prosecutor's office;

(J) a private juvenile residential care entity;

(K) a local juvenile public defender's office;

(L) a State juvenile correctional entity;

(M) a local business community representative; and

(N) a local faith-based community representative;

(2) shall include two representatives from each of the following:

(A) parents who have minor children, and who have an interest in the local juvenile or criminal justice systems;

(B) youth between the ages of 15 and 24 who reside in the jurisdiction of the unit or Tribe; and

(C) members from nonprofit community-based organizations that provide effective delinquency prevention and intervention to youth in the jurisdiction of the unit or Tribe; and

(3) may include other members, as the unit or Tribe determines to be appropriate.

SEC. 203. NEEDS AND STRENGTHS ASSESSMENT.

(a) ASSESSMENT.—Each PROMISE Coordinating Council receiving funds from a unit of local government or Indian tribe under this subtitle shall conduct an objective strengths and needs assessment of the resources of the community for which such PROMISE Coordinating Council was established, to identify the unmet needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention. The PROMISE Coordinating Council shall consult with a research partner receiving a grant under section 302 for assistance with such assessment. Such assessment shall include, with respect to the community for which such PROMISE Coordinating Council was established—

(1) the number of youth who are at-risk of involvement in juvenile delinquency or street gang activity;

(2) the number of youth who are involved in juvenile delinquency or criminal street gang activity, including the number of such youth who are at high-risk of continued involvement;

(3) youth unemployment rates during the summer;

(4) the number of individuals on public financial assistance (including a breakdown of the numbers of men, women, and children on such assistance), the estimated number of youth who are chronically truant, and the number of youth who have dropped out of school in the previous year; and

(5) for the year before such assessment, the estimated total amount expended (by the community and other entities) for the incarceration of offenders who were convicted or adjudicated delinquent for an offense that was committed in such community, including amounts expended for the incarceration of offenders in prisons, jails, and juvenile facilities that are located in the United States but are not located in such community;

(6) a comparison of the amount under paragraph (5) with an estimation of the amount that would be expended for the incarceration of offenders described in such paragraph if the number of offenders described in such paragraph was equal to the national average incarceration rate per 100,000 population; and

(7) a description of evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention available for youth in the community, including school-based programs, after school programs (particularly programs that have activities available for youth between 3:00 and 6:00 in the afternoon), weekend activities and programs, youth mentoring programs, faith and community-based programs, summer activities, and summer jobs, if any; and

(8) a description of evidence-based and promising intervention practices available for youth in the community.

(b) LIMITATION ON USE OF ASSESSMENT INFORMATION.—Information gathered pursuant to this section may be used for the sole purpose of developing a PROMISE Plan in accordance with this subtitle.

SEC. 204. PROMISE PLAN COMPONENTS.

(a) IN GENERAL.—Each PROMISE Coordinating Council receiving funds from a unit of local government or Indian tribe under this subtitle shall develop a PROMISE Plan to provide for the coordination of, and, as appropriate, to support the delivery of, evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to youth and families who reside in the community for which such PROMISE Coordinating Council was established. Such a PROMISE Plan shall—

(1) include the strategy by which the PROMISE Coordinating Council plans to prioritize and allocate resources and services toward the unmet needs of youth in the community, consistent with the needs and available resources of communities with the greatest need for assistance, as determined pursuant to section 102;

(2) include a combination of evidence-based and promising prevention and intervention practices that are responsive to the needs of the community;

(3) take into account the cultural and linguistic needs of the community; and

(4) use approaches that have been shown to be effective at reducing the rates of juvenile delinquency and criminal street gang activity in communities.

(b) MANDATORY COMPONENTS.—Each PROMISE Plan shall—

(1) include a plan to connect youth identified in paragraphs (1) and (2) of section 203(a) to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(2) identify the amount or percentage of local funds that are available to the PROMISE Coordinating Council to carry out the PROMISE Plan;

(3) provide strategies to improve indigent defense delivery systems, with particular attention given to groups of children who are disproportionately represented in the State delinquency system and Federal criminal justice system, as compared to the representation of such groups in the general population of the State;

(4) provide for training (which complies with the American Bar Association Juvenile Justice Standards for the representation and care of youth in the juvenile justice system) of prosecutors, defenders, probation officers, judges and other court personnel related to issues concerning the developmental needs, challenges, and potential of youth in the juvenile justice system, (including training related to adolescent development and mental health issues, and the expected impact of evidence-based practices and cost reduction strategies);

(5) ensure that the number of youth involved in the juvenile delinquency and criminal justice systems does not increase as a result of the activities undertaken with the funds provided under this subtitle;

(6) describe the coordinated strategy that will be used by the PROMISE Coordinating Council to provide at-risk youth with evidenced-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(7) propose the performance evaluation process to be used to carry out section 211(d), which shall include performance measures to assess efforts to address the unmet needs of youth in the community with evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and

(8) identify the research partner the PROMISE Coordinating Council will use to obtain information on evidenced-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, and for the evaluation under section 211(d) of the results of the activities carried out with funds under this subtitle.

(c) VOLUNTARY COMPONENTS.—In addition to the components under subsection (b), a PROMISE Plan may include evidence-based or promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention in the following categories:

(1) Early childhood development services (such as pre-natal and neo-natal health services), early childhood prevention, voluntary home visiting programs, nurse-family partnership programs, parenting and healthy relationship skills training, child abuse prevention programs, Early Head Start, and Head Start.

(2) Child protection and safety services (such as foster care and adoption assistance programs), family stabilization programs, child welfare services, and family violence intervention programs.

(3) Youth and adolescent development services, including job training and apprenticeship programs, job placement and retention training, education and after school programs (such as school programs with shared governance by students, teachers, and parents, and activities for youth between the hours of 3:00 and 6:00 in the afternoon), mentoring programs, conflict resolution skills training, sports, arts, life skills, employment and recreation programs, summer jobs, and summer recreation programs, and alternative school resources for youth who have dropped out of school or demonstrate chronic truancy.

(4) Heath and mental health services, including cognitive behavioral therapy, play therapy, and peer mentoring and counseling.

(5) Substance abuse counseling and treatment services, including harm-reduction strategies.

(6) Emergency, transitional, and permanent housing assistance (such as safe shelter and housing for runaway and homeless youth).

(7) Targeted gang prevention, intervention, and exit services such as tattoo removal, successful models of anti-gang crime outreach programs (such as "street worker" programs), and other criminal street gang truce or peacemaking activities.

(8) Training and education programs for pregnant teens and teen parents.

(9) Alternatives to detention and confinement programs (such as mandated participation in community service, restitution, counseling, and intensive individual and family therapeutic approaches).

(10) Pre-release, post-release, and reentry services to assist detained and incarcerated youth with transitioning back into and reentering the community.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Subject to the limitation under section 102(e), there are authorized to be appropriated for fiscal year 2010, $300,000,000 to carry out this subtitle and section 102.

Subtitle B—PROMISE Implementation Grants

SEC. 211. PROMISE IMPLEMENTATION GRANTS AUTHORIZED.

(a) PROMISE IMPLEMENTATION GRANTS AUTHORIZED.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to award grants to units of local government and Indian Tribes to assist PROMISE Coordinating Councils with implementing PROMISE Plans (developed pursuant to subtitle A).

(b) GRANT DURATION AND AMOUNT.—

(1) DURATION.—A grant awarded under this section shall be for a four-year period.

(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this section shall not be for more than $10,000,000 per year for each year of the grant period.

(c) NON-FEDERAL FUNDS REQUIRED.—For each fiscal year during the four-year grant period for a grant under this subtitle, each unit of local government or Indian Tribe receiving such a grant for a PROMISE Coordinating Council shall provide, from non-Federal funds, in cash or in kind, 25 percent of the costs of the activities carried out with such grant.

(d) EVALUATION.—Of any funds provided to a unit of local government or an Indian Tribe for a grant under this subtitle, not more than $100,000 shall be used to provide a contract to a competitively selected organization to assess the progress of the unit or Tribe in addressing the unmet needs of youth in the community, in accordance with the performance measures under section 204(b)(7).

SEC. 212. PROMISE IMPLEMENTATION GRANT APPLICATION REQUIREMENTS.

(a) APPLICATION REQUIRED.—To be eligible to receive a PROMISE Implementation grant under this subtitle, a unit of local government or Indian Tribe that received a PROMISE Assessment and Planning grant under subtitle A shall submit an application to the Administrator of the Office of Juvenile Justice and Delinquency Prevention not later than one year after the date such unit of local government or Indian Tribe was awarded such grant under subtitle A, in such manner, and accompanied by such information, as the Administrator, after consultation with the organization under section 223(f)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)(1)), may require.

(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

(1) identify potential savings from criminal justice costs, public assistance costs, and other costs avoided by utilizing evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(2) document—

(A) investment in evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to be provided by the unit of local government or Indian Tribe;

(B) the activities to be undertaken with the grants funds;

(C) any expected efficiencies in the juvenile justice or other local systems to be attained as a result of implementation of the programs funded by the grant; and

(D) outcomes from such activities, in terms of the expected numbers related to reduced criminal activity;

(3) describe how savings sustained from investment in prevention and intervention practices will be reinvested in the continuing implementation of the PROMISE Plan; and

(4) provide an assurance that the local fiscal contribution with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention in the community for which the PROMISE Coordinating Council was established for each year of the grant period will not be less than the local fiscal contribution with respect to such practices in the community for the year preceding the first year of the grant period.

SEC. 213. GRANT AWARD GUIDELINES.

(a) SELECTION AND DISTRIBUTION.—Grants awarded under this subtitle shall be awarded on a competitive basis. The Administrator shall—

(1) take such steps as may be necessary to ensure that grants are awarded to units of local governments and Indian Tribes in areas with the highest concentrations of youth who are—

(A) at-risk of involvement in juvenile delinquency or criminal street gang activity; and

(B) involved in juvenile delinquency or street gang activity and who are at high-risk of continued involvement; and

(2) give consideration to the need for grants to be awarded to units of local governments and Indian Tribes in each region of the United States, and among urban, suburban, and rural areas.

(b) EXTENSION OF GRANT AWARD.—The Administrator may extend the grant period under section 211(b)(1) for a PROMISE Implementation grant to a unit of local government or an Indian Tribe, in accordance with regulations issued by the Administrator.

(c) RENEWAL OF GRANT AWARD.—Subject to the availability of appropriations, the Administrator may renew a PROMISE Implementation grant to a unit of local government or an Indian Tribe to provide such unit or Tribe with additional funds to continue implementation of a PROMISE Plan. Such a renewal—

(1) shall be initiated by an application for renewal from a unit of local government or an Indian Tribe;

(2) shall be carried out in accordance with regulations issued by the Administrator; and

(3) shall not be granted unless the Administrator determines such a renewal to be appropriate based on the results of the evaluation conducted under section 223(a) with respect to the community of such unit of Tribe for which a PROMISE Coordinating Council was established, and for which such unit or Tribe is applying for renewal.

SEC. 214. REPORTS.

Not later than one year after the end of the grant period for which a unit of local government or an Indian Tribe receives a PROMISE Implementation grant, and annually thereafter for as long as such unit or Tribe continues to receive Federal funding for a PROMISE Coordinating Council, such unit or Tribe shall report to the Administrator regarding the use of Federal funds to implement the PROMISE Plan developed under subtitle A.

SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of the fiscal years 2011 through 2014.

Subtitle C—General PROMISE Grant Provisions

SEC. 221. NON-SUPPLANTING CLAUSE.

A unit of local government or Indian Tribe receiving a grant under this title shall use such grant only to supplement, and not supplant, the amount of funds that, in the absence of such grant, would be available to address the needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention.

SEC. 222. GRANT APPLICATION REVIEW PANEL.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention, in conjunction with the PROMISE Advisory Panel, shall establish and utilize a transparent, reliable, and valid system for evaluating applications for PROMISE Assessment and Planning grants and for PROMISE Implementation grants, and shall determine which applicants meet the criteria for funding, based primarily on a determination of greatest need (in accordance with section 102), with due consideration to other enumerated factors and the indicated ability of the applicant to successfully implement the program described in the application.

SEC. 223. EVALUATION OF PROMISE GRANT PROGRAMS.

(a) EVALUATION REQUIRED.—Subject to the availability of appropriations under this title, the Administrator shall, in consultation with the organization under section 223(f)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)(1)), provide for an evaluation of the programs and activities carried

out with grants under this title. In carrying out this section, the Administrator shall—

(1) award grants to institutions of higher education (including institutions that are eligible to receive funds under part J of title IV of the Higher Education Act of 1965 (as amended by Public Law 110–84)) to facilitate the evaluation process and measurement of achieved outcomes;

(2) identify evidence-based and promising practices used by Promise Coordinating Councils under PROMISE Implementation grants that have proven to be effective in preventing involvement in, or diverting further involvement in, juvenile delinquency or criminal street gang activity; and

(3) ensure—

(A) that such evaluation is based on the performance standards that are developed by the PROMISE Advisory Panel in accordance with section 223(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (as added by section 101(b) of this Act);

(B) the development of longitudinal and clinical trial evaluation and performance measurements with regard to the evidence-based and promising practices funded under this title; and

(C) the dissemination of the practices identified in paragraph (2) to the National Research Center for Proven Juvenile Justice Practices (established under section 301), units of local government, and Indian Tribes to promote the use of such practices by such units and Tribes to prevent involvement in, or to divert further involvement in, juvenile delinquency or criminal street gang activity.

(b) RESULTS TO THE NATIONAL RESEARCH CENTER FOR PROVEN JUVENILE JUSTICE PRACTICES.—The Administrator shall provide the results of the evaluation under subsection (a) to the National Research Center for Proven Juvenile Justice Practices established under section 301.

TITLE III—PROMISE RESEARCH CENTERS

SEC. 301. ESTABLISHMENT OF THE NATIONAL RESEARCH CENTER FOR PROVEN JUVENILE JUSTICE PRACTICES.

(a) CENTER ESTABLISHED.—Subject to the availability of appropriations, the Administrator shall award a grant to a nonprofit organization with a national reputation for expertise in operating or evaluating effective, evidenced-based practices related to juvenile delinquency and criminal street gang activity prevention or intervention to develop a National Research Center for Proven Juvenile Justice Practices. Such Center shall—

(1) collaborate with institutions of higher education as regional partners to create a best practices juvenile justice information-sharing network to support the programs and activities carried out with grants under title II of this Act;

(2) collect, and disseminate to PROMISE Coordinating Councils, research and other information about evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to inform the efforts of PROMISE Coordinating Councils and regional research partners and to support the programs and activities carried out with grants under title II of this Act;

(3) increase the public's knowledge and understanding of effective juvenile justice practices to prevent crime and delinquency and reduce recidivism; and

(4) develop, manage, and regularly update an Internet website to disseminate proven practices for successful juvenile delinquency prevention and intervention.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2010 through 2014.

SEC. 302. GRANTS FOR REGIONAL RESEARCH PROVEN PRACTICES PARTNERSHIPS.

(a) GRANT PROGRAM AUTHORIZED.—The Administrator shall, subject to the availability of appropriations, establish a grant program to award grants to institutions of higher education to serve as regional research partners with PROMISE Coordinating Councils that are located in the same geographic region as an institution, in collaboration with the National Research Center for Proven Juvenile Justice Practices authorized under section 301. Regional research partners shall provide research support to such PROMISE Coordinating Councils, including—

(1) assistance with preparing PROMISE grant applications under title II, including collection of baseline data for such applications;

(2) assistance with the needs and strengths assessments conducted under section 203; and

(3) provision of support services to PROMISE grant recipients for data collection and analysis to assess progress under the PROMISE grant.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of the fiscal years 2010 through 2012.

TITLE IV—YOUTH–ORIENTED POLICING SERVICES

SEC. 401. PURPOSE.

The purpose of this title is to prevent involvement by youth in, and to divert youth from further involvement in, juvenile delinquency and criminal street gang activity by providing funding for youth-oriented community-based law enforcement, through coordination with PROMISE Coordinating Councils and other community-based organizations, to carry out evidenced-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention that are aimed at reducing—

(1) the number of youth who are victims of crime;

(2) the number of youth who lack proper education and community-based resources, training, and support;

(3) self-destructive behaviors in youth;

(4) juvenile delinquency; and

(5) criminal street gang activity.

SEC. 402. DEFINITIONS.

In this title:

(1) YOUTH-ORIENTED POLICING SERVICE.—The term "youth-oriented policing service" means a strategic effort by a State, local, or tribal law enforcement agency to—

(A) provide evidenced-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and

(B) use strategies based on the SARA model, in collaboration with community-based public and private organizations, to reduce—

(i) the number of youth who are victims of crime; and

(ii) the risks of juvenile delinquency and criminal street gang activity.

(2) SARA MODEL.—The term "SARA model" means a problem-solving technique used to organize approaches to recurring problems, which requires action with respect to a problem that includes scanning, analysis, response, and assessment.

SEC. 403. GRANTS TO STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT AGENCIES TO HIRE AND TRAIN YOUTH-ORIENTED POLICING OFFICERS.

(a) HIRING GRANTS AUTHORIZED.—Subject to the availability of appropriations, the Director of the Office of Community Oriented Policing Services shall award grants to State, local, and tribal law enforcement agencies—

(1) to hire law enforcement officers as youth-oriented police to work collaboratively with PROMISE Coordinating Councils, other community-based organizations, and youth at high risk of becoming involved in delinquent activities to reduce such risks through specialized training related to—

(A) youth development;

(B) investigation of offenses committed by youth; and

(C) the effectiveness of evidenced-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, as compared to the effectiveness of traditional law enforcement approaches, when dealing with youth; and

(2) for training and capacity-building of law enforcement agencies related to youth-oriented policing practices and efforts, including—

(A) carrying out youth-oriented community-based policing activities including systematic needs and strengths assessment, coordination, technology deployment, technical assistance, and problem solving techniques (such as strategies based on the SARA model); and

(B) working with PROMISE Coordinating Councils to develop effective initiatives and practices that promote healthy youth development and pre-

vent involvement by youth in, or divert further youth involvement in, juvenile delinquency and criminal street gang activity.

(b) DURATION.—A grant awarded to a law enforcement agency under this section shall be for a 4-year period.

(c) MAXIMUM GRANT AMOUNT.—A grant awarded to a law enforcement agency under this section shall not exceed $2,000,000.

(d) PRIORITY.—In awarding grants under this section, the Director of the Office of Community Oriented Policing Services shall give priority to law enforcement agencies that serve designated geographic areas that are ranked highest in the rankings of such areas determined under section 102, and shall consider whether a law enforcement agency serves a community for which a PROMISE Coordinating Council was established.

SEC. 404. ESTABLISHMENT OF CENTER FOR YOUTH-ORIENTED POLICING.

(a) GRANT TO ESTABLISH CENTER FOR YOUTH-ORIENTED POLICING.—Subject to the availability of appropriations, the Director of the Office of Community Oriented Policing Services shall award a grant, on a competitive basis, to an eligible organization to establish a Center for Youth-oriented Policing to—

(1) develop a model youth-oriented policing services training program to train representatives from State, regional, and local law enforcement training academies to provide youth-oriented policing services training to law enforcement officers, which shall—

(A) be based on evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and

(B) include training related to specialized police services for preventing youth at who are involved in, or who are at high risk of becoming involved in, juvenile delinquency or criminal street gang activity;

(2) support the adoption of new technologies related to—

(A) the prioritization of risks related to juvenile delinquency and criminal street gang activity;

(B) the safety of juveniles in custody; and

(C) the prevention of gun violence; and

(3) develop, compile, and disseminate to youth-oriented police information about evidence-based and promising practices that are best practices for Youth-oriented Policing Services for preventing and reducing involvement of youth in juvenile delinquency and criminal street gang activity.

(b) ELIGIBLE ORGANIZATION.—In this section, the term "eligible organization" means a nonprofit organization that has demonstrated—

(1) experience in providing training, advice, and support to law enforcement agencies;

(2) commitment to helping youth avoid delinquency, crime, and involvement with the juvenile and criminal justice systems;

(3) experience in providing law-abiding alternative life styles to youth who are participating in delinquency and criminal street gang activity, or who are involved with the juvenile or criminal justice systems; and

(4) ability and commitment to work in partnership with community-based organizations that provide services to reduce juvenile delinquency and criminal street gang activity.

(c) YOPS ADVISORY BOARD.—

(1) BOARD ESTABLISHED.—The Center for Youth-oriented Policing established pursuant to subsection (a) shall establish a Youth-oriented Policing Services Advisory Board to develop an annual work plan for the Center (in accordance with the conditions and requirements of the grant provided under this section). Such Board shall meet at least once each calendar quarter to consider reports of the Center's activities (including progress made toward accomplishing such work plan), and to approve continuation of or amendment to such work plan.

(2) MEMBERSHIP.—The membership of the Youth-oriented Policing Services Advisory Board shall—

(A) be composed of—

(i) an appointee of the chief executive of the Center for Youth-oriented Policing, who shall serve in an ex-officio capacity;

(ii) an appointee of the PROMISE Advisory Panel established pursuant to section 223(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (as added by section 101(b) of this Act), who shall serve in an ex-officio capacity; and

(iii) individuals who are selected by the Center for Youth-oriented Policing from a list of recommended individuals provided by the PROMISE Advisory Panel in accordance with such section 223(g), as follows:

(I) 8 law enforcement officers from international, national, State, and local law enforcement organizations;

(II) 4 juvenile justice administrators (including judges), including 2 administrators from the State level and 2 administrators from the local level;

(III) 4 representatives of community-based organizations that advocate for juveniles, one each from a national, State, local, and tribal organization; and

(IV) 4 individuals who research juvenile crime prevention issues; and

(B) to the greatest extent possible, have a demographic composition that represents the demographic composition of the population of the United States.

(3) TERM OF MEMBERSHIP.—Members of the Youth-oriented Policing Services Advisory Board shall serve for 3-year staggered terms.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $100,000,000 for each of the fiscal years 2010 through 2014, to be made available as follows:

(1) Such sums as may be necessary in each such fiscal year to carry out the activities of the Center for Youth-oriented Policing established pursuant to section 404, except that such sums shall not exceed $5,000,000 or 10 percent of the total amount appropriated to carry out this title, whichever is less.

(2) Of the funds remaining for each such fiscal year after sums are made available for under paragraph (1)—

(A) 80 percent shall be available to award grants to carry out the activities in section 403(a)(1); and

(B) 20 percent shall be available to award grants to carry out the activities in section 403(a)(2).

TITLE V—ENHANCED FEDERAL SUPPORT OF LOCAL LAW ENFORCEMENT

Subtitle A—Comprehensive Gang Prevention and Relief

SEC. 501. SHORT TITLE.

This subtitle may be cited as "Mynisha's Law".

SEC. 502. FINDINGS.

Congress finds as follows:

(1) According to the 2008 National Gang Threat Assessment, there are over 20,000 gangs operating within the United States, and gang violence and drug trafficking remain serious problems throughout the country, causing injury and death to innocent victims, often children.

(2) On November 13, 2005, a gang-related dispute broke out in San Bernardino, California, and gunfire sprayed an apartment building, killing 11-year old Mynisha Crenshaw and seriously wounding her 14-year old sister as they ate Sunday dinner with their family.

(3) This tragic shooting symbolizes the struggle that so many communities across the United States, like San Bernardino, face in combating gang violence, and serves as a reminder of the nationwide problem of protecting children from senseless violence.

(4) According to the National Drug Threat Assessment, criminal street gangs are responsible for the distribution of a significant amount of cocaine, methamphetamine, heroin, and other illegal drugs throughout the United States.

(5) The Federal Government has made an increased commitment to the suppression of gang violence through enhanced law enforcement and criminal penalties.

(6) More Federal resources and coordination are needed to reduce gang violence through proven and proactive prevention and intervention programs that focus on keeping at-risk youth in school and out of the criminal justice system.

SEC. 503. DESIGNATION AS A COMPREHENSIVE GANG PREVENTION AND RELIEF AREA.

(a) IN GENERAL.—Units of local government and Indian Tribes with a PROMISE Coordinating Council (established in accordance with subtitle A of title II of this Act) may submit an application to the Administrator for designation as a Comprehensive Gang Prevention and Relief Area in accordance with this section.

(b) CRITERIA.—

(1) IN GENERAL.—The Administrator shall establish criteria for reviewing applications submitted under subsection (a) and for evaluating and selecting areas for designation as Comprehensive Gang Prevention and Relief Areas.

(2) CONSIDERATIONS.—In establishing criteria under subsection (a) and evaluating an application for designation as a Comprehensive Gang Prevention and Relief Area, the Administrator shall consider—

(A) the current and predicted levels of gang crime activity in the area, based on the information collected and analyzed under section 102;

(B) the extent to which violent crime in the area appears to be related to criminal gang activity;

(C) the extent to which the area is implementing a PROMISE Plan, or is otherwise already engaged in local or regional collaboration regarding, and coordination of, gang prevention activities; and

(D) such other criteria as the Administrator determines to be appropriate.

SEC. 504. INTERAGENCY GANG PREVENTION TASK FORCE.

(a) IN GENERAL.—In order to coordinate Federal assistance to Comprehensive Gang Prevention and Relief Areas, the Administrator shall establish an Interagency Gang Prevention Task Force (in this subtitle referred to as the "Task Force"), consisting of a representative from—

(1) the Department of Justice;

(2) the Department of Education;

(3) the Department of Labor;

(4) the Department of Health and Human Services; and

(5) the Department of Housing and Urban Development.

(b) COORDINATION.—For each Comprehensive Gang Prevention and Relief Area designated by the Administrator under section 503, the Task Force shall—

(1) coordinate the activities of the Federal Government to create a comprehensive gang prevention response, focusing on youth through early childhood intervention, at-risk youth intervention, literacy, employment, community policing, and comprehensive community-based programs such as Operation Cease Fire or Homeboy Industries; and

(2) coordinate such comprehensive gang prevention response with local and regional gang prevention efforts, including PROMISE Coordinating Councils and PROMISE Plans (where such Plans are established).

(c) PROGRAMS.—The Task Force shall prioritize the needs of Comprehensive Gang Prevention and Relief Areas for funding under—

(1) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) the Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.);

(3) the Healthy Start Initiative under section 330H of the Public Health Services Act (42 U.S.C. 254c–8);

(4) the Head Start Act (42 U.S.C. 9831 et seq.);

(5) the 21st Century Community Learning Centers program under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.);

(6) the Job Corps program under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(7) the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(8) the Gang Resistance Education and Training projects under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921);

(9) any program administered by the Office of Community Oriented Policing Services;

(10) the Juvenile Accountability Block Grant program under part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

(11) the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

(12) any other program that the Task Force determines to be appropriate.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Task Force shall submit to Congress and the Administrator a report on the funding needs and programmatic outcomes for each area designated as a Comprehensive Gang Prevention and Relief Area.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) an evidence-based analysis of the best practices and outcomes among the areas designated as Comprehensive Gang Prevention and Relief Areas; and

(B) an analysis of the adequacy of Federal funding to meet the needs of each area designated as a Comprehensive Gang Prevention and Relief Area and, if the Task Force identifies any programmatic shortfalls in addressing gang prevention, a request for new funding or reprogramming of existing funds to meet such shortfalls.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle, including any needs identified by the Task Force as necessary to carry out this subtitle.

Subtitle B—Community and Police Collaboration

SEC. 511. GANG PREVENTION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Community Oriented Policing Services of the Department of Justice may make grants, in accordance with such regulations as the Director may prescribe, to units of local government and Indian Tribes with a PROMISE Coordinating Council (established in accordance with subtitle A of title II of this Act) to enable such PROMISE Coordinating Council to develop community-based programs that provide crime prevention, research, and intervention services that are designed to prevent violence and gang involvement by youthful offenders and at-risk youth.

(b) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) for—

(1) preventing initial gang recruitment and involvement among younger teenagers;

(2) preventing violence and gang involvement through nonviolent and constructive activities, such as community service programs, development of nonviolent conflict resolution skills, employment and legal assistance, family counseling, and other safe, community-based alternatives for crime-involved or high-risk youth;

(3) developing in-school and after-school gang safety, control, education, and resistance procedures and programs;

(4) identifying and addressing early childhood risk factors for violence and gang involvement, including parent training and childhood skills development;

(5) identifying and fostering protective factors that buffer children and adolescents from violence, crime, and gang involvement;

(6) developing and identifying investigative programs designed to deter gang recruitment, involvement, and activities through effective intelligence gathering;

(7) developing programs and youth centers for first-time, non-violent offenders facing alternative penalties, such as mandated participation in community service, restitution, mentoring, counseling, job training, and education and prevention programs;

(8) implementing multidisciplinary approaches to combat youth violence and gang involvement through coordinated programs operated by law enforcement and other public, private, and faith-based community organizations for prevention and intervention (including street outreach programs and other peacemaking activities) or coordinated law enforcement activities (including crime mapping strategies that enhance focused crime prevention, intervention, and reintegration strategies for offender reentry); or

(9) identifying at-risk and high-risk students through home visits organized through joint collaborations between law enforcement, faith-based organizations, schools, health and mental health providers, other community based organizations, and social workers.

(c) MAXIMUM GRANT.—The amount of a grant under this section may not exceed $1,000,000.

(d) ANNUAL REPORT.—Each recipient of a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report containing—

(1) a summary of the activities carried out with grant funds during that year;

(2) an assessment of the effectiveness of the crime prevention, research, and intervention activities of the recipient, based on data collected by the grant recipient;

(3) a strategic plan for the year following the year described in paragraph (1);

(4) evidence of consultation and cooperation with local, State, or Federal law enforcement or, if the grant recipient is a government entity, evidence of consultation with an organization engaged in any activity described in subsection (b); and

(5) such other information as the Director may require.

(e) DEFINITION.—In this section, the term "units of local government" includes sheriffs departments, police departments, and local prosecutor offices.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $35,000,000 for each of the fiscal years 2010 through 2014.

Subtitle C—City Youth Violence Recovery

SEC. 521. FINDINGS.

The Congress finds the following:

(1) The mental health of young people is essential to their overall well-being. Mental health affects how young people think, feel, and act; their ability to learn and engage in relationships; their self-esteem; their ability to evaluate situations and make choices; and their ability to handle stress, relate to other people, and acquire the skills and training needed for adulthood.

(2) Each year many children and adolescents sustain injuries from violence, lose friends or family members because of violence, or are adversely affected by witnessing violence.

(3) Youth violence, perpetrated both by and against young people, results in enormous physical, emotional, social, and economic consequences.

(4) The National Institutes of Health has found that inner-city children experience the greatest exposure to violence, and youngsters who have been exposed to community violence are more likely to exhibit aggressive behavior or depression within the following year.

(5) Any event that can cause a person to feel fear, helplessness, horror, and a sense that life or safety is in danger puts a person, especially children, at risk for posttraumatic stress.

(6) Many cities lack the resources to provide the appropriate youth counseling and therapy services to minimize the long-term emotional harm of community violence.

SEC. 522. GRANTS TO PREVENT OR ALLEVIATE THE EFFECTS OF YOUTH VIOLENCE.

(a) GRANTS.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities to prevent or alleviate the effects of youth violence in eligible urban communities by providing violence-prevention education, mentoring, counseling, and mental health services to children and adolescents in such communities.

(b) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to applicants that agree to use the grant in one or more eligible urban communities that lack the monetary or other resources to address youth violence.

(c) LIMITATION.—The Attorney General may not make a grant to an eligible entity under this section unless the entity agrees to use not more than 15 percent of the funds provided through the grant for violence-prevention education.

(d) DEFINITIONS.—In this section:

(1) The term "eligible entity" means a partnership between a State mental health authority and one or more local public or private providers, such as a local agency, State agency, educational institution, or nonprofit or for-profit organization.

(2) The term "eligible urban community" means an urban community with a high or increasing incidence of youth violence.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2010 through 2014.

TITLE VI—PRECAUTION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2009", or the "PRECAUTION Act of 2009".

SEC. 602. PURPOSES.

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 603. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the National Commission on Public Safety Through Crime Prevention established under section 604(a).

(2) RIGOROUS EVIDENCE.—The term "rigorous evidence" means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term "subcategory" means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including anti-gang and general anti-violence strategies).

(4) TOP-TIER.—The term "top-tier" means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 604. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME AND DELINQUENCY PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime and Delinquency Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be social scientists with experience implementing or interpreting rigorous, outcome-based trials;

(ii) 2 members of the Commission shall be law enforcement practitioners; and

(iii) 2 members of the Commission shall be youth delinquency prevention or intervention practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of ⅔ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of ⅔ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this title or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such

testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime and delinquency prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the Chief Federal Public Defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations

representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 605.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a pre-existing base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 605, the Commission shall collect the results of the study of the effectiveness of that grant under section 605(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 605 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission's collection of information and evidence regarding each grant recipient under section 605 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 605, at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 605, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 605(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 605(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 605(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this title. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(l) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 605. INNOVATIVE CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 3 years.

(2) AMOUNT.—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed $2,000,000.

(3) EVALUATION SET-ASIDE.—

(A) IN GENERAL.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) METHODOLOGY OF STUDY.—

(i) IN GENERAL.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee

of the National Institute of Justice hired or assigned under subsection (c).

(ii) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(iii) APPROVAL.—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(4) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 604(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(5) TYPE OF GRANTS.—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 604(f) shall be considered.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out this subsection.

(c) DEDICATED STAFF.—

(1) IN GENERAL.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the grants under this section.

(2) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that grantees adhere to the study design approved before the applicable grant was awarded.

(3) LIAISON.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a grant under this section. That employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000 for each of fiscal years 2010 through 2014 to carry out this subsection.

(d) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) COOPERATION WITH THE COMMISSION.—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

TITLE VII—ADDITIONAL IMPROVEMENTS TO JUVENILE JUSTICE

SEC. 701. YOUTH VICTIM AND WITNESS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against juvenile victims of, and witnesses to, violent crimes.".

(b) EXPANSION OF FEDERAL WITNESS RELOCATION AND PROTECTION PROGRAM.—Section 3521(a)(1) of title 18, United States Code, is amended by inserting "criminal street gang, serious drug offense, homicide," after "organized criminal activity".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $5,000,000 for each of the fiscal years 2010 through 2014 to carry out this subtitle.".

SEC. 702. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM-INVOLVED YOUTH.

(a) EXPANSION.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended by adding at the end the following: "Within 6 months of the date of enactment of the Youth PROMISE Act, the Administrator shall expand the number of sites receiving such grants from 4 to 12.".

(b) AUTHORIZATION OF PROGRAM.—Section 299(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(c)) is amended—

(1) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(2) by adding at the end the following:

"(2) AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.—There are authorized to be appropriated to carry out the Mentoring Initiative for System-Involved Youth Program under part E $4,800,000 for each of fiscal years 2010 through 2014.".

SEC. 703. STUDY ON ADOLESCENT DEVELOPMENT AND SENTENCES IN THE FEDERAL SYSTEM.

(a) IN GENERAL.—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minors in the Federal system.

(b) CONTENTS.—The study conducted under subsection (a) shall—

(1) incorporate the most recent research and expertise in the field of adolescent brain development and culpability;

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for minor offenders in the Federal system; and

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress a report regarding the study conducted under subsection (a), which shall—

(1) include the findings of the Commission;

(2) describe significant cases reviewed as part of the study; and

(3) make recommendations, if any.

(d) REVISION OF GUIDELINES.—If determined appropriate by the United States Sentencing Commission after completing the study under subsection (a), the Commission may, pursuant to its authority under section 994 of title 28, United States Code, establish or revise guidelines and policy statements, as warranted, relating to the sentencing of minors.

○

Mr. SCOTT. I am pleased at this point to recognize my colleague, the Ranking Member of the Subcommittee, the gentleman from Texas, Judge Gohmert.

Mr. GOHMERT. Thank you, Chairman Scott.

Crime prevention does play an important role in helping to deter our youth from committing crimes and joining gangs. The best prevention really does begin at home, though, with a solid family structure, strong morals, and proper role models. As a judge I saw teenagers and young adults come through the criminal justice system whose lives could have been remarkably different if they had received the proper support and guidance from their families.

Sadly, some children did not have a supportive family that can instill in them the values to lead a productive, law-abiding life. For these youth our local communities, churches, schools play a pivotal role in helping shape their lives, and many communities across America are dedicated to this cause.

The Youth PROMISE Act goes far beyond simply authorizing Federal assistance for these community prevention programs. The bill also proposes to implement broad, sweeping, nationalized programs to address youth crime and gang prevention. H.R. 1064 creates 11 new grant programs, a multitude of new layers of government, and over a dozen new reports, studies, evaluations and assessments with a price tag of over $1¼ billion.

H.R. 1064 spends much time and money reviewing, assessing and studying what constitutes evidence-based and promising practices relating to juvenile delinquency and criminal street gang activity prevention and intervention. Yet in its findings the bill claims that the use of a wide range of evidence-based and promising programs has been demonstrated to reduce youth violence, delinquency and crime risk. So this seems to beg the question as to whether evidence-based prevention programs currently exist. If so, the question arises as to why we would spend millions in tax dollars to study and assess what constitutes an effective program.

In fact, a number of studies have been conducted in recent years to identify what works when it comes to youth crime and gang prevention. The Washington State Institute for Public Policy, the Coalition for Evidence-Based Policy, the National Center for Mental Health Promotion and Youth Violence Prevention, the Pennsylvania Commission on Crime and Delinquency are just to name a few. They have undertaken examinations of best practices in youth crime prevention.

H.R. 1064 also legislates what seems to be a one-size-fits-all approach in a vacuum. The bill approaches youth crime and gang prevention as if there are no such programs on this subject right now in existence. On the contrary, dozens of local government and nonprofit programs across the country are reaching children every day. San Antonio Fighting Back, the New Jersey Gang Intervention and Prevention Project, the Chicago Area Project, the Rescue Youth Mentoring Program are just a few examples of government an nongovernment prevention programs that are operating and succeeding today.

Under the Youth PROMISE Act, the local government programs will have to be set aside or scrapped and replaced with the Youth PROMISE programs in order to receive any of the bulk of the authorized funding, and the nonprofit community-based programs are all but left out of this legislation. Of the 11 new grants created in this bill, only 1, the Innovative Crime and Delinquency Prevention and Intervention Strategy grant, can be awarded to private organizations.

Moreover, Federal grants programs targeting specifically youth crime and gang prevention also currently exist. The Justice Department's Office of Juvenile Justice and Delinquency Prevention operates the Gang Reduction Program, the Gang-Free Schools and Community Program and the Tribal Youth Program, all of which are demonstrating success. Requirements on units of local govern-

ment or Indian tribes to even become eligible for the PROMISE assessment grants are likely cost-prohibitive for most communities which seek out Federal assistance because they don't have the funds to operate these programs.

For PROMISE Planning and Assessment grants, a unit of local government or Indian tribe must establish a 20-person PROMISE coordinating council, conduct objective strengths and needs assessment examining 8 criteria, implement a PROMISE plan that must include 12 components including the institution of higher education that will serve as the council's research partners.

For PROMISE Implementation grants, units of local government and Indian tribes must award a competitive contract to an outside organization that will assess the progress of the government or the tribe in assessing the unmet needs of youth in the community; must also submit annual reports to the Justice Department on implementation of their PROMISE plans.

While the intentions of H.R. 1064 are wonderful and meritorious, serious concerns do arise on the effectiveness of a multilayered, burdensome and redundant system of new Federal grants and more government on actually preventing our children and teenagers from engaging in crime.

I do have to say I was so struck by the testimony of one gang member who had committed murder before he was sentenced in my court, saying, I don't understand why people are so down on gangs. I have got no other family. They are the only family I have. That is why I turn to a gang.

We need to do something to help with morality, with family structure, and then we can go even further down the road to helping prevent crime.

Thank you, Mr. Chairman. I yield back.

Mr. SCOTT. Thank you.

I am going to introduce—does the gentlelady from California have a comment?

Ms. WATERS. Thank you very much, Mr. Chairman. I was conducting a hearing over in Financial Services under my Subcommittee on Housing and Community Opportunities, but I asked some one to take the Chair while I come here to this hearing today for a number of reasons.

Number one, I know that you have been working on this issue for an awfully long time. You have talked to an awful lot of the people, and you have worked hard at putting together a public policy proposal that will recognize that there needs to be substantial prevention in the criminal justice system, and to recognize that locking them up and throwing the key away is not successful. It does not stop gang violence and crime.

A lot of this is, of course, targeted toward the gangs that have caused many of us so much pain in our communities. And I know that you join with and perhaps provide the leadership for trying to address these issues.

I must say that I have heard some of the experts. I know that there are no sure answers; that even with those who have had experience working with gangs, still a lot of this is just trial and error. But it seems that the legislation that you have put together involves the community and some new and different ways in set-

ting up councils and funding groups that will be not only using their knowledge and experience, but people who are close to the problems are trying to deal with them.

I understood that our sheriff, Sheriff Baca, was going to be here today. I don't know if he has shown up yet.

Mr. SCOTT. He is right on the front row.

Ms. WATERS. Oh, there he is.

Sheriff Baca, how are you? I guess I needed just to look up.

I think when he first was elected to office, I was in the California State Assembly, and while serving in the assembly, I served parts of south central Los Angeles that included several of the well-known public housing projects, Nickerson Gardens, Jordan Downs, Imperial Courts, and the Pueblos, and I think it is Gonzaque now. It used to be Old Hacienda. Prior to going to the California State Legislature, I worked in the Head Start program. My Head Start program was located in Nickerson Gardens housing projects, one of the sites.

So I got to know an awful lot about the communities, and particularly the housing development in south Los Angeles that was considered notorious. And at that time we had a police chief most of those years, Daryl Gates, who used everything from the ramming rod to break into homes and the choke hold that killed some young people as he tried to apprehend so-called drug dealers, et cetera.

I came to learn a lot of things working with the gangs. I worked with the Crips and the Bloods and the Grape Streeters, and on and on and on, the Hoovers, you name it. I see Gator from Illinois shaking his head, who worked with the gangs, and we got to know each other doing this work. And these are the things that I discovered that caused me to try and identify—at the time of the outbreak referred to as riots in Los Angeles, I tried very hard and took a lot of time trying to describe to the Nation what was happening.

One of the things that I discovered was that there was a lot of isolation; that people who were poor and living in public housing and other areas of our country were dropped off of America's agenda. There were not a lot of programs of assistance. The old poverty program days were gone, and basically private councils and other things that were developed were not connecting in some of the poorest and most vulnerable areas.

And I saw the influx of drugs. It was at a time when, as identified by Gary Webb from San Jose, that drugs were coming into South Central based on the conflict going on in Nicaragua. But the crack cocaine became a reality. Young mothers and fathers were addicted, children were left alone, and children became very, very angry. They did organize into gangs. They were living in vacant homes, as you know, Sheriff Baca, calling themselves a family because they didn't have anything else. And I maintain that when you pull the safety net out from a lot of these young people, when their mothers and fathers are drug-addicted or off in prison, you basically have some dangerous people on your hands, and no money, no family support.

And so I started to work with gangs in a different way. We went into public housing, and we created our own job-training program out of Wagner-Peyser money that came from the Federal Govern-

ment. We started hugging people. They told me we were hugging and getting friendly with tough killers, but they came to my classes in the daytime, and all they said was, Ms. Waters, what do you want me to do? And we were able to hold classes, connect people with jobs, to find out Private Industry Council and others had no real job developers, on and on and on.

Mr. Chairman, what I discovered was a lot of love, a lot of attention, and a great deal of resources was needed to deal with the problems that had been created or had developed into these communities. We saved a lot of people, and we lost a lot. We have people now who are homeowners, that we got homes built with Habitat and others, who have gone on to do some fine things. The Maxine Waters Employment Preparation Center was developed where we trained people to do all kinds of things. Many of them got jobs, and they moved out of the community, they bought homes. But I went to a lot of funerals also, because we were not able to save everybody.

Now, having said all of that, many politicians have built their careers on law and order and talking about locking up the gangs and trying young people as adults. And they were willing to throw away young people based on their desire to be elected officials.

Now, will this bill change what I have attempted to describe? I don't know if it will do that or not, but we don't have a lot of other things that we can point to and say it is better than this. This is an attempt to try and do something that has not been done before, and I would hope that at some point we could add to this the understanding that many of the poor people that we are dealing with who don't have health care, Head Start, other programs. We determined and found out there were children that were dyslexic, autistic, et cetera, problems that never got attended to. I hope we can attend to health problems, we can create jobs and put money in people's pockets and give the love and support and involve the community in ways that you want to.

Thank you for your time. You have been very generous. I just had to get that off my chest.

Mr. SCOTT. Well, thank you very much.

We have a vote pending. We have about 1 minute and 12 seconds to get to the floor. We will reconvene. We have, I believe, five votes, so it will be at least a half an hour before we get back, but we will get back as soon as we can. The Committee stands in recess.

[Recess.]

Mr. SCOTT. The Subcommittee will come to order.

The gentleman from Michigan—we are joined by the Chairman of the full Committee Mr. Conyers.

Mr. CONYERS. Thank you, Mr. Chairman.

Because Sheriff Baca is on a tight time line back to California, I will enter my statement in the record and observe that this noble idea of 226 Members joining a bill of this dimension is absolutely incredible to me. And I commend the Chairman for his leadership in that respect.

What is the bill about, spending more on the front end than on the back end? And the nice thing about it, it doesn't expand Federal jurisdiction into State criminal law.

And with that, I will yield back and welcome Marian Wright Edelman and all the rest of you.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

Today's hearing will focus on the Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education Act, also known as the "Youth PROMISE Act."

This bill, introduced by Crime Subcommittee Chair Bobby Scott and Congressman Mike Castle, is designed to address the problems of gang crime and violence by preventing the problems *before* they start.

It is based upon extensive evidence and research that demonstrate the effectiveness of prevention and intervention resources in preventing and reducing youth gang crime and violence.

The research underlying the Youth PROMISE Act reveals that prioritizing prevention and intervention makes sense from a public safety, economic, and criminal justice perspective, which is why I am one of the 225 co-sponsors.

Let me highlight three reasons why I believe prevention and intervention resources play a critical role in addressing the serious problem of youth gang crime and violence in this country.

First, the Youth PROMISE Act makes sense from a pro-active public safety perspective. Extensive scientific research on youth violence and juvenile and criminal justice reveals that intervention programs for youth who are involved in, or at risk of becoming involved in, gangs, crime, and delinquency can significantly reduce crime.

By redirecting youth away from gang involvement and onto paths of productive participation in society, effective prevention and intervention programs reduce violence and help make communities safer.

Experts agree that such programs as teen pregnancy prevention, pre-natal care, new parent training, nurse home visits, Head Start, quality education, after-school programs, job training, summer jobs and recreation, and college scholarships help to prevent and reduce crime, in a cost-effective manner.

That brings me to my second point. Investment in proven prevention makes sense from an economic perspective. It's clear that an investment in prevention yields significant cost savings through reduced law enforcement, criminal justice, and incarceration costs, as well as reduced social welfare expenditures.

Research also reveals that these programs are most effective when provided in the context of a coordinated, collaborative local strategy involving law enforcement, social services, and other local public and private entities working with children identified as at risk of involvement in the criminal justice system.

The Youth PROMISE Act will achieve precisely that kind of collaboration.

Third, by infusing resources into the most challenged communities in this country, the Youth PROMISE Act promotes important juvenile and criminal justice reform, which will move us in the right direction, and away from the flawed approach we have adopted for too long toward youth gang violence in this country.

For more than a decade, this flawed approach focused on incarcerating too many vulnerable children and youth, living in our most challenged communities, which, in turn, has contributed to widening racial and ethnic disparities in our juvenile and criminal justice systems.

In an effort to appear "tough on crime," we have slighted the importance of prevention and intervention, and instead prioritized crackdowns and policies that translate into unduly expanded police and prosecutorial power.

While more arrests, more trials, and more incarceration may have seemed logical, or at least politically expedient, at the time, research now shows that we cannot "arrest our way out of the problem" of gang crime and violence.

Prioritizing enforcement and incarceration over prevention and intervention can inflict tremendous harm upon the very communities elected leaders are trying to protect.

Far too many of our poorer, urban communities throughout this country produce staggeringly low high school graduation rates, especially for male students of color.

Meanwhile, our nation has the highest incarceration rates in the world, with more than 2.3 million people behind bars, many of whom are poor and minorities.

Indeed, 1 in 9 African American men between the ages of 20 to 34 in this country are in jail or prison at this very moment.

Earlier this year, I and other Members of Congress watched a film screening of the film, *Crips and Bloods: Made in America.*

The film offered a powerful depiction of the gang problem in this country, and the toll that gang violence takes on our most challenged and vulnerable communities.

These communities are crying out for effective prevention and intervention resources to build hope, provide positive alternatives to gangs, and revitalize neighborhoods.

The Youth PROMISE Act will provide these resources, so that ultimately crime is reduced, and vulnerable communities are made safer and healthier, all at reduced expenditure of taxpayer dollars.

I thank Chairman Bobby Scott for his leadership on this important bill and for holding this timely hearing.

I look forward to hearing more from today's witnesses about the Youth PROMISE Act, the issues underlying the bill, and what Congress can do to provide solutions to the problem of youth gang crime and violence.

Mr. SCOTT. Thank you.

We have been joined by the gentleman from North Carolina Mr. Watt as well.

We have five very distinguished witnesses today. First panelist will be—from left to right is Marian Wright Edelman, president and founder of the Children's Defense Fund. She established the Children's Defense Fund in 1973 and has been an advocate for disadvantaged children and families her entire professional life. She is a graduate of Spelman College and Yale Law School and began her career in the mid-1960's as the first Black woman admitted to the Mississippi bar. She directed the NAACP Defense and Education Fund in Jackson, Mississippi, and also served as director of the Center of Law and Education at Harvard University.

Next is Dr. Deborah Prothrow-Stith, a consultant for Spencer Stuart. She has 26 years' experience as a nationally acclaimed public health leader, physician and educator. Previously she was associate dean and professor of public health practice at Harvard School of Public Health. She has coauthored Deadly Consequences, Sugar and Spice is No Longer Nice, Murder is No Accident, and Health: Skills for Wellness. She has 10 honorary doctorates and received the 1993 World Health Day Award, 1989 Secretary of Health and Human Services Award, and a Presidential appointment to the National Commission on Crime Control and Prevention. She is a graduate of Spelman College and Harvard Medical School.

The third witness is Leroy Baca, the sheriff of Los Angeles County. Los Angeles County is the largest sheriff's department in the United States. His department offers the second largest youth activity program in the Nation, managing 14 youth activity leagues, serving at-risk youth in after-school programs involving academics, sports and cultural arts. He earned his doctorate of public administration from the University of Southern California. He was elected sheriff of Los Angeles County in 1998 and was reelected in June 2006 for his third term.

The fourth witness is Dr. David Muhlhausen, senior policy analyst for the Heritage Foundation, Center for Data Analysis. As an adjunct professor of public policy at George Mason University, he also teaches program evaluation and statistical methods. He has emerged as one of Washington's top experts in criminal justice programs, particularly law enforcement programs administered by the

Justice Department. He has a doctorate degree in public policy from the University of Maryland, Baltimore County, and a bachelor's degree in political science and justice studies from Frostburg State University.

And our final witness will be Tracy Velázquez, executive director of the Justice Policy Institute, a Washington, D.C.-based nonprofit organization focusing on reducing society's overreliance on incarceration and finding just solutions to social problems. She came to JPI from the Vera Institute of Justice in New York City, where she also worked in criminal justice policy issues, including parole reform and improving alternatives to incarceration for drug offenses. Prior to that Tracy advocated for mental health policies and funding as executive director of the Montana Mental Health Association. She has a bachelor's degree from Harvard University and a master's in public administration from Montana State University.

Each of the witnesses' statements will be made a part of the record in its entirety. I would ask our witnesses to summarize their testimony in 5 minutes or less, and to help stay within that time, there is a timing device at the table which will start green and go to yellow when there is 1 minute left, and will switch to red when the 5 minutes has expired.

I understand that Sheriff Baca has a time problem, so we will start with Sheriff Baca's testimony first.

TESTIMONY OF LEROY D. BACA, SHERIFF, LOS ANGELES COUNTY, MONTEREY PARK, CA

Sheriff BACA. Thank you. Good afternoon, Members of Committee, Chairman Scott, Mr. Conyers. Thank you for your generosity in allowing me to speak; and Mr. Gohmert and my dear friend Congresswoman Waters.

Simply this. This legislation—and I am representing not only the Los Angeles County Sheriff's Department, but the major law enforcement agencies of America on this issue. I am a Major Cities Chiefs member, along with a National Sheriffs board of director, and, equally important, I am the chairman of the board of Fight Crime and Invest in Kids, which is a policy advocacy group for children and the relationship between crime and the lack of education and other factors that affect children's lives, which they have little control over, and the onset is part and parcel to why I am here.

This legislation, the Youth PROMISE Act, is perhaps—from a criminal justice reform perspective is perhaps the most significant legislative act that this Congress will have ever considered in the history of the Congress. And the point of this is that I have been in this work for 44 years, and I have seen deputy sheriffs arrest the children of people they arrested when they were children, who were now arresting the great-grandchildren of those who were part and parcel to this continual dysfunctional system which relies on the back end to correct the front end.

The back end essentially is when a crime is committed, it is too late practically. The system of recovery and redirecting and, quite frankly, correcting what are the challenges of young people in neighborhoods that are at risk, where there is an overreliance on law enforcement to solve a problem that is much deeper than the crime itself in the absence of a public model, which the colleagues

here are well aware of, and I am just honored to be in the presence of a panel that you have brought forth that has considerable knowledge on this subject of how to deal with it the right way.

When you conceptualize, it simply is a learning problem. It is also an environmental problem. It is an institutional problem when it comes to schools, family, neighborhood and resources that perhaps are overwhelmingly in the way of successful childhood growth. That thus causes this legislation to simply be defined as it is, a Youth PROMISE Act, something that says that children in and of themselves are powerless to guide themselves out of the morass of difficulties they are in by no choice of their own.

So they obviously need help, and the resources are really in place in terms of some of the research that Fight Crime: Invest in Kids has done. We know how to do it the right way. We understand evidence-based solutions; they are there. What we don't understand is the absence of commitment due to local governments' competing interests and perhaps even the Federal Government's competing interest in strategies.

In summary, law enforcement needs a lot of help, but more than law enforcement, it is the youth of our communities that need the core help. And the dollars spent there, as been established by Mr. Scott's Committee, and all the things that have gone into this by Members of this Committee are things that must be brought to full action nationwide; and in particular, looking at this not as a solution of cost, but a solution of preventing cost, and then also preventing, more importantly, human misery.

Children should not grow up with the idea in mind that it matters not that they live to be an adult. That is a lot of the reality that Congresswoman Waters was describing earlier in her experiences with children who literally are begging for solutions, finding none, and resorting to negative solutions, which ultimately result in what the crime problems are.

So thank you again, Congressman Scott. As I said before, you are a visionary. The time is now. Law enforcement and people who have thoughtfully researched these problems are all on board. And I just thank you for allowing me to say these few words.

Mr. SCOTT. Thank you very much, Sheriff.

[The prepared statement of Mr. Baca follows:]

PREPARED STATEMENT OF LEROY BACA

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Subcommittee on Crime, Terrorism, and Homeland Security

Hearing:
H.R. 1064, the "Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education Act" or the "Youth PROMISE Act"

July 15, 2009

Written Testimony of:

Leroy Baca

Sheriff
Los Angeles County, California

On Behalf of:
FIGHT CRIME: INVEST IN KIDS

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Mr. Chairman, Ranking Member Gohmert, and members of the Subcommittee on Crime, Terrorism, and Homeland Security:

Thank you for the opportunity to appear before the Subcommittee and present this testimony. My name is Leroy Baca. I have over 40 years' experience in law enforcement, and I have served as Sheriff of Los Angeles County, California since 1998.

I am testifying today as Chairman of the Board of Directors for FIGHT CRIME: INVEST IN KIDS, a national anti-crime organization of more than 5,000 sheriffs, police chiefs, prosecutors, attorneys general, other law enforcement leaders, and victims of violence. FIGHT CRIME: INVEST IN KIDS does not run any programs, nor do we receive any federal or state funding. Rather, we take a hard-nosed look at research about what really works to keep kids from becoming criminals and we share information on what works with the public and policymakers, so we can all work together to increase public safety.

As a law enforcement leader, I know that being tough on violent crime is essential. Once a crime has been committed, however, no amount of punishment can undo the resulting damage. Jails and prisons cannot erase the agony felt by a victim, nor can they repair that victim's shattered life. It is clear to me that we cannot rely on arrest and incarceration alone to prevent or reduce crime. My colleagues and I know from the research that some of the most powerful weapons in our crime-fighting arsenal are high-quality early investments in kids that help them get the right start in life. We need to make these proven, evidence-based investments that reach kids and their families *before* they commit crimes, resulting in not only better outcomes for the kids and their families, but also greater safety for the community as a whole.

That is why my colleagues and I from FIGHT CRIME: INVEST IN KIDS are proud to support the "Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act" (Youth PROMISE Act). We are grateful for Chairman Scott's leadership on this bi-partisan legislation and for the support of the 221 co-sponsors of the legislation, including a number of the members of this panel.

The current economic crisis leaves many children and teens even more vulnerable to gangs and delinquent behavior, and leaves many States, counties and cities forced to cut back on services to these kids and their families. Now more than ever, we need to provide federal investments in programs which focus on early childhood education, child abuse and neglect prevention, quality after-school activities and mentoring, and proven interventions for troubled kids. It is through these investments that we can make ensure that a turbulent economy doesn't turn into a tidal wave of crime.

The "Youth PROMISE Act" focuses federal efforts and resources towards investments which have a proven ability to reduce crime – programs which provide the necessary tools for at-risk kids to get the right start in life and to help those who start on an inappropriate path to get back on track. I want to describe for you a few of these critical investments that my colleagues and I from FIGHT CRIME: INVEST IN KIDS are pleased to see that the "Youth PROMISE Act" recognizes as valuable in the fight against juvenile delinquency and gang violence.

Early Childhood Education

It is clear that children who are successful in academic pursuits are less likely to engage in delinquent behavior, including many activities associated with gang involvement such as drug use. Participation in quality early childhood education programs, including Head Start, is proven to prepare kids for school and

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keep them away from crime. Studies show that Head Start participants have better self-esteem, motivation, behavior, academic achievement, and are "held back a grade" less often than similar children not in the program. In addition, research on Chicago's Child-Parent Centers, a pre-k program similar to Head Start, showed that at-risk kids left out of the program were 70% more likely to have been arrested for a violent crime by age 18 than similar kids who participated. Research also shows high-quality early care and education for at-risk kids generate unparalleled returns on investment over the long term. A study of the Perry Preschool program demonstrated that it saved taxpayers more than $16 for every $1 invested as a result of the tremendous cuts in crime, welfare dependence, and other costs.

Evidence-Based Home Visiting Programs

Investments in the prevention of child abuse and neglect can have a powerful impact on reducing crime. In 2007, there were 794,000 confirmed cases of child abuse and neglect in the United States. This statistic is alarming enough on its own, but it cannot account for the thousands of additional cases that either go unreported or unconfirmed by overburdened State child welfare agencies. Research shows the true number of victims nationwide, including those never reported to authorities, may be well over 2 million.

Even though the majority of children who survive abuse or neglect do not become violent criminals, these children carry the emotional scars of maltreatment for life. Not only are they more likely to inflict similar abuse or neglect upon their own children, but also many do go on to commit violent crimes. The best available research indicates that, based on the confirmed cases of abuse and neglect nationwide in just one year, an additional 30,000 children will become violent criminals and 200 will become murderers as adults as a direct result of the abuse and neglect they endured.

Fortunately, evidence-based home visiting programs can prevent abuse and neglect and reduce later crime and violence. There are a variety of models for these visitation programs, though all are dedicated to helping young children get a good start in life and improving outcomes for the entire family. The programs are generally characterized by frequent, voluntary home visits by trained individuals, from nurses to social workers to other trained para-professionals, to help parents get the information, skills, and support they need to raise healthy and safe kids.

The research is clear that these home visitation programs work. For example, one program that we have in L.A. County, the Nurse-Family Partnership (NFP), randomly assigned interested at-risk pregnant women to receive visits by nurses starting before the birth of a first child and continuing until the child was age two. Rigorous research, originally published in the *Journal of the American Medical Association*, shows the program cut abuse and neglect among at-risk kids nearly in half. In addition, children of mothers who received the coaching had 60% fewer arrests by age 15 than the children of mothers who were not coached. Many other programs have shown positive outcomes as well.

Not only do these programs result in less child abuse and neglect and help reduce crime, but they also result in tremendous cost savings. A study by the Washington State Institute for Public Policy found that NFP produced $18,000 in net savings per family served and saved $3 for every $1 invested. Some other models of home visiting have also resulted in cost savings.

After-School Programs and Mentoring

For many families, while the parents are at work, kids are left unsupervised after school. High-quality after-school programs connect kids to caring adults and provide constructive activities between 3pm and 6pm on school days – the prime time for juvenile crime. The Los Angeles County Sheriff's Department already offers the second largest youth activity program in the nation, managing 14 Youth Activity Leagues serving at-risk youth in after-school programs involving academics, sports, and cultural arts. High-quality after school programs have been proven by research to have an impact on crime. For example, a study compared five housing projects without Boys & Girls Clubs to five receiving new clubs. Although both had similar rates of drug activity and vandalism in the beginning, by the study's end, the housing projects without the programs experienced 50 percent more vandalism and scored 37 percent worse on drug activity.

A study of Big Brothers Big Sisters demonstrated that quality mentoring programs also help at-risk youth avoid criminal activity. The study found that young people who were randomly assigned to a Big Brother or Big Sister mentor were about half as likely to begin illegal drug use and nearly one-third less likely to hit someone compared to those who were assigned to a waiting list.

Interventions for Troubled Youth

Current data regarding children and mental health presents an alarming picture: at least one in ten children suffers from a serious mental health problem. An even greater proportion of children and youth from low-income families are at-risk for mental health problems: 21% of low-income children and youth ages 6 through 17 have mental health problems. Sadly, 75% to 80% of children and youth in need of mental health services do not receive them. This is not only a problem for these kids – it is a serious problem for our communities because mental health is inexorably linked to public safety. Although not all youth with untreated mental health problems become criminals, youth with untreated mental health needs are more likely to get in trouble.

It is essential to treat behavioral and emotional problems and mental illness while children are young in order to prevent more serious problems later on. Researchers have estimated that 7% or more of preschoolers have levels of disruptive, aggressive behaviors severe enough to qualify for mental health diagnosis. Of these children, approximately 60% will later manifest high levels of antisocial and delinquent behavior. One scientifically designed and tested evidenced-based early screening and treatment approach for young children with emotional and behavioral problems is called The Incredible Years. A study of the approach, which includes components not only for the kids, but also for the parents and teachers as well, found that when both the young children and their parents received services, 95 percent of the children experience significant reductions in problem behaviors.

School-based approaches such as the Good Behavior Game and the Life Skills Training program produce long-term results. The Good Behavior Game, a classroom exercise for young children and teenagers, creates a simple reward system whereby students are divided into two or more groups in the classroom (with equal numbers of misbehaving children) and the groups compete to behave well. Teachers make check marks for the children in each group who act out and simple rewards, such as getting to line up first for the playground, are awarded to the winning group. A long-term randomized study of Baltimore first-graders followed the children to age 19-21 and found a 50 percent lower dependence on drugs for those who participated. Another school-based approach, Life Skills Training, is a three-year intervention

designed to prevent or reduce gateway drug use. The program has been shown to cut tobacco, alcohol, and marijuana use by 50 to 75 percent.

Many older troubled youth who have begun to commit criminal offenses need to participate in evidence-based, intensive individual and family therapy programs to help steer them back to a path of success in the community. There are a number of therapeutic interventions with remarkable outcomes in reducing juvenile recidivism. These interventions work individually with kids to change their actions and parents to equip them to better manage their children's behavior. It is exactly this type of community-based approach to solving delinquency (and gang violence) issues that the "Youth PROMISE Act" seeks to promote.

The success of some of these therapeutic interventions cannot be overlooked by anyone searching for ways in which to address criminal activity by juveniles – and looking for ways to save money. For example, a study of one approach called Multidimensional Treatment Foster Care, showed that the program cut the average number of repeat arrests for seriously delinquent juveniles in half, saving an average of over $77,000 for every juvenile treated. Similarly, a study of youth who participated in a program called Functional Family Therapy found that participants were half as likely to be re-arrested as the youth whose families did not receive the family therapy, saving an average of $32,000 per youth treated. Kids not receiving these critical interventions do not fare nearly as well. A study of one program, Multi-Systemic Therapy, found that similar juvenile offenders who had *not* received services under the program were 62 percent more likely to have been arrested for an offense, and more than twice as likely to be arrested for a violent offense. As a result, the public saved over $4.25 for every dollar invested in the program.

The Youth PROMISE Act

I have described a number of investments in kids that have proven ability to reduce crime and violence. Unfortunately, woefully inadequate funding leaves millions of children at risk of becoming delinquent teens and adult criminals. The Nurse Family Partnership, for example, is only able to provide home visiting services to about 20,000 of the half-million at-risk new mothers annually. Head Start is only able to serve about half of eligible three-and-four-year olds. More than 14 million children still lack constructive adult supervision after school. Effective interventions for delinquent youth reach only a fraction of the troubled kids who would benefit from them.

The "Youth PROMISE Act" focuses federal investments on approaches that have been shown to be effective in reducing crime, especially juvenile delinquency. It helps communities develop and implement plans, specific to their individual needs and strengths, which utilize evidence-based prevention and intervention approaches like those I've already discussed to reduce the likelihood of a young person joining a gang and/or engaging in delinquent activity. We are extremely supportive of the legislation's approach of data-driven targeting of federal resources to communities in which the need for services is the greatest

We are also pleased to see the emphasis on additional funding and research to identify other innovative crime prevention or intervention strategies. It is this emphasis on preventing criminal activity through investments in proven strategies targeting kids early that my colleagues and I at FIGHT CRIME: INVEST IN KIDS are proud to support.

As a law enforcement leader with more than 40 years of experience, I know from the front lines in the fight against crime—and the research—that quality early investments in kids are among the most powerful weapons we have in our crime-fighting arsenal. The time to make these investments is now, so that we can reach our most vulnerable kids before it is too late. In doing so, we will go a long way towards not only improving the outcomes for these kids and their families, but also in improving the safety and security of our communities.

Thank you again for the opportunity to appear before you today, and I look forward to answering your questions.

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Mr. SCOTT. Marian Wright Edelman.

TESTIMONY OF MARIAN WRIGHT EDELMAN, PRESIDENT AND FOUNDER, CHILDREN'S DEFENSE FUND, WASHINGTON, DC

Ms. WRIGHT EDELMAN. I thank you for being here. I am thrilled at your leadership, and I am even more thrilled that there are 226 cosponsors of the Youth PROMISE Act. I think that is absolutely wonderful, and I am looking forward to trying to begin to see a paradigm change in this country away from overreliance on punishment as a first resort, to cost-effective, to prevention and early intervention in this act, I think, will be a major, major step in that

direction. I just want to thank all of you who are here who are supporting this.

We are deeply concerned about the Cradle to Prison Pipeline at the Children's Defense Fund. It is driven by racial disparities in almost of all of our child-caring systems and by continuing poverty. So many poor babies in very rich America enter our world with multiple strikes against them and never, ever get on the track to successful adulthood. They are born without prenatal care, at low birth weight, without ongoing health and mental health supports.

And again, I want to thank the Chair again for his chief cosponsorship of the All Healthy Children's Act, and if we could get health care reform for children this year as a part of overall health reform, it will stop a major feeder system into that Cradle to Prison Pipeline. We see so many children who are born to a teen or a poor and poorly educated single mother and absent father. I think that the Youth PROMISE Act will be a major response to that because it understands about the importance of a continuum care and recognizes that children don't come in pieces. And so I think again it will be a major step forward.

At crucial points in their development, until adulthood, more risks pile on poor children, and poor children of color especially. They don't get the quality early intervention services they need and are likely to fare more poorly in school. We know that the dropout rates are a disgrace in our country. We know that school discipline policies, zero-sum school discipline policies, are pushing children out at earlier and earlier ages. I think sometimes we adults have lost our common sense. Expelling and arresting on school grounds 5-, 6-, and 7- and 8-year-olds for behaviors that used to be handled in the community, are now in the principal's office. This is not the way to deal with our children's problems. We are just pushing them out.

We know about the problems of neglect and abuse in our country, and know that only 4 out of 10 of these children get any services, and we know that children who age out of foster care are less likely to receive adequate health and mental health care, and are more likely to experience homelessness and be involved in the criminal justice system. We have got thousands of children sitting up in juvenile detention facilities solely because they couldn't get mental health services in their communities, and children should not have to be locked up in order in order to get mental health care. So the focus on prevention and community-based services very much, very much needed, and, again, that is the value that is reflected in this act.

And as these risks accumulate, it makes successful transition for so many hundreds of thousands of children each year to productive adulthood significantly less likely and involvement in the criminal justice system significantly more likely. So what we have today is a Black boy who was born in 2001 with a 1 in 3 risk of going to prison; for a Latino boy it is 1 in 6; a Black girl, 1 in 17. This is an unfolding child tragedy and a national catastrophe. We must act now with urgency to end incarceration, which I believe is becoming the new American apartheid, and poor children of color are its fodder. This act is one way of beginning to say let us reverse course and reset our compass.

I want to just point out to you a few things that the act does that I just think are so terrific and make so much common sense. And I hope that we will proceed with great, great urgency.

One, I appreciate it invests in evidence-based practices and promising approaches that we know work, and is also trying to invest in seeing that a lot of good things can now get evidence so that we can then begin to scale up and have more examples on what works and focus on solutions rather than problems.

It recognizes no single organization can tackle this alone. I like the fact that you are trying to engage the community, and you are coordinating councils, because we do have to reweave the fabric of neighborhood and community and family responsibility for children.

The third thing is it targets services on communities and families and youths most in need, and this individualized approach through its resources in different communities for youth with differing needs is very important.

It recognizes a need for gang prevention, but also recognizes that the answer is not an increase in Federal prosecution of more youths, or implicating more youths in communities in gangs' activities. And I am particularly pleased about the comprehensive gang prevention and relief areas of this act.

Fifth, it recognizes how important it is for law enforcement to embrace this new paradigm. If it is going to become a reality for youth, we really have to talk about training, staff training, and changing the mind-set of those who are dealing with it.

And finally, it is a very wise investment led by Federal leadership, and we are very pleased. I can't think of a dumber investment policy than our policy of continuing to invest tens of billions of dollars each year in more and more prisons. And I can't think of a worse distinction than being the world's leading jailer. States are spending three times more for prisoners than for public school pupils and that is just wrong-headed. I think that you are trying to move in a different direction.

So I thank you. I hope this year that every one of you will make sure that we stop that first feeder system by providing prenatal care, and health care, and preventive mental health care so that we can begin to turn around and give our young people the things that they need for healthy adulthood.

Thank you.

Mr. SCOTT. Thank you.

[The prepared statement of Ms. Wright Edelman follows:]

PREPARED STATEMENT OF MARIAN WRIGHT EDELMAN

Statement
of
Marian Wright Edelman
President, Children's Defense Fund

Children's Defense Fund

Hearing on the Youth PROMISE Act

Before the
Subcommittee on Crime, Terrorism and Homeland Security
of the
House Committee on the Judiciary
U.S. House of Representatives
July 15, 2009

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Good afternoon. I am Marian Wright Edelman, President of the Children's Defense Fund (CDF). I appreciate the invitation to testify today before the Subcommittee on Crime, Terrorism and Homeland Security of the House Committee on the Judiciary on the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education Act (Youth PROMISE Act). CDF lends its full and enthusiastic support to the Act and what it promises for the children and youth of our nation. It gives many of our children who now have no hope, the chance to have safe, nurturing lives and productive futures. It gives us all hope for a better tomorrow.

The Children's Defense Fund has worked very hard for 36 years to ensure every child in America a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities. CDF seeks to provide a strong, effective and independent voice for ***all*** the children of America who cannot vote, lobby, or speak for themselves, but we pay particular attention to the needs of poor and minority children and those with disabilities. CDF encourages preventive investment in children before they get sick, get pregnant, drop out of school, get into trouble, suffer family breakdown, or get funneled into the dangerous Cradle to Prison Pipeline.

The Cradle to Prison Pipeline is a growing national crisis lodged at the intersection of race and poverty. A Black boy born in 2001 has a 1 in 3 chance of going to prison during his lifetime; a Latino boy a 1 in 6 chance; a White boy and a Black girl a 1 in 17 chance; a Latina girl a 1 in 45 chance; and a White girl a 1 in 111 chance. Hundreds of thousands of children and youth are being funneled into the pipeline each year, so many at younger and younger ages. Most do not receive the help they need to prevent them from entering or help them get out at the earliest possible moment and get into a pipeline to college and productive work. Incarceration is becoming the new American apartheid and poor children of color are the fodder. We must take action now, and that is why we are so pleased to see the growing support for the Youth PROMISE Act.

Challenges Pulling Children and Youth into the Cradle to Prison Pipeline and Keeping Them There

The Cradle to Prison Pipeline crisis reflects the lack of a level playing field for all children and our nation's failure to value all children's lives equally.

Many poor babies in rich America enter the world with multiple strikes already against them and never, ever get on the track to successful adulthood. A child is born into poverty every 33 seconds, is born without health insurance every 39 seconds, is abused or neglected every 40 seconds, is born to a teen mother every 60 seconds, and is killed by guns every 3 hours. And, as life progresses, many children experience multiple risks which accumulate and overwhelm fragile child lives. We know from research that a young child exposed to six or more risk factors is ten times as likely to commit a violent act by age 18 as one who experiences only one or a few risk factors.

Overburdened and underfunded child welfare systems in states across the country are one of the major feeder systems into the cradle to prison pipeline and a perpetrator of racial disparities. A National Institute of Justice study reported that being abused or neglected as a child increased the likelihood of arrest as a juvenile by 59 percent. Abuse and neglect increased the likelihood of adult criminal behavior by 28 percent and violent crime by 30 percent.

- Low family income increases the likelihood that children will come to the attention of public systems and be identified as abused or neglected. Children in families with annual incomes less than $15,000 are 22 times as likely to be abused or neglected as children in families with annual incomes of $30,000 or more

- Twice as many Black children are in foster care as we would expect given their representation among all children. Although they constitute 15 percent of the child and youth population, they account for 32 percent of children and youth in foster care.

- Children who age out of foster care experience more serious mental health problems than children generally, are less likely to receive adequate health and mental health care, and are more likely to experience homelessness and to be involved in the criminal justice system.

We must act now with urgency to stop the growing criminalization of children at younger and younger ages and tackle the unjust treatment of minority youths and adults in the juvenile and adult criminal justice systems.

- Black juveniles are more than four times as likely as their White peers to be incarcerated. Black youths are more than five times as likely to be incarcerated as are white youths for drug offenses.

- Blacks constitute one-third and Latinos one-fifth of our imprisoned population. One in three Black men, 20 to 29 years old, is under correctional supervision or control. Unjust drug sentencing policies have greatly escalated the incarceration of minority adults and youths.

- At mid-year 2008, there were more than 2.3 million persons incarcerated in the United States. Black males are more than 6.5 times as likely as White males to be incarcerated.

And the cycle continues with 1.7 million children having a parent who is imprisoned. Black children are seven times, and Latino children almost three times, as likely as White children to have a parent who is imprisoned. Studies have shown the increased risk that children with an incarcerated parent face in becoming incarcerated themselves. The past continues to strangle the present and the future.

their strengths and offer them the comprehensive supports they need. Law enforcement and the justice system also need to embrace the importance of investments in these other areas and at the same time redirect their resources toward prevention and early intervention.

The Act Promotes Shared Responsibility between All Levels of Government and Among Government, Communities, Families and Youths

The Youth PROMISE Act recognizes that no single or just a few organizations can tackle this crisis alone. It makes clear that serving youths involved in, or at risk of involvement in, juvenile delinquency and criminal street gang activity must be a joint federal, state and community responsibility, and that youths must be engaged from the beginning. The PROMISE Coordinating Councils will bring to the table the multiple local agencies and Indian tribal organizations that are needed to keep youths out of the delinquency system and criminal street gangs, and also the community leaders, parents and nonprofit organizations already serving these youths. Each of the councils will assess its own community's needs and strengths, evaluate current funding priorities, and then develop a comprehensive plan for implementing evidenced-based and promising prevention and intervention strategies. CDF is especially pleased that the PROMISE Coordinating Councils will be required not only to connect youths to evidence-based and promising approaches but also to address the needs of youths already in the system. In planning they must include the legal defense of groups disproportionally represented in the delinquency and criminal justice systems, and training for court staff on the developmental needs, challenges and potential of youths already in the system.

The Act Focuses Resources on Communities and Youths Most in Need and Recognizes the Benefits of Individualized Approaches to Services and Treatment

The PROMISE Advisory Panel and PROMISE Coordinating Councils established by the Act will help ensure that resources are targeted on communities, youths and families most in need. At the same time it recognizes the importance of taking precautions against inappropriate profiling of youths. The PROMISE Plans, PROMISE Assessment and Planning Grants, and PROMISE Implementation Grants as structured recognize the need for individualized resources and approaches in different communities and for varying services and supports for youths with differing needs. One of the common characteristics of evidence-based and promising approaches to helping children across the country is their recognition of the need to focus on the individual needs and strengths of those being served. Families and youths need to be engaged in the planning and delivering of services.

The Act Gives Special Attention to the Need for Comprehensive Gang Prevention and Relief

The Youth PROMISE Act recognizes that the key to gang prevention is not increased federal prosecution of more youths by federalizing certain gang crimes or implicating more youths in communities. It is not higher penalties and more incarceration. Instead,

be new investments over and above what the local entities would otherwise have available for these purposes. Any savings sustained from the new investments in prevention and intervention must be reinvested in other activities in the PROMISE Plan. There is also a requirement that local investments be maintained over time. All of these provisions are key to ensuring that youths truly will benefit from the services and treatment under the Youth PROMISE Act. Too often there is little attention given to how to maintain investments over time that can improve outcomes for children and youths.

The Act Supports the Need for Federal Leadership to Increase Federal Attention to Crime Prevention and Intervention in Existing Programs

New investments will not have the impact desired if existing public dollars and other resources continue to fund detention and incarceration at the expense of prevention. The PRECAUTION Act, new to the Youth PROMISE Act in this Congress, will establish a National Commission on Public Safety through Crime and Delinquency Prevention, which will help to examine the extent to which the federal governments' law enforcement plans are incorporating crime prevention strategies. At the same time, the National Institute of Justice will have funding to implement effective evidence-based strategies that can then be incorporated in existing federal programs.

The Act Maximizes the Impact of Investments in Evidence-Based Practice and Promising Approaches by Ensuring the Ongoing Exchange of Information on Outcomes and New Research Findings

The Youth PROMISE Act recognizes the importance of sharing widely findings from the work of PROMISE Coordinating Councils so the benefits of activities can be maximized. It increases the likelihood that it will be a two-way exchange by establishing a new National Research Center for Proven Juvenile Justice Practices that will keep abreast of local practices and also notify PROMISE Coordinating Councils and the broader public about research and other information on evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention. Anticipated collaborations between PROMISE Coordinating Councils and institutions of higher education in their areas will also be valuable in promoting helpful research to promote more effective policies and practices.

Ensuring a Strong Health Care Safety Net to Give Children Every Opportunity for a Healthy Start in Life

As we work together to shift the paradigm to prevention and early intervention from delinquency and incarceration, as the Youth PROMISE Act does so well, we must also take other steps to level the playing field for children and families across the country if we are to truly dismantle the Cradle to Prison Pipeline and replace it with a pipeline to success for the millions of children excluded from America's dream. Despite the best efforts of all of the stakeholders in PROMISE communities and the new energy at the

1. **Health Coverage Must be Affordable. All children and pregnant women must have affordable health coverage with a national eligibility floor of 300 percent of the Federal Poverty Level ($66,150 for a family of four).**

Just as all senior citizens are entitled to a health safety net and all children in the U.S. are entitled to a free public education, all children should be entitled to affordable and accessible health care wherever they live. The high number of uninsured children exacts a high health, economic and social toll on these children, their families and our nation. Research shows that uninsured children are almost ten times as likely as insured children to have an unmet medical need, and the consequences of untreated conditions are likely to continue to adulthood. Undiagnosed, untreated and poorly managed health and mental health problems increase a child's chances of falling behind in school or having disciplinary problems and decrease a child's chances of succeeding in and out of school. The lack of access to needed community-based mental health services causes thousands of children to go into foster care for help and the unnecessary incarceration of thousands of children and youths in costly juvenile detention facilities solely to receive those needed mental health services.

All children deserve a fair playing field on which they can survive and thrive regardless of the state they live in or their family status. Yet currently each state sets it own income eligibility levels for CHIP and Medicaid within broad federal guidelines and this has resulted in a profoundly inequitable patchwork of eligibility across the country. Thirty-three states have children of different ages eligible for different benefit levels. Is a child in one state more worthy of comprehensive health coverage than a child in another state, or is a 5-year-old more deserving of care in a state than a 7-year-old in the same state? Of course not. Congress must not leave children's ability to survive, thrive and learn to the unjust lottery of geography.

Another key aspect of affordability is the need to help families pay premiums and a portion of the costs of care their children need. There are cost sharing protections now in CHIP and Medicaid that must be preserved in the new health reform package, for in no case should vulnerable children be worse off under health reform.

2. **All Children Must Have Comprehensive Health and Mental Health Coverage**

All children need a benefit package that reflects their unique health care needs and is designed to support their sound development. Children in Medicaid are now guaranteed regular and periodic screenings and assessments throughout their youth, the full range of comprehensive primary and preventive coverage they need, and all medically necessary treatment to address health, mental health and developmental problems and chronic health conditions identified through these screens. Particularly relevant to our focus today on troubled youths, this comprehensive benefit package also gets health care to children where they are most likely to be, including child care programs, schools and mobile vans that come to their neighborhoods. It also covers case management and other supports to help ensure children benefit from the treatment they receive.

The challenges to dismantling the Cradle to Prison Pipeline are enormous but so are the opportunities. I applaud Chairman Scott and Representative Castle for developing and promoting, with the 224 co-sponsors, the Youth PROMISE Act, which takes such very important steps forward in helping to dismantle the pipeline. The Children's Defense Fund and I personally look forward to helping you ensure its enactment so we can make prevention and early intervention not just the right message for children but the right solution for children. I also urge you all to ensure that any final health reform package approved by the Congress will give all children in America the comprehensive health and mental health support they need and will make sure that they are better—not worse—off.

It is absolutely imperative that we develop and implement comprehensive program, practice and policy solutions that keep our children on the road to successful adulthood. This is the only way that we will create a nation and world that is safe, free and filled with the opportunities about which too many children now only dream. Thank you.

Mr. SCOTT. Dr. Prothrow-Stith.

TESTIMONY OF DEBORAH PROTHROW-STITH, M.D., CONSULTANT, SPENCER STUART, BOSTON, MA

Dr. PROTHROW-STITH. Good afternoon. I add my thanks to you, Chairman Scott, for your tenacity on this particular bill. If I were going to write a bill based on my public health knowledge, it would be this bill, and I appreciate that you have just continued the work and gaining the support.

To all the distinguished Members of Congress, it is a pleasure to be here. I am representing Project UNITY, which is a national effort to help urban context deal with youth violence, and in many ways would like to say to you that the opportunity presented by the Youth PROMISE Act really is one for not just the urban context, but across America for us to say, finally we are going to invest in our children early on. It does not make sense, as my distinguished colleague Marian Wright Edelman just said, to do what we do now, which is put all our money after the fact.

As a public health practitioner, I use lung cancer and smoking as an analogy, and if we put all our money into treating lung cancer and none of it into preventing smoking, we would never reduce lung cancer. And with violence we put almost all of our money into responding to violence, and put very little of it into the up-front prevention, knowledge, behavior, attitudes, programs that are needed to prevent violence.

There are in my written testimony five points. There is only one that I would really like to highlight with you in this testimony, and that is that violence is preventable, that there are programs that work, that we do have that sort of evidence base, and Youth PROMISE Act really builds on that evidence base.

One of the key findings of UNITY is that cities that are investing resources early on have achieved lower rates of violence, a key finding that is coming up in the literature again and again and again. CeaseFire, out of Chicago, has shown 40 to 70 percent drops in homicide rates with its implementation. We know from a major study of school-based violence prevention programs that on average there is a 15 percent reduction in fighting in schools. In Minneapolis, they reported a 40 percent drop in juvenile crime since the mayor has taken on a major communitywide initiative and task force with very specific activities in their Violence Prevention Blueprint for Action.

It is clear from the science and public health perspective that violence is a learned behavior, and that we are actively teaching our children to fight, and that if as a country we want to reduce the homicide rates and reduce our fighting in school, we can. It is something that we know how to do at the Federal level; with the Youth PROMISE Act, it gives us the opportunity to really do this across the country.

Some of the work we have done has been in Philadelphia, and some of the young people in Philadelphia worked with us, and they took what we call in public health primary, secondary and tertiary prevention, and they renamed it.

They named it "up front," "in the thick," and "after the fact." And I like that. They really helped us out because it makes it very clear

that we have got to have some up-front work if we are going to do prevention. And we have got to help those kids in the thick.

If we put all our money in after the fact, which is basically what we are doing as a country now, it just makes no sense. It is not smart. It is not a smart use of tax dollars. Thank you.

Mr. SCOTT. Thank you.

[The prepared statement of Dr. Prothrow-Stith follows:]

PREPARED STATEMENT OF DEBORAH PROTHROW-STITH

Testimony on Preventing Violence
to the Subcommittee on Crime, Terrorism, and Homeland Security
July 15, 2009
Deborah Prothrow-Stith, MD
Harvard School of Public Health & UNITY[1] Co-Chair and Lead Partner

Thank you for the invitation to speak to you today about violence prevention. My name is Deborah Prothrow-Stith, and I am an adjunct professor at the Harvard School of Public Health where I have conducted research, national training, and technical assistance on violence prevention for years. I have also provided expert testimony and participated on numerous advisory and expert boards around the country and written multiple articles and several books and on the topic, such as *Murder Is No Accident*, a blue print for community-based violence prevention work. Currently, I am a co-chair and lead partner in a national initiative called Urban Networks to Increase Thriving Youth, or UNITY. Funded by the Centers for Disease Control and Prevention, UNITY supports US cities in advancing more effective, sustainable efforts to prevent violence that affects young people. Today my testimony builds on what we have learned in this initiative and lessons from a growing body of prevention work around the country.

For the most part, traditional approaches to addressing the problem of violence have focused on after-the-fact strategies, largely through enforcement and criminal justice strategies. Much violence is preventable and investments in prevention will result in lives saved, improved quality of life in highly impacted neighborhoods, improved academic outcomes, and reduced expenditures in the criminal justice and health care systems.

Let me share more information about the problem of violence and prevention solutions.

1. **Young people, families, and communities across the country are seriously impacted by violence**

- 5.5% of high school students feel too unsafe to go to school, 18% report carrying a weapon, 35.5% were in a physical fight, 12% report having been forced to have sex and 14.5% report having seriously considered attempting suicide.[i]
- More than 720,000 young people ages 10 to 24 were treated in emergency departments for injuries sustained from violence in 2006.[ii]
- Homicide is the second leading cause of death among youth between the ages of 10 and 24 [iii] and for each such homicide; there are approximately 1,000 nonfatal violent assaults.[iv]
- The consequences of violence for victims and those exposed are severe, including serious physical injuries, post traumatic stress syndrome, depression, anxiety, substance abuse, and other longer term health problems associated with the bio-psycho-social effects of such exposure.[v]
- 1 in 3 African American males and 1 in 6 Latino males will enter the criminal justice system if we don't take action.[vi]

[1] ***UNITY [Urban Networks to Increase Thriving Youth]*** *is a cooperative agreement (Award No. 5 US4 CE924970-04 to Prevention Institute) funded by the US Centers for Disease Control and Prevention. Through tools, training, consultation, and information about the problem and solutions, UNITY supports US cities in advancing more effective, sustainable efforts to prevent violence that affects young people. While some of this testimony is based on the findings of this initiative, the information presented here does not necessarily reflect the official position or policies of the U.S. Centers for Disease Control and Prevention.*

2. **Violence is costly to individuals, families, communities, businesses, and government, and preventing violence can contribute to economic recovery and growth**
   - Medical and lost productivity costs associated with violence range from more than $70 billion[vii] to $158 billion a year.[viii] Criminal justice costs account for more. For example, criminal justice costs related to gang violence in Los Angeles County alone total $1.15 billion annually.[ix]
   - Violence is a factor in the development of chronic diseases[x] which account for a majority of premature US deaths, lost productivity and the majority and fastest growing percentage of our healthcare spending[xi]
   - Violence inhibits economic recovery and growth in cities around the country.[xii] Youth violence affects communities by increasing the cost of health care, reducing productivity, decreasing property values, disrupting social services,[xiii] and can deter tourism, business relocation, and other investments.

3. **Leaders are calling for action**
   - Mayors, police chiefs, school superintendents and public health directors have stated that violence is a serious issue and responses are inadequate[xiv]
   - The US Conference of Mayors declared youth violence to be a public health crisis. They called for cities to work with a broad range of stakeholders to develop a sustained multi-faceted approach focused on *prevention* and for the federal government to support investments in youth development throughout US cities.[xv]
   - Enforcement, suppression, and intervention efforts alone do not address the underlying reasons violence occurs and therefore cannot prevent violence before it occurs. Police chiefs and other enforcement leaders are increasingly saying, *we can not arrest our way out of this problem.*
   - UNITY has established a growing network of cities around the country whose mayors have signed a Memorandum of Understanding to advance prevention-oriented approaches to violence. Cities include Boston, Louisville, Cleveland, Tucson, San Diego, Minneapolis, and St. Louis and a number of other cities around the country are looking to also join.

4. **Violence is preventable -- Prevention programs and strategies have a demonstrated track record in reducing violence.**
   - Cities with more coordination, communication, and attention to preventing violence have achieved lower violence rates.[xvi] [xvii] [xviii]
   - The CeaseFire Chicago model has been replicated 16 times and has been validated by a 3 year U.S. Department of Justice study conducted by four universities, showing 41-73% drops in shootings and killings, and 100% drops in retaliation murders[xix]. The first year of impact regularly shows 25 - 45% drops in shootings and killings, and the return of businesses have been seen in these neighborhoods.
   - Schools can reduce violence by 15% in as little as 6 months through universal school-based violence prevention efforts.[xx]
   - The City of Minneapolis has documented a 40% drop in juvenile crime in 2 years since implementing its 4 point, public health based Violence Prevention Blueprint for Action.
   - Violence is a learned behavior that can be unlearned or not learned in the first place; it is preventable.[xxi] [xxii] [xxiii]

5. **We need a national commitment to and action on preventing violence before it occurs** in order to support and complement enforcement and suppression, improve outcomes for young people,

families and communities, strengthen our economic recovery and growth, and finally break the cradle to the prison pipeline.

- Cities working with UNITY have identified a set of key strategies that would support violence prevention efforts in cities. The *upfront* strategies are: positive early care and education; positive social and emotional development; parenting skills; mentoring; quality after school programming; youth leadership; social connections in neighborhoods; quality education; and economic development. In the thick strategies are mental health services, family support services, street outreach, and mentoring. Aftermath strategies are successful reentry and mental health services.
- Prevention components in the Youth PROMISE Act are in alignment with the kinds of strategies that cities have prioritized in their work with UNITY, such as early childhood development services, parenting and healthy relationship skills training, family support/stabilization programs, after school programs, mentoring programs, conflict resolution skills training, and mental health services.
- Having the resources and policies in support of these kinds of programmatic prevention efforts is key to success on the ground.
- Programmatic programming will have the greatest impact in the context of being part of a city-wide strategy and directed in a coordinated way to the neighborhoods and people with the greatest need. Programs must be implemented to scale and allotted sufficient time and dosage to ensure their benefits. In addition, they should be directed in a coordinated way to the neighborhoods and people with the greatest need.
- More and more cities are putting plans in place (e.g. Minneapolis, Nashville, Philadelphia, Los Angeles, San Jose), and their efforts can be greatly supported through federal prevention policies and resources.
- Putting some prevention dollars through Centers for Disease Control and Prevention would help support prevention efforts at the local level by bringing prevention leadership, in addition to law enforcement and criminal justice and education, to the table. Also, it would be important to consider building infrastructure through the nation's lead public health agency, the Centers for Disease Control and Prevention, to provide the technical support.

Violence is extremely costly – in the form of criminal justice and medical costs and disinvestment in urban centers. Further, violence and the trauma from it is linked long-term to the onset of chronic diseases, the most costly and quickly rising portion of unsustainable health care costs for individuals, businesses, and government. Research shows that reducing violence is the single most effective way to stimulate economic development in affected communities. The economic benefits of reducing urban violence include saving unnecessary costs, the return of businesses to neighborhoods, and tens of thousands of direct jobs provided by staffing prevention planning and implementation and building adequate infrastructure to support prevention efforts.

Violence is preventable, and I value and welcome the opportunity you have given me today to share our learnings about it from decades of research and practice.

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Mr. SCOTT. Mr. Muhlhausen.

TESTIMONY OF DAVID B. MUHLHAUSEN, Ph.D., SENIOR POLICY ANALYST, CENTER FOR DATA ANALYSIS, THE HERITAGE FOUNDATION, WASHINGTON, DC

Mr. MUHLHAUSEN. Thank you. My name is David Muhlhausen. I am a senior policy analyst in the Center for Data Analysis at the

Heritage Foundation. I thank Chairman Scott, Ranking Member Louis Gohmert, and the rest of the Subcommittee for the opportunity to testify on the Youth PROMISE Act. The views I express in this testimony are my own and shouldn't be considered representing any official position of the Heritage Foundation.

Congress' desire to weigh in on preventing juvenile delinquency and gang activity is easy to understand. While I am impressed with the Youth PROMISE Act's focus on evidence-based policies, my spoken testimony will focus on five areas of concern.

First, the tendency to search for a solution at the national level is misguided. Juvenile delinquents and criminal gangs are a problem common to all States, but the crimes they commit are almost entirely local in nature and regulated by State and local governments. For example, despite the fact that thefts by juveniles occur in all States does not mean that these thefts are a problem requiring action by the national government.

Despite my concern, the Youth PROMISE Act should be commended for not federalizing gang crime, which, in most cases, is ordinary street crime. Street crime is best handled by State and local governments. The Youth PROMISE Act does not transform State offenses into Federal offenses.

Second, the Youth PROMISE Act, if enacted, will continue Congress' march toward fiscal insolvency. The Congressional Budget Office recently warned Congress, again, that Federal spending is on an unsustainable course. The deficit is over $1 trillion, the largest it has ever been. The national debt is set to reach 60 percent of GDP by the end of fiscal year 2010. While the debt is driven largely by entitlement spending, the proposed spending on the Youth PROMISE Act and all other programs Congress just can't say no to, moves the Nation to closer to fiscal insolvency.

Third, the Youth Oriented Policing Services Grants are not only duplicative and wasteful, but are based on an ineffective community-oriented policing services program that has caused long-term dependence on the Federal Government by State and local governments.

Fourth, policymakers should not assume that prevention programs funded by PROMISE implementation grants will yield the same positive outcomes as programs previously found to be effective. Replicating results is easier said than done. Prevention programs that have been deemed effective and serve as model programs have often been implemented under optimal conditions. In the real world, program conditions are often less than optimal.

A good example of a program labeled as successful that has not been found to be effective when replicated in the real world is Reconnecting Youth, a school-based substance abuse program. Reconnecting Youth was designated as a model program by the Substance Abuse and Mental Health Services Agency, and a research-based program by the National Institute on Drug Abuse. However, when evaluated under real-world conditions, Reconnecting Youth had no effect on academic performance, truancy, and substance abuse.

However, the outcome measures for Reconnecting Youth participants showed significant decreases in conventional peer bonding and prosocial weekend activities and a significant increase in high-

risk peer bonding. The program appears to have done more harm than good.

And this brings me to my last point. Congress should consider the fact that government interventions in the lives of youth can sometimes cause more harm than good. For example, the national randomized evaluation of the Job Training Partnership Act found that disadvantaged male youth without criminal histories had higher arrest rates after participating in job training than similarly disadvantaged youth who did not participate in the services.

For these reasons the Youth PROMISE Act may not prevent as many crimes as its proponents believe. I thank the Committee for the time.

Mr. SCOTT. Thank you.

[The prepared statement of Mr. Muhlhausen follows:]

PREPARED STATEMENT OF DAVID B. MUHLHAUSEN

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CONGRESSIONAL TESTIMONY

Statement of
David B. Muhlhausen, Ph.D.
Senior Policy Analyst
Center for Data Analysis
The Heritage Foundation

Before the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security of the United States House of Representatives

Delivered July 15, 2009

"The Youth PROMISE Act: Outside the Scope and Expertise of the Federal Government"

Introduction
My name is David Muhlhausen. I am Senior Policy Analyst in the Center for Data Analysis at The Heritage Foundation. I thank Chairman Bobby Scott, Ranking Member Louie Gohmert, and the rest of the committee for the opportunity to testify today on the Youth PROMISE Act (H.R. 1064). The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Congress's desire to weigh in on preventing juvenile delinquency and gang activity is easy to understand. In 2007, the Federal Bureau of Investigation reported over 1.2 million arrests of juveniles for various crimes.[1] The Bureau of Justice Statistics estimates that the total cost of federal, state, and local criminal justice systems was over $214 billion in 2006.[2] However well-intentioned, the Youth PROMISE Act will expand the national government's role in preventing crime into what has been the traditional realm of state and local governments.

Federalism Concerns
To address the prevention of delinquency and criminal gang activity appropriately, the national government should limit itself to handling tasks that are within its constitutionally designed sphere and that state and local governments cannot perform by themselves. The tendency to search for a solution at the national level is misguided and

problematic. Juvenile delinquents and criminal gangs are a problem common to all states, but the crimes that they commit are almost entirely and inherently local in nature and regulated by state criminal law, law enforcement, and courts. For example, despite the fact that thefts by juveniles occur in all states does not mean that these thefts are a problem requiring action by the national government.

When Congress creates grant programs, it generally claims to do so based on its power under the Commerce Clause of Article I, Section 8 of the Constitution. Under a very broad interpretation of the Commerce Clause, proponents of the usurpation of state and local responsibilities by the national government argue that the activity being targeted by Congress has some sort of effect on interstate commerce. For example, despite the theoretical assertion that a theft by a juvenile could potentially involve interstate commerce does not mean that juvenile thefts need to be prevented by national government. State and local agencies are responsible for preventing, investigating, and prosecuting such crimes.

Increasing the national government's involvement in delinquency and gang prevention is detrimental to quintessential federal responsibilities. Establishing grant programs that subsidize the routine responsibilities of state and local governments is a misuse of federal resources and a distraction from true national concerns. By increasing the federal role in traditional state and local responsibilities, Congress needlessly drains federal resources that should be used for more urgent priorities, such as pursuing foreign spies, combating counterfeiting, fighting international terrorism, and improving homeland security.

Out-of-Control Spending

While the goal of preventing juvenile delinquency and gang crime is admirable, the Youth PROMISE Act, if enacted, will continue Congress's march toward fiscal insolvency. The Congressional Budget Office (CBO) recently warned Congress, again, that the trajectory of the federal budget is on an unsustainable course.[3] For fiscal years 2009 and 2010, the federal government will reach the largest deficits—annual budget short falls—as a share of gross domestic product (GDP) since the close of World War II.[4] The national debt—the sum of all previous deficits—is set to reach 60 percent of GDP by the end of fiscal year 2010.[5] The CBO warns that these "Large budget deficits would reduce national savings, leading to more borrowing from abroad and less domestic investment, which in turn would depress economic growth in the United States. Over time, the accumulation of debt would seriously harm the economy."[6]

While the deficit and debt is driven largely by entitlement spending—Medicare, Medicaid, and Social Security—the proposed spending by the Youth PROMISE Act and all other new programs being advocated in Congress only move the nation closer to fiscal insolvency. Not including "such sums as necessary" authorizations for the PROMISE Implementation Grants (Section 215) and "Mynisha's Law" (Section 505), the five-year cost of the Act is just shy of $1.3 billion from fiscal years 2010 to 2014. However, the version of the Youth PROMISE Act from the 110th Congress (H.R. 3864) set the budget authority for the Implementation Grants at $2 billion per year. Therefore, a more credible estimate of the cost of the act is $11.3 billion from fiscal years 2010 to 2014. This

estimate does not include the cost of "Mynisha's Law" that funds Comprehensive gang Prevention and Relief Areas.

Youth-Oriented Policing Services

The Youth PROMISE Act would also create the Youth-Oriented Policing Services (YOPS)—a new federal entitlement program for state and local law enforcement agencies to be administered by the Community Oriented Policing Services (COPS) program. The Act would authorize $100 million per year for COPS to subsidize the salaries of police officers who work with youth.

The YOPS grants are problematic for several reasons. First, YOPS grants are of questionable constitutionality because these grants would fund the routine, day-to-day operations of state and local law enforcement. When Congress subsidizes local law enforcement in this manner, it effectively reassigns to the federal government the powers and responsibilities that fall squarely within the expertise, historical control, and constitutional authority of state and local governments.[7] The responsibility to combat ordinary crime at the local level belongs wholly, if not exclusively, to state and local governments.

Second, the grants are redundant. The original COPS grants that subsidize the salaries of police officers can already be used for youth-focused police officers. Creating a new multi-million dollar grant program to duplicate what a current grant program already performs is wasteful and unnecessary.

Third, federal grants for local salaries cause long-term dependence and budgetary problems for local governments. The YOPS grants do not have a local matching requirement. YOPS grants appear to be intended to pay for 100 percent of officer salaries over 4 years. Similar grant programs have traditionally required local matches of 25 percent. In addition, the YOPS grants do not require grantees to retain funded positions after the federal funding expires. The lack of a matching and retention requirements means that state and local governments will be less inclined to self-finance grant-funded positions in the future. After these grants expire, locals are left with budgetary holes that encourage them to lobby Congress for more grants. This cycle for dependence only drives up our national debt.

Last, research has shown that the COPS program failed to reach its intended goal of adding 100,000 additional police officers and was ineffective in reducing crime.[8] The grants were intended to supplement law enforcement funding to allow the placement of additional officers on the streets. Instead, the COPS program has encouraged inefficient use of resources as local agencies have grown dependent on the grants for their routine operations—something for which the grants were not intended.

Importance of Rigorous, Scientific Evaluations

The principal reason for the existence of delinquency and gang prevention programs, obviously, is to prevent delinquency and gang activity. Scientifically rigorous impact evaluations are necessary to determine whether these programs actually produce their

intended effects. Obviously, there is little merit in the continuation of programs that fail to ameliorate their targeted social problems.

Estimating the impact of programs cannot be made with 100 percent certainty, but with varying degrees of confidence. Thus, impact evaluations face formidable control problems that make successful impact estimates difficult. As a general rule, the more rigorous the research methodology, the more confident we can be of the validity of the evaluation's findings.

Determining the impact of social programs requires comparing the conditions of those who had received assistance with the conditions of an equivalent group that did not experience the intervention. However, evaluations differ by the quality of their methodology to separate out the net impact of programs from other factors that may provide the real explanation for differences in outcomes for comparison and intervention groups.

Broadly speaking, there are three types of research designs: experimental designs, quasi-experimental designs, and nonexperimental designs.[9] Experimental evaluations that use the random assignment of individuals to the intervention and control groups represent the "gold standard" of evaluation designs. Random assignment helps ensure that the control group is equivalent to the intervention group. Equivalence means that the intervention and control groups have the same composition, predispositions, and experiences.[10] Experimental evaluations are considered to be superior to quasi-experimental and nonexperimental evaluations.

Randomized evaluations ensure that pre-program differences between the intervention and control groups do not confound or obscure the true impact of the programs being evaluated. Random assignment allows the evaluator to test for differences between the experimental and control groups that are due to the intervention and not to pre-intervention discrepancies between the groups. By drawing members of the interaction and comparison groups from the same source of eligible participants, these experimental evaluations are superior to other evaluations using weaker designs.[11]

Under quasi-experimental designs, the intervention and comparison groups are formed by a procedure other than random assignment. Quasi-experiments frequently employ methodological and statistical techniques to minimize the differences between intervention and comparison groups that influence the outcomes being measured. This design frequently matches intervention and comparison group members together based on factors thought to influence program impacts.

Similar to quasi-experiments, nonexperimental designs use statistical methods to isolate the effects of the intervention by attempting to make the intervention and comparison groups as equivalent as possible. Nonexperimental designs often employ multiple regression analysis to isolate the effect of the intervention.

In both quasi-experimental and non-experimental designs, failure to remove the influence of differences that affect program outcomes may mean that the net impact of the intervention may not be actually due to the program, but caused by the underlying differences between the groups. While quasi-experimental and non-experimental designs use sophisticated techniques, experimental evaluations are still considered to produce more reliable estimates of program effects.

Overstating Effectiveness. After conducting a meta-analysis of 308 criminal justice program evaluations, Professor David Weisburd of George Mason University and his colleagues found that weaker evaluation designs are more likely to find favorable intervention effects and less likely to find harmful intervention effects.[12] Given that experimental evaluations produce the most reliable results, this finding has important ramifications for the types of evaluations that should be funded by the Youth PROMISE Act. Professor Weisburd and his colleagues caution that quasi-experimental and nonexperimental designs, no matter how well designed, may be incapable of controlling for the factors that make individuals considered agreeable and allocated to the intervention group. Given the importance of criminal justice policy, Professor Weisburd argues that there is a moral imperative upon researchers to conduct randomized experiments.[13] The moral imperative is derived from the "obligation to provide valid answers to questions about the effectiveness of treatments, practices, and programs."[14] In my view, this moral imperative also applies to Congress which spends billions of dollars to subsidize state and local government criminal justice programs. Congress has infrequently supported the experimental evaluation of the grant programs it funds.

Not Enough Evaluation. The promotion of impact evaluations in the Youth PROMISE Act is admirable. However, the Act's evaluation provisions need to be strengthened to help ensure that evidence-based policies are truly funded. The evaluations of prevention programs funded under the Innovative Crime and Delinquency Prevention and Intervention Strategy Grants (Title VI, Section 605) will likely take place under ideal circumstances. The prevention programs evaluated under Section 605 will likely be model programs that are run by highly training professionals operating under optimal conditions. Thus, these evaluations will tell practitioners and policymakers little about how prevention programs perform in the real world. For this reason, it is paramount that the evaluation provisions for the Promise Implementation Grants be strengthened.

The PROMISE Implementation Grants, the primary grant program created by the Act, does not require each grantee to perform scientifically rigorous impact evaluations. Subject to funding availability, Section 223 of Title II only requires some impact evaluations be performed of PROMISE Implementation Grant programs. Under the PROMISE Assessment and Planning Grants, the Coordinating Councils are mandated to perform needs assessments to determine the degree of social problems that exist in their communities and what services, if needed, should be provided. The councils should also be required to evaluate the impact of their programs with rigorous scientific methods.

As presently written, Section 223 will evaluate only a small share of all the programs funded by the PROMISE Implementation Grants. This lack of comprehensive evaluation

means that policymakers will have little knowledge of the effectiveness of the majority of Implementation Grant programs. To resolve this problem, Section 223 should require that Coordinating Councils perform scientifically rigorous impact evaluations of all the programs they oversee. As an incentive, those Coordinating Councils utilizing experimental impact evaluations should receive additional funding compared to other councils that use less reliable evaluation designs. The requirement under Section 213 that grant renewal decisions by the administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) consider the results of the Section 223 evaluations make little sense without requiring that all Implementation Grant programs undergo impact evaluations in the first place.

Avoiding Crucial Prevention Outcomes. Too frequently, delinquency and gang prevention advocates measure a program's "intermediate outcomes" instead of how well it prevents delinquent behavior.[15] For example, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) sponsored a book-length report, *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, identifying successful delinquency intervention programs.[16] Of the 56 "successful" delinquency prevention evaluations presented, only nine measured whether official acts of delinquency (for example, criminal arrests) were prevented.[17] None of these evaluations used experimental designs. Most of the studies measured intermediate outcomes—perhaps a teacher's perception that a juvenile's behavior in school had improved. If that juvenile had committed a crime after going through the program, however, that intermediate outcome of better school behavior would matter little to society. Similarly, a rehabilitation program offered in a correctional setting would never be deemed effective based on intermediate effects, such as attitudinal changes. In corrections, the bottom line is recidivism. For delinquency and gang prevention programs, tracking distal (long-term) outcomes, such as official acts of delinquency and gang membership, are better measures of crime prevention than intermediate effects.

To properly ensure that the Youth PROMISE Act promotes evidence-based policies, all impacted evaluations funded by the Act should use crime-related distal outcome measures. Distal outcomes for impact evaluations of delinquency and gang prevention programs would include such measures as official arrests, substance abuse, and gang membership. Impact evaluations relying solely on intermediate outcomes tell us little about program effectiveness.

Problem of Replication

Policymakers should not assume that the prevention programs funded by PROMISE Implementation Grants will yield the same positive outcomes as programs previously found to be effective. Delinquency prevention programs that have been deemed "effective" and serve as "model" programs have often been implemented under optimal conditions. These programs have been comprised of highly trained professionals operating under ideal conditions. In addition, the conditions under which these programs operate are carefully monitored to make certain that the youth receive the intended level of treatment. In the real world, program conditions are often quite less than optimal.

The success of replicating "evidence-based" programs often depends on implementation fidelity—the degree to which programs follow the theory underpinning the program and how successfully program components are correctly put into practice. A lack of implementation fidelity is often the reason why previously "successful' or "model" programs fail to be effective when put into action in other jurisdictions.

A good example of a "successful" program that has not been found to be effective when replicated in the real world is Reconnecting Youth, a school-based substance abuse program. Reconnecting Youth was designated as a "model program" by the Substance Abuse and Mental Health Services Agency (SAMSHA)[18] and as a "research-based" program by the National Institute on Drug Abuse.[19] As acknowledged by Dr. Denise Hallfors, a Senior Research Scientist at the Pacific Institute for Research and Evaluation, and her colleagues, these classifications are important because schools receiving Safe and Drug-Free Schools and Communities grants under the No Child Left Behind Act of 2001 are mandated to select drug prevention programs that have been previously designated as effective.[20]

Dr. Denise Hallfors and her colleagues evaluated the effectiveness of Reconnecting Youth under real-world conditions.[21] In a random experiment, 1,370 high-risk youths in nine high schools in two large urban school districts were assigned to intervention and control groups. Overall, Reconnecting Youth had no effect on such measures as academic performance, truancy, and substance abuse. However, the outcome measures for Reconnecting Youth participants showed statistically significant decreases in conventional peer bonding and pro-social weekend activities (for example, doing homework, club or church activities, and family activities) and a statistically significant increase in high-risk peer bonding.[22] Dr. Denise Hallfors and her colleagues concluded that "Reconnecting Youth failed to meet the requirement to do more good than harm."[23] Further, programs found to be effective in a single location "do not provide adequate evidence for widespread dissemination or designation as 'model' programs."[24]

Another example is California's Juvenile Crime Enforcement and Accountability Challenge Grant program (hereinafter referred to as "Challenge Grants"). Created in 1996, the Challenge Grants were awarded on a competitive basis to 16 California counties. The Challenge Grant counties created Coordination Councils, similar to the councils proposed under the Youth PROMISE Act, that would implement "successful" programs based on OJJDP's *Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders*.[25] Comparing Challenge Grant counties to nonfunded counties from 1989 to 2000, Professor John L. Worrall of the University of Texas at Dallas found that the grants were "associated with virtually no overall decline in juvenile arrests."[26]

The Politics and Implementation of Intergovernmental Grants.[27] Proponents of the Youth PROMISE Act should not expect that the Implementation Grants will yield the same positive outcomes as "evidence-based" programs. If the Implementation Grants are funded at $2 billion per year, then the sheer number of grants awarded by OJJDP will likely mean that award decisions will be based on a common denominator. As a result, the number of mediocre programs will vastly outnumber the number of exceptional

programs receiving funding. In addition, the Office of Justice Programs has had difficulty in monitoring and evaluating grant-funded programs to ensure that the funding is not being wasted.[28]

Pressure to award funds as quickly and to as many congressional districts as possible will typically introduce severe administrative problems.[29] Constituent politics are particularly prevalent in intergovernmental grants. Grant-making bureaus, like OJJDP, and grant-seekers have a mutually dependent relationship. Grant-seekers want funds, while grant-making bureaus need the political support of the grantees during the appropriation and reauthorization processes.

Professor R. Douglas Arnold of Princeton University states that that while legislators and bureaucrats are independent decision makers, "each has authority to make certain decisions without consulting the other, [and] each generally finds it in his own self-interest to consider the other's preferences."[30] Budget security and growth, as pursued by bureaucrats, depends on congressional decisions. Thus, a bureaucracy will generally allocate benefits, especially grants, in a manner that will maintain and expand coalitions that support the bureaucracy.

Likewise, legislators seeking to spend the largest possible shares of federal grants on their constituents depend on bureaucrats to implement this spending.[31] Congress, in turn, can exert some influence over program administrators' decisions through annual appropriations. As a result of this two-way interaction, "[b]oth congressmen and bureaucrats tend to adjust their decisions to accommodate each others' preferences whenever they believe it might help them achieve their own goals."[32] Thus, the strategies that grant-making bureaus use to administer grants respond to the desires of elected officials and their constituents.

The mutually dependent relationship between grant-makers and grant-seekers, facilitated by congressional overseers, produces incentives that can interfere with the implementation and oversight of intergovernmental grants. Providing constituents with easy access to federal funding is often more important than actually promoting effective policies. There is no provision within the Youth PROMISE Act that can prevent the harm caused by the interplay between politics and the intergovernmental grants.

Review of Delinquency and Gang Prevention Programs

This section reviews the scientific evidence regarding the effectiveness of some delinquency and gang prevention programs.

Delinquency Prevention Programs. Multisystemic therapy (MST) has shown promise in reducing the delinquency of youth displaying serious antisocial behavior. A highly intensive and tailored counseling program aimed at individuals, not groups, MST recognizes that antisocial behavior is influenced by three areas where youth interact: family, school, and peer associations.[33] Highly trained MST counselors work with parents, usually in the home, to improve discipline, enhance family relationships, increase youth interactions with pro-social peers, and improve school performance.[34]

Several randomized experiments of MST run by its developers have linked MST to reductions in offending by participants.[35] There is some debate about whether MST is a truly effective program and can be replicated successfully across the nation. Professor Julia H. Littell of Bryn Mawr College and her colleagues have pointed out that some of MST experimental evaluations have suffered from attrition where subjects in the evaluation dropped out of treatment. Evaluations, even random experiments, that exclude dropouts from the assessment of outcomes may inadvertently engage in "creaming of the crop"—where the intervention group is composed of individuals most likely to succeed and those least likely to succeed dropping out. Attrition of this nature will cause the intervention and control groups to no longer be equivalent, thus biasing the impact estimates. When MST was replicated in Ontario, Canada, an experimental evaluation of MST included intervention dropouts in the final outcome measures.[36] The evaluation, unbiased by attrition, found that MST failed to reduce delinquency.[37] In addition, MST was replicated in Norway and found to be effective based on intermediate measures, but delinquency was not measured.[38]

After conducting a meta-analysis of MST, Professor Julia H. Littell of Bryn Mawr College and her colleagues conclude that "it is not clear whether MST has clinically significant advantages over other services." [39] While the debate over the effectiveness of MST has yet to be settled, very few prevention programs have undergone such thorough scrutiny and still appear to be promising programs.

Gang Prevention. There is little known about the effectiveness of gang prevention programs because so few have undergone impact evaluations, let alone evaluations using experimental designs. A leading theory of preventing gang formation, opportunity provisions, contends that youth will join gangs when they lack legitimate opportunities in the labor market. Thus, employment, job training, and educational opportunities should be offered as alternatives to gang membership.[40]

Hendrick Fisher, a Researcher at the Centre for Evidence-Based Interventions, and her colleagues attempted to conduct a meta-analysis of gang programs using the opportunity provisions approach.[41] They failed to identify any experimental evaluations of opportunity provisions gang prevention programs. Other studies using other evaluation designs had substantial methodological flaws that rendered their results useless.

Using a different approach, the Gang Resistance Education and Training (G.R.E.A.T.) is a school-based gang-prevention program that receives popular support from Congress. G.R.E.A.T. is an offshoot of the ineffective Drug Abuse Resistance Education (D.A.R.E.) program.[42] G.R.E.A.T. uses uniformed police officers as instructors in middle school classrooms to teach about the negative consequences of gang participation.[43]

G.R.E.A.T. appears to be successful when intermediate effects are used to measure effectiveness. In a national quasi-experimental evaluation of G.R.E.A.T., the program was found to be associated with declines in student-reported victimization and risk seeking and increases in the negative perception of gangs, favorable attitudes toward

police, and pro-social peer affiliations.[44] However, these intermediate effects are not as important as reducing gang membership and criminal activity—the ultimate goals of any gang-prevention program.

The same national evaluation found that G.R.E.A.T. did not have any statistically significant impact on gang membership, drug use, and total self-reported delinquency.[45] Despite these underwhelming results, the program retains popular support in Congress. Commenting on G.R.E.A.T., Professors Malcom W. Klein of the University of Southern California and Cheryl L. Maxson of the University of California, Irvine, conclude that the program, which "was modeled on a failed program with a positive image is, itself, a study in the application of conventional wisdom in the face of contrary empirical knowledge."[46] The inclusion of G.R.E.A.T. under the Interagency Gang Prevention Task Force (Title V, Section 504) is at odds with the notion that the Youth PROMISE Act is intended to fund "evidence-based" programs.

A first step in preventing gang membership is preventing delinquency. To prevent gang membership, state and local officials should consider experimenting with delinquency prevention programs that have been rigorously evaluated and, at least, have some record of success at reducing delinquency. Juveniles with a history of delinquency are more likely to join gangs and, once in the gang, to engage in higher rates of criminal activity than they would have otherwise.[47] While the debate over the merits of MST is unresolved, the program may have potential as a gang prevention program targeting high-risk youth.

Causing More Harm than Good

The late Joan McCord, a professor of criminology at Temple University and a former president of the American Society of Criminology, cautioned researchers, practitioners, and policymakers that crime prevention programs can sometimes cause more harm than good.[48] For example, the Cambridge-Somerville Youth Study was a well-executed program that attempted to prevent the delinquency of juvenile males. Undergoing an experimental evaluation, the intervention group received frequent home visits by counselors for an average of five and a half years.[49] Those who received the well-intentioned treatment were more likely to have been convicted of serious crimes.[50] In addition, the treatment group died an average of five years younger and was more likely to be medically diagnosed with alcoholism, schizophrenia, and manic depression.[51] More alarming, the adverse effects increased as the intensity and duration of the treatment increased.[52]

Another example is a group interaction training program that attempted to improve the social skills of students in Chicago public schools during the early 1980s. The program was found to increase the misbehavior and delinquency of a high school student after undergoing an experimental evaluation.[53]

While Professor McCord focused on crime prevention programs, other programs have had negative effects as well. For example, the national randomized evaluation of Job Training Partnership Act (JTPA) found that disadvantaged male youth without criminal

histories had higher arrest rates after participation in job training than similarly disadvantaged youth who did not participate in the services.[54]

Conclusion

While crime and juvenile delinquency policy should be evidence-based, these policies should be implemented under the appropriate level of government. Presently, most of the policies authorized by the Youth PROMISE Act do not fall under the responsibility of the federal government. For example, the PROMISE Assessment and Planning Grants and the Implementation Grants subsidize the routine responsibilities of state and local governments. While juvenile delinquency and gang crime are common to all states, these crimes are almost entirely and inherently local in nature. Therefore, the prevention of delinquency and gang crime is the responsibility of state and local governments.

YOPS grants are not only duplicative and wasteful, but are based on the ineffective COPS hiring grants that cause long-term dependence on the federal government and budgetary problems for local governments.

While the Act's focus on promoting "evidence-based" prevention programs is sensible, there is not enough emphasis on evaluating programs implemented in the real world. Policymakers should not assume that grants from Washington, D.C., to replicate "evidence-based" programs will yield the same positive outcomes as programs previously to found effective. Replicating programs that were implemented under optimal circumstances is less likely to have the same positive results in the real world.

Too often, the focus of Congress and grant-making bureaus is the easy and wide dissemination of grants to constituents. As a result, the number of mediocre programs funded under the Youth PROMISE Act will vastly outnumber the number of exceptional programs receiving funding. In addition, the Office of Justice Programs has had difficulty in monitoring and evaluating grant-funded programs to ensure that the funding is not being wasted.

Congress should contemplate the fact that government's intervening in the lives of youth can cause more harm than good. For the above reasons, the Youth PROMISE Act is unlikely to have a significant impact on preventing delinquency and gang crime.

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[11]Randomized evaluations ensure that pre-program differences between the intervention and control groups do not confound or obscure the true impact of the programs being evaluated. Random assignment allows the evaluator to test for differences between the experimental and control groups that are due to the intervention and not to pre-intervention discrepancies between the groups. By randomly assigning members of the intervention and control groups from the same source of eligible participants, experimental evaluations are superior to other evaluations using weaker designs.

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Mr. SCOTT. Ms. Velázquez.

TESTIMONY OF TRACY VELÁZQUEZ, EXECUTIVE DIRECTOR, JUSTICE POLICY INSTITUTE, WASHINGTON, DC

Ms. VELÁZQUEZ. Thank you, Chairman Scott and Members of the Subcommittee, for allowing me to testify today. I just wanted to add that it is great to be on this real illustrious panel, and they have said so many things that I would have said as well.

But I did want to mention that I came here today from a conference for Models For Change, which is a MacArthur Foundation juvenile justice reform initiative, and someone there said that the issue of at-risk kids and kids where drugs were involved, that society is working very hard today to not see these children. And I wanted to thank you, Mr. Scott, for helping your colleagues and many others in this country to see these children, because I think that is very important; because unless we see these kids, we can't make the improvements that we want in their lives.

The Justice Policy Institute is one of the organizations in this country that has look at the issue of gangs. Our report, "Gang Wars," helped to change—helped open dialogue on the need to change our responses to youth violence.

We applaud the Youth PROMISE Act for building upon evidence-based and promising practices that have been shown to lower recidivism rates and are more cost-effective than punitive programs like incarceration that also negatively impact youth. At a time when States are facing critical budget crises, we must explore more cost-effective solutions to public safety challenges and focus on prevention as a means of improving the lives of youth.

I would say that I believe this legislation balances the need to use what has been shown to work with the need to continue to innovate. Mr. Muhlhausen's comments are to this point in that we do need to continue to find solutions that work in all areas. And this legislation does that by having localized evaluations done every, I think, year or 18 months. And so we believe that is a great thing.

Although there is no single solution for preventing youth from joining gangs or engaging in crime, there are evidence-based practices that have been shown to work which can form the basis for where we start in many of these communities.

For instance, one study found that functional family therapy can lower recidivism rates by as much as 16 percent and that for every dollar spent, society and victims receive $15 in benefits in terms of reduced crime. More punitive approaches like detention and juvenile boot camps yield far lower benefits.

And in terms of thinking about whether we can afford this now, our question would be whether we could afford not to do this now. And I think in terms of my own household, you cannot pay your credit card now, but you are going to pay a lot more later. And we see this as that type of policy need, to fund prevention services to reduce long-term costs that we will face in the criminal justice system.

One of the issues that our report looked at is the racial impact of the criminal justice system, the disparate impact on communities of color. Mr. Scott mentioned that one in nine African American

men between the ages of 30 and 34 are currently incarcerated, and African men are incarcerated at six times the rate of White men. Latinos are also disproportionately represented in the criminal justice system.

The Youth PROMISE Act helps to address this by ensuring that policies do not increase the number of youth of color in the justice system and helps alleviate some of the overrepresentation of some of these youth.

In particular, community institutions must take into account the cultural and language needs of their communities so that policies will not increase the number of youth involved in the system.

I just wanted to touch on some of the ineffective policies and responses to gangs that we see this as being a positive response to. For instance, there is ample evidence that police misidentify youth as gang members based solely on race, ethnicity, style of dress, or association with others who have been labeled as gang members. This misidentification can lead to serious consequences for communities, and leading to the increasing numbers of people of color in the prison system.

In 2003, for example, in Los Angeles almost half of African American men between the ages of 21 and 24 were labeled gang members. This labeling has a very serious detrimental effect on a young person's future. The reluctance of mainstream social institutions to embrace former gang members and other people with felony records makes it harder for a person labeled as a gang member to leave behind their past life and engage in appropriate activities such as education and employment. The collateral consequences of being labeled a gang member can last a lifetime.

The time has come to put aside our past tough-on-crime rhetoric and to make smart policy decisions that rely on research and evidence of what works with youth who may be involved in delinquent or violent behavior. Research shows that not only does incarceration not necessarily improve public safety, but it may actually make communities less safe.

The Youth PROMISE Act recognizes that focusing on prevention and getting at the root causes of these problems will yield the most effective result in terms of public safety, life outcomes for youth, and financial costs that we all must bear. Thank you.

Mr. SCOTT. Thank you.

[The prepared statement of Ms. Velázquez follows:]

PREPARED STATEMENT OF TRACY VELÁZQUEZ

Testimony
Tracy Velázquez, MPA
Executive Director
Justice Policy Institute
www.justicepolicy.org

U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Crime, Terrorism and Homeland Security
Congressional Hearing: H.R. 1064, the Youth PROMISE Act
July 15, 2009 at 3 p.m.
2141 Rayburn HOB

Thank you, Chairman Scott and the Subcommittee for allowing me to testify today. My name is Tracy Velázquez, and I am the Executive Director of the Justice Policy Institute, a Washington, D.C.-based think tank dedicated to reducing society's reliance on incarceration and promoting effective and just solutions to social problems. JPI is a member of several key research-based juvenile justice systems reform efforts that allow us to work closely with leading youth policy experts in the country. In addition, JPI is one of the few organizations that has done research on the issue of gangs in America. Today we would like to express our support for the policies and approach of the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act ("Youth PROMISE Act").

Rather than creating additional and duplicative punitive approaches, the Youth PROMISE Act builds upon evidence-based and promising practices that reduce youth violence and delinquent behavior. These programs have been shown to lower recidivism rates and are more cost-effective than punitive approaches like incarceration that negatively affect youth. Specifically, the Youth PROMISE Act directs resources towards communities facing an increased risk of crime and gang activity in order to enable them to address significant unmet needs and improve public safety. The Youth PROMISE Act avoids policies that will unfairly impact communities of color, and instead directs resources to those programs that both use public resources wisely and have a positive impact on youth and communities. At a time when states are facing critical budget crises and spending $47 billion per year on prisons, we must explore cost-effective solutions to public safety challenges, and focus on prevention as a means for improving the lives and futures of youth, reducing costs, and protecting communities. The Youth PROMISE Act is just such an innovative and positive solution.

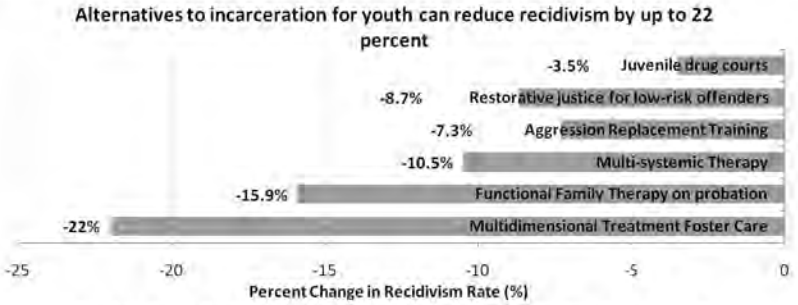
What are the costs and benefits of evidence based practices for youth?

While supporting educational and employment opportunities are some of the most effective ways to increase public safety, we know that for some youth there is a need for a more intensive

approach. Although there is no single solution for preventing youth from joining gangs and participating in gang-sanctioned violence, there are evidence-based practices that work with at-risk and delinquent youth, the same youth who may join gangs. These evidence-based programs, such as Multi-Systemic Therapy, Family Functional Therapy and Multi-Dimensional Treatment Foster Care, have been shown to reduce delinquent or violent behavior and are more cost effective and produce more benefits than traditional punitive measures, such as incarceration, penalty enhancements or transfer to adult court. The Youth PROMISE Act, by funding these proven practices, is supporting what we know about what works with youth and will yield the most benefits to communities in terms of public safety. The Act also establishes a national Center for Proven Practices Research that will collect and disseminate information to the public and local councils on current research on evidence-based and promising practices for reducing youth delinquent behavior and gang membership.

Recidivism

For many, recidivism, such as a new arrest or adjudication, is the key indicator for whether a program is successful. A 2006 study by the Washington State Institute of Public Policy (WSIPP) reported lower recidivism rates and higher monetary benefits to taxpayers and crime victims when these "model" programs were administered instead of detention or unproven alternatives.

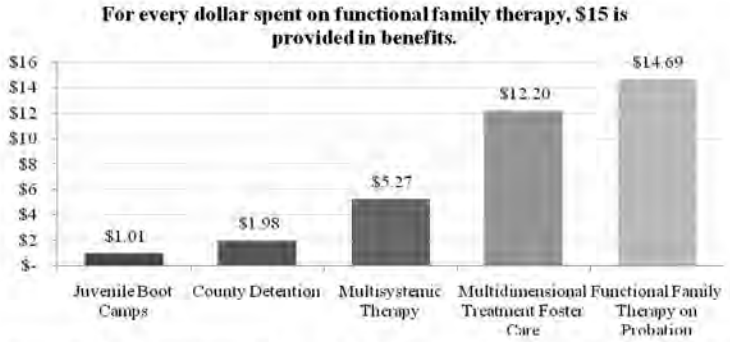


Source: Elizabeth Drake, *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost* (Olympia: Washington State Institute for Public Policy, 2007) www.wsipp.wa.gov

In addition, a report by the United States Surgeon General found that, "The most effective programs, on average, reduce the rate of subsequent offending by nearly half (46 percent), compared to controls, whereas the least effective programs actually *increase* the rate of subsequent offending by 18 percent, compared to controls."

Cost Effectiveness

As demonstrated below, spending just $1 on evidence-based programs can yield up to $15 in benefits to society, whereas more punitive approaches like detention and juvenile boot camps yield less than $2 in benefits.



Source: Steve Aos, Marna Miller, and Elizabeth Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates* (Olympia: Washington State Institute for Public Policy, 2006) www.wsipp.wa.gov.

The Youth PROMISE Act will support effective programs based in the community; such programs have been shown to be more effective in community settings than in custodial settings. The Act recognizes that it is more effective to work with youth in the community, than to wait until they are incarcerated.

What are the potential costs of increasing punitive policies aimed toward youth?

As the United States grapples with harsh economic realities, states and localities continue to cut budgets, shed jobs, and trim institutions that are not cost-effective. Among the least cost-effective are prison and jail systems. Federal, state and local governments are spending a combined $68 billion dollars a year on a system that does not definitively improve public safety, but, instead, destabilizes communities, harms families, and derails the lives of individuals.

Policies that aim to lock up more youth, and for longer periods of time, will only serve to increase prison and jail populations without the benefits of return on public safety. Over the last 10 years the average yearly increase of state spending on corrections has been approximately 3 percent. If such trends continue, states would be expected to spend more than $50 billion on corrections per year by 2010.

The Youth PROMISE Act recognizes the futility of increasing the number of youth and young people in juvenile facilities and adult prisons when there are more effective and cost-effective programs available that keep youth in their communities while improving public safety.

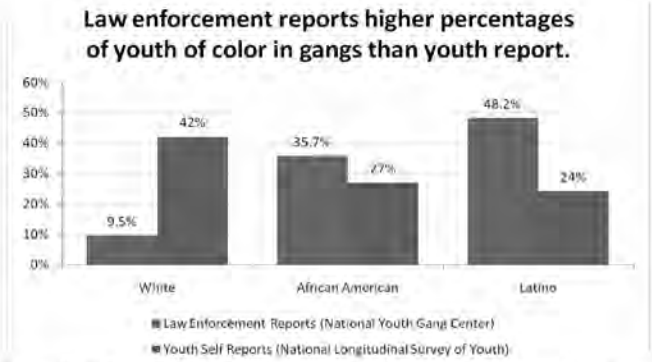
What is the impact of punitive gang policies on communities of color?

There is ample evidence that police misidentify youth as gang members based solely on race or ethnicity, style of dress, and association with others who have been labeled as gang members. This misidentification can lead to serious consequences for communities, particularly

communities of color. In Los Angeles, for example, nearly half of all black men between the ages of 21 and 24 were entered into a gang database in 2003.

There are currently more than 2.3 million people in U.S. prisons and jails, and one in nine African American men between ages 30 and 34 are currently incarcerated. African American men are incarcerated at six times the rate of white men, and Latino men are incarcerated at twice the rate of white men. Policies that frequently misidentify youth and young people of color as gang members are leading to the increasing numbers of people in prison from communities of color.

Yet, surveys of youth involved in gangs, of all races, show similar rates of delinquent behavior, including violent, property and drug crimes. And despite law enforcement assertions that youth of color make up the majority of gang members, self reports show a different story: The National Longitudinal Survey of Youth found that 42 percent of youth reporting gang activity in the past year were white, 27 percent were African American and 24 percent were Latino. Discrepancies between law enforcement reports of gang membership and self-reports may be a contributing factor in the increase of young people of color in prisons.



Source: Kevin Pranis and Judy Greene. *Gang Wars: The Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies* (Washington, D.C.: Justice Policy Institute, 2007)

The labeling of youth and young adults as gang members, often based solely on appearance and neighborhood, can have detrimental and lasting effects on a young person's future. The reluctance of mainstream social institutions to embrace former gang members and other people with felony records makes it harder for a person labeled as a gang member to leave gang-life behind and participate in typical developmental stages, such as education and employment.

The Youth PROMISE Act ensures that its proposed policies do not increase the number of youth of color in the justice system, and aims to alleviate some of the overrepresentation of these youth. In particular, local communities must ensure that their proposed plans will not increase the number of youth involved in the juvenile and criminal justice systems. Furthermore, the Act

aims to reduce the overrepresentation of people of color by requiring that communities' proposed plans take into account the cultural and linguistic needs of the community and include strategies to improve indigent defense delivery systems, particularly for youth overrepresented in the justice system.

The time has come to put aside the "tough on crime" rhetoric and to make smart policy decisions that rely on research and evidence on what works with youth who may be involved in delinquent or violent behavior. The time of relying on prisons and the criminal justice system to solve social problems is at an end, and states and localities are realizing the need to have effective alternatives to incarceration that both cost less and provide better results than the policies of the past. Research shows that not only does incarceration not necessarily improve public safety, but it may actually make communities less safe. The Youth PROMISE Act recognizes that focusing on prevention and getting at the root causes of this behavior will yield the most effective results in terms of public safety, life outcomes for youth, and financial costs that we all must bear.

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Mr. SCOTT. And I want to thank all of our witnesses for your testimony. And I now, under the 5-minute rule, will recognize Members of the Committee. And I will begin with myself.

Ms. Velázquez, Mr. Muhlhausen indicated that some programs don't work. Is that accurate?

Ms. VELÁZQUEZ. I don't know of any specific instance when a program doesn't work. Some of them, such as functional family therapy, multisystemic therapy, treatment-based foster care, have been shown across a variety of States and systems to be very effective at reducing recidivism. The treatment-based foster care can reduce recidivism by 22 percent; functional family therapy by almost 16 percent. I do think that you need to be culturally sensitive and that is an issue that this bill addresses.

So I would say definitely, whenever a new program is initiated with a new population, it does need to be evaluated for any impacts or effectiveness issues.

Mr. SCOTT. Some have been evaluated and have been shown not to work. And others have been evaluated and shown to be very effective.

Ms. VELÁZQUEZ. Right. And something like, for instance, boot camps has been one response in the past that has been shown over and over again to not work. So there are definitely some that have ample evidence to talk about why they are not an effective solution for youth violence.

Mr. SCOTT. And if you are required to have evidence and research-based analysis to support your program, you are much less likely to end up with something that doesn't work, much more likely to end up with the ones that do work; is that right?

Ms. VELÁZQUEZ. That is correct.

Mr. SCOTT. Dr. Prothrow-Stith, can you indicate why continuum of services is necessary and why collaboration is helpful?

Dr. PROTHROW-STITH. Sure. I think the continuum of services, the "up front" and "in the thick" and "after the fact," if I can use that, is a critical way for society to address almost any problem but particularly this problem. I think Mr. Gohmert raised the question of family at the very outset. There are some situations where the family, for a variety of reasons, is not able to do all that society expects of a family.

When a family is there, obviously there needs to be support services and that is where you get into some of the up-front activities that a community needs to provide.

But it is not enough to have a healthy child and a healthy family, because if the community is unhealthy, then especially during the adolescent years you can start getting some unhealthy outcomes. And that is why that continuum of services becomes extremely important, because you have some situations where children are not getting from family the things that they need.

And the challenging thing for a society is to figure out how to break that cycle, because kids can't create a family that is healthy if they didn't grow up in a family that is healthy, unless we have some mechanism through programs and other sorts of investments where they learn and train and understand things differently. You only know what you have been taught and what you learn.

So that continuum of services is important because it will be some kids who will need more than just the "up front."

Mr. SCOTT. And some of the continuum services start early. Are you familiar with the nurse-family partnership?

Dr. PROTHROW-STITH. The visiting nurses go out to the homes? Yes.

Mr. SCOTT. Can you say why that would be helpful?

Dr. PROTHROW-STITH. What we know from some of the evidence that has been shown in that sort of activity is that the nurses in that setting are able to detect problems that are early, assist parents with sometimes very small things that can be truly lifesaving, like how to put a child down to sleep. And they build that relationship such that families can call upon them in the future.

Mr. SCOTT. Have they been shown to have an effect on the long-term upbringing of the children?

Dr. PROTHROW-STITH. It has been shown. I don't know the numbers offhand, but it has been shown as one of those effective interventions.

Mr. SCOTT. Can you say why it is important to tailor the programs to the particular community rather than have a one-size-fits-all for all communities?

Dr. PROTHROW-STITH. I think that is extremely important, this notion of allowing a community to tailor the programs. Not only do you get the sort of cultural appropriateness and the community buy-in, but you get sustainability when the community has been involved in tailoring a program and it is not perceived as something that comes from outside.

Having a national network for these community programs to participate in is also extremely important because they can share best practices; and Federal funding, for instance, can be applied in those settings. But allowing a community to own that program and give it the appropriateness that is culturally and developmentally necessary is a huge part of what has to happen.

Mr. SCOTT. Thank you. Judge Gohmert.

Mr. GOHMERT. Thank you, Chairman Scott. And I do appreciate the testimony. I am sorry that Ms. Edelman and the sheriff had to leave. I am sorry that you all hate to wait on us to go vote. It is not like you get paid well, because you don't get paid at all for coming. Obviously you do this because you care, and so we appreciate that.

I understand everybody's motivation and Ms. Prothrow-Stith—is that the proper pronunciation?

Dr. PROTHROW-STITH. It is.

Mr. GOHMERT. Okay, thank you. I appreciate your comments about the family. One of the things that drove me from the bench to want to run for Congress was the number of women I started having to sentence for felony welfare fraud. And the scenario was virtually the same each time. And that was—and tragic, but sometimes it was a family member that said, well, you are bored with high school, just have a kid, drop out, and you will start getting a check. And they would. And then they would find out this is not enough to live on. I will have another kid and get another check. And then they would find out you get further and further behind, they were never getting ahead.

And I know that the Great Society legislation was done out of the best of intentions. People saw that there were single moms and deadbeat dads were not helping out, so they wanted to help them. Let's give them a check. And so what ended up happening, we started paying young women for every child they could have out of

wedlock. And 40 years later, you really do kind of get what you paid for.

But it broke my heart. I am having to sentence these people. I never sent one of them to prison for welfare fraud, not these women. Some that may have been trying to steal is different, but these—they would realize I will never get out of my rut unless I do something different. So they think if I go out and get a job, that with what I am getting for help for the kids from the Federal Government, may allow me to finally climb out of the rut. But, instead, when they didn't report the income, as you know, then that is called welfare fraud and you end up in front of a judge. And so we try to use incentives to try to get them on track.

But we know that people who finish high school are ultimately, by and large, going to make more money than people who don't finish high school. And so I want what you each want. I want a way to encourage what helps kids not end up in trouble with the law. I am concerned that for 40 years we have thrown money at the wrong things.

And Ms. Velázquez, you mentioned that we know boot camps have been shown over and over not to succeed. I was part of the juvenile board in our county, and we had gone and looked at lots of juvenile boot camps, but it seems if it was a high school boot camp, forget it. It wasn't going to help. They were too well-entrenched in their habits. You were going to make them mad.

But if we got them at an earlier age—we started a day boot camp that was extremely successful, but it got them at an early age. We saw we were wasting our money if we tried it later on—but at least try. And it seemed to—didn't seem to—we had wonderful results, kids getting off the track they were on.

So I just want to comment, I wouldn't write off all boot camps. And the only reason—we had a fantastic man running it and he ended up getting too familiar with some young women and we lost our boot camp, but it was doing some real good.

But I know there are programs that work. It depends on the locality.

But Ms. Edelman had mentioned looking forward to a paradigm shift. That was the thought with the Great Society. But it seems like in trying to find a way to get really a truly different paradigm, not just adjusted but a truly different one, that we have to go back and say: Wait a minute, what would encourage young women to reach their God-given potential rather than allowing them to be lured into a rut from which they will never get out? What would be better?

Are we better off saying we will just keep giving you a check for every child you can have out of wedlock; or should we put incentives to go back and finish your education, and help with child care while they get through?

I am concerned about the paradigm we have been on for 40 years-plus now. But I also know, and Ms. Prothrow-Stith, you mentioned there are programs that work. You mentioned that. Can you tell me a little more detail about the Cease-Fire Chicago model? I understood that had good successes. Can you tell me what makes that special and makes it work?

Dr. PROTHROW-STITH. I actually have some more materials about it. It is an approach that comes out of public health. It really looks at, in sort of the epidemiology of the problem, where is the epidemic occurring? And goes right into that setting and begins to do community education, but get those who are involved in changing the paradigm, changing the culture in that context. And then there is a direct intervention when there is a homicide, that is designed to prevent revenge, to have that community really galvanize around the prevention agenda. So it takes an incident and builds a prevention agenda around it and also gets involved in the cultural.

Larry Cohen who is here, and was speaking at another meeting, has come over. He is with me in the Unity Project as one of the co-leads and can also, after this, help you with—I will give you this information and also help you know more about the project.

Mr. GOHMERT. Well, thank you. And just to conclude—5 minutes is never enough, but I am concerned about a number of things. You said the family, for a variety of reasons, is not always able to help. A family, for a variety of reasons, doesn't even exist, really; and that is what I saw.

But as I mentioned, we pay money for every child that can be had out of wedlock. We pay people or we allow people to keep more of their earned money if they will live together and not be married. We give people more Social Security money if they will live together and not be married. It just seems like we have too many financial incentives to hurt a family, instead of having a real community within the family.

And I would welcome—you know, our time here is so short—but any input, any insights to how we can go back to create a stronger family that encourages the kid.

I had to send that kid to prison, obviously, for cold blooded murder. But I have never forgotten those words: This is the only family that I have got. They need a better family than a violent gang.

Dr. PROTHROW-STITH. I think one of the things that is consistent in the programs that are effective is dedicated adults who can connect with children. And schools happen to be a place where many, if not all—at an early age children are involved. And when you think about how do you break that cycle, how do you give children the opportunity, I think we really are as a society needing to invest in the schools early on, in the Big Brother, Big Sister, because those children who are not in the families that can help them will gravitate to the positive influences: that adult at school, or the local preacher or an aunt or uncle. It comes up, you know, people say it again and again, that kids will gravitate to the positive influences, especially at younger ages.

And I think what we have seen over time is really an erosion of that sort of local investment. And I think Youth PROMISE Act gives us a Federal umbrella for a lot of that to really grow again and provide kids with that layer, that preventive layer. And we have to think about it as trying to break a cycle for some children.

Mr. GOHMERT. Thank you, I appreciate the time, Mr. Chairman.

Mr. SCOTT. Chairman Conyers.

Mr. CONYERS. Thank you very much, Chairman Scott. I wanted to praise the Members of this Committee: Randy Forbes, who is the

cosponsor of the bill; Judge Gohmert, who is examining it carefully; Bob Goodlatte who has always had an interest in these matters. Because when you think that we have enough Members to pass this bill in the House, I have got a few bills I wish I had 226 cosponsors for. A nice healthy number of them are conservative Members of Congress, 18 to be specific.

So I come here ecstatic. And not only praise the Chairmen in the Committee for their work, but also for putting together such a stellar witness list.

Now, the question that I ask—oh, by the way, at the celebration of the NAACP's 100th anniversary, Chairman Scott's name was lifted up repeatedly for the great work he had done during his visit there over the weekend. And I just wanted that to go in the record. There is nobody to talk about mine, because Congress went into session when I got there, so I was the only one left.

But what is important to me is the success we have had here, and I don't know, is there any senatorial interest in this measure?

Mr. SCOTT. We have bills introduced there by Senator Casey from Pennsylvania and Olympia Snowe from Maine, with six cosponsors.

Mr. CONYERS. That is incredible.

The one thing I wanted to do, Dr. Muhlhausen, is to make sure that we try to reach out to your critique as effectively as we can. If there were any one thing you would want us to do to make this bill more successful in your view, what would it be?

Mr. MUHLHAUSEN. I think the key here would be to make sure that the implementation grants, the PROMISE implementation grants are actually evaluated as they are done across the country. My fear is that often the case with evidence-based policies is that an isolated program that has highly trained staff working under unique special circumstances, the program gets evaluated and they find the program works. What is often the case is that transferring that knowledge and that skill to programs across the country, replicating it is a lot harder than—it is easier said than done.

And so we need to evaluate the programs as they are implemented in the real world to make sure that the implementation grants, which is the heart of this bill from my perspective, are working. And if we just evaluate a few programs that are receiving very special treatment, that are the cream of the crop, that is not going to tell us how these programs operate in the real world.

Mr. CONYERS. Thank you for that counsel. We will be careful about that.

Dr. Stith, could you possibly submit for our record the study about the Chicago youth study so that everyone else can get the benefit of it?

Dr. PROTHROW-STITH. Yes, I will do that.

Mr. CONYERS. One thing I did was ask my staff, Michael Darner, who is working on health care issues, to evaluate the proposed three-committee effort on health that was commissioned by President Obama for us to come up with a health bill. We have three Committees working on it here, two Committees working on it in the Senate. And the question is, how would this bill affect or not help at-risk youth? And this quick study shows that it would be quite helpful; that it would expand Medicaid to families making up

to 133 percent of the Federal poverty level. And there are a whole number of changes.

I would like unanimous consent to put this in the record.

Mr. SCOTT. Without objection.

[The information referred to follows:]

ANALYSIS OF H.R. 3200, THE "AMERICA'S AFFORDABLE HEALTH CHOICES ACT OF 2009," SUBMITTED BY THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

I would like to submit the following analysis prepared for my staff on the effects of H.R. 3200, the "America's Affordable Health Choices Act," on the ability of at-risk youth to access comprehensive health care.

H.R. 3200 would help low-income at risk youth receive access to health care in several important ways:

First, the Act expands access to Medicaid to families making up to 133% of the Federal Poverty Level.

Second, for children whose parents lack health insurance (something that is likely common in low-income communities) their families will be able to purchase health insurance in a State, Regional, or National Health Insurance Exchange. For those families that make less than 400% of the Federal Poverty Level (about 73,000 for a family of three), the Exchange will provide "affordability credits" that will in large part defray the costs families pay for health insurance premiums and out of pocket costs like co-pays and deductibles.

Third, all families who purchase insurance in the Exchange will have access to a non-profit, Medicare like public option that will provide comprehensive health care benefits with low premiums and low out of pocket costs.

Lastly and most importantly, all plans in the Exchange will be barred from charging families for preventive care.

All in all, greater access to health care will keep low-income children engaged in school, prevent them from developing unhealthy habits, and identify mental illnesses before they result in destructive or problematic behavior.

Mr. CONYERS. I was happy to find this out because there is another bill, the universal health care bill, which we know covers everybody in all areas; but this is the one that is likely to come down the pike. So I would like to make this available to all of the witnesses, including the two that are not here, to look at this and let us make very sure that there are the benefits in it that at first glance we think are there. Because that bill is going to determine how all of this works out in the long run anyway. So I thank you very much for being with us.

Mr. SCOTT. Thank you. My colleague from Virginia, Mr. Goodlatte.

Mr. GOODLATTE. Thank you, Mr. Chairman. And thank you for holding this hearing. And I thank you, Chairman Conyers, for your kind words about all of our concern about the misspent lives of people who wind up in gangs and what we can do to prevent that.

I have had conversations with the Chairman, and my staff with his staff, about this legislation and we are looking at it very closely. We are certainly looking for solutions to this very serious problem. And it is a problem that exists everywhere.

My district is primarily a rural district but we have problems with gangs in some of the most rural communities can you imagine. In southwest Virginia, we have had in the last few years two gang-related, very violent brutal murders that have taken place that have gotten a lot of people's attention.

We have a lot of local efforts ongoing to combat gang violence and a big part of that is to try to prevent people from joining gangs or to get them out of them once they are in there.

And I was going to ask this to Ms. Edelman, but since she wasn't able to stay, could each one of you tell me what you know about currently existing programs that you think are effective in preventing youth from becoming members of gangs or engaging in the type of activity that we associate with gangs?

Ms. VELÁZQUEZ. I will just say that what we have seen that works is trying to intervene early. I believe when they were talking about some of the efforts to—sort of the street work that happens that can help reduce gang activity. I also wanted to mention that most kids age out of gangs. Most of them actually age out within a year. They get involved and then they realize that this is not what they want to do. This is not, you know—it is not giving them the family they want really, and not the kind of activities they want to believe in.

Mr. GOODLATTE. You are saying that this average gang member stays in a gang only for a year or so?

Ms. VELÁZQUEZ. Yes. They get in when they are young. They might have an older person who they look up to that is in a gang, and they get in it and then they realize it is not what they wanted.

So one of the issues is how do we make it so that kids can get out of gangs; how they are not labeled forever as a gang member; how they can get involved in other activities, more prosocial activities.

One of the things that the Justice Policy Institute looks at, making sure that—we all are well-meaning in terms of wanting to protect public safety—that we don't accidentally make it harder for kids to get out of gangs and stay out of gangs. Not unnecessarily branding them as gang members, which might even target them for rival gangs, violence toward them. It might prevent them or their families from being in safe public housing or being able to engage in other activities.

So that is one of the areas that we have looked at: how do we make sure that kids who do make a bad decision but haven't gotten to the level where they committed a serious offense that they would be incarcerated for, they can get back on track. So that would be one area that we are glad to see this legislation is responsive to.

Mr. GOODLATTE. Dr. Muhlhausen?

Mr. MUHLHAUSEN. I think the best prevention program is the two-parent family. I do not believe that that explains all crime, but I think kids growing up in stable, two-parent family or maybe one-parent family just doing the best they can is important.

But on the other side there is some evidence that certain programs help prevent delinquency. The evidence on the gang prevention side is a lot weaker. Little is known. But one program that I have no ties to is called Multisystemic Therapy that Tracy mentioned, has been evaluated under favorable circumstances because it sort of was developed by a bunch of psychologists, and they have created the program and they specialize in implementing it. And they have done several randomized experiments. And I know of no other prevention program that has undergone so many randomized experiments as this program.

It appears to be, based on studies done in the United States, appears to be effective. When it was replicated in Canada, the effects were not there. And a study—I made an analysis of all of these evaluations of MST and found no effect. But I know of no other program that has gone under such a thorough and rigorous scientific review and has several studies that shows that it works.

I think MST is a promising approach. I think it needs to be considered by communities that want to adopt a prevention program. But it is a highly specialized program and probably is going to be very expensive to implement because it is individualized.

I think we need more knowledge. And there are a few programs that work, but there are a lot more that don't work or there is no proof they do work.

Dr. PROTHROW-STITH. This is where the "up front" "in the thick" and "after the fact" model is really helpful to me. So when you think about gangs and the role that they play in the lives of children, some of the up-front programs which have been evaluated to be effective are Big Brother, Big Sister, for instance, where we know from a random assignment from the waiting list that those children who get a big brother, big sister, within a pretty short period of time have better outcomes. And it is a very strong design, randomization. Those are the kinds of programs that really make a difference. And when we think of gangs we can't forget the "up front" activity that needs to make place.

When you talk about "in the thick," you really are talking about kids who might have been in situations where gangs were the most attractive thing in their neighborhood, the most attractive thing to to do. And one of the things that is pretty clear is that kids respond to healthy things to do.

So the kinds of activities that the Boston street youth outreach workers for instance—and you may remember the dramatic drop in crime and youth homicide in particular in Boston. President Clinton and Janet Reno came and celebrated that with the Boston police and some of the community who—community members who were involved.

And it was very interesting that at that point when we had that dramatic decline, we had about 125 street youth outreach workers. They were there not totally around the clock, but for the most part, and connecting young people to service. We went from 120 in the city to 40. Actually, 30; we are trying to get back up to 40. And our rates of violence have started going up.

So I think we have got some kids who need that more balanced, direct one-on-one sort of work that tends to be a little more expensive but is effective.

After the fact, you really are talking about some of the gang recovery programs. And there are some of them that have been shown to be effective. But I would suggest that the Youth PROMISE Act gives us an opportunity to really look at what is attracting kids to gangs and how do we use those "up front" and "in the thick" programs to give them an alternative set of activities.

Mr. GOODLATTE. Thank you. Thank you, Mr. Chairman.

Mr. SCOTT. Thank you.

Let me ask a few other questions. Dr. Prothrow-Stith, you indicated Big Brothers/Big Sisters is a primary prevention initiative.

You said it reduced crime. Did it reduce teen pregnancy, dropout, and drug abuse too?

Dr. PROTHROW-STITH. The study doesn't go out quite as far to claim those outcomes, but the variables included school attendance, experimenting with drugs, and some of the other more measurable in-the-short-term effects. And interestingly, adolescents are living their life in a moment-to-moment sort of way, so some of those short-term effects can be quite lifesaving or keep them out of some very difficult situations, like early parenting. In some ways we know that it can be effective and it can be effective over a longer period of type, but not the period of time where we measure drug addiction or teenage pregnancy.

Mr. SCOTT. But the primary prevention strengthens young people and tends to empower them not only to stay away from crime but also some other negative outcomes; is that right?

Dr. PROTHROW-STITH. Exactly. One of the sort of critical points in the psychological literature is if you want to have something go away, you pretty much have to substitute another activity or another behavior. And in many ways, giving children healthy things to do just becomes a critical part of that.

I think William Julius Wilson's work about neighborhood poverty is a huge example of what it means often when you have a healthy child and a healthy family but a neighborhood that is unable to offer those healthy activities in a community-oriented way.

Mr. SCOTT. You mentioned neighborhoods where the best choice a child might have is to join a gang?

Dr. PROTHROW-STITH. Or get pregnant.

Mr. SCOTT. If you offered other choices, are you suggesting they may have made other choices?

Dr. PROTHROW-STITH. Yes, and I am suggesting the earlier those other choices are offered, the less expensive and the easier it is to have a child go down a different path. It is not 100 percent, but as a society, we are experiencing so many children who really just need an alternative to what is in front of them.

Mr. SCOTT. Now there is another strategy, and that is the suppression approach, where you increase sentences. What effect would increasing penalties do as a deterrent for young people getting in trouble?

Dr. PROTHROW-STITH. You know, one of the things that I like in our discussions of evaluation is to appreciate that many of our punitive strategies don't have the evaluation data that we require of those prevention-oriented programs. So you know, it is very difficult to answer that question.

I would say that in the face of mandatory sentencing, stiffer sentencing, and incarceration rates that increase dramatically, we in society experienced an epidemic of youth violence. It is difficult to say which came first, but it is clear that all of that incarceration, a half a million people in 1980 to almost 2.5 million people in 2005—and probably might be at 2,500,000 now—but in the face of all that incarceration, we still don't have the kind of you know, national impact. So I would say that probably very little impact on the prevention agenda that we have.

Mr. SCOTT. Thank you.

Ms. Velázquez, have you seen studies of the effects of increased sentences and suppression on gang violence?

Ms. VELÁZQUEZ. Well, I think that it is unfortunate that Sheriff Baca had to leave because California, their experience with relying on suppression as their primary gang policy, has shown that they have had increases in violence along with the increases in costs. Whereas places like Chicago's Cease-Fire and also New York City, which really used a street worker model as well in the sixties and seventies, have seen improved outcomes in terms of public safety and outcomes for the youth involved.

I know that some studies have been done looking at punitive approaches by the Washington State Institute of Public Policy. And their research showed that punitive approaches only have about $2 in benefits for public safety for every dollar spent versus prevention and positive interventions which have about $15 in benefits.

And I did appreciate your comment about evaluation of more punitive approaches. It seems like when you start looking at something like the investment in suppression, or even things like gang databases, you have to look at it in terms of what could you have done with the money that might have been more effective. And we don't have a lot of—the only evidence that we have is that these policies actually have a negative impact in terms of public safety outcomes, plus the very large increase in these policies in terms of the increased incarceration that they are likely to lead to.

Evidence shows that kids who are incarcerated do worse than kids who were in gangs or kids who had a weapons offense. The actual experience of incarceration is detrimental to kids getting back on the right track. These policies that tend to concentrate that impact do appear to have a negative effect than we want them to have in terms of cost effectiveness.

Mr. SCOTT. Mr. Gohmert.

Mr. GOHMERT. I won't use the full 5, but I was intrigued by the comment that the average is only being in a gang for a year, and that didn't seem to be our local experience. People were in there for longer than a year. And it was often very unpleasant to try to get out of the gang once you were there. And people in the gang didn't take it very well when you decided to just drop out. It wasn't like a bridge club or something; you just stopped going. They took it very personally. And, in fact, one young man was killed as a result.

So I would love to see the data to understand better the national experience, if that is truly the average of just 1 year in a gang and then they drop out. And I wonder how many got beat up or hurt as a result.

I don't know if the Chairman knows this. My wife taught at an alternative school in Tyler for years before I ran for Congress. And as she said, it was great seeing the light come on for the first time. I enjoyed going to the school because the kids that were there, every one of them wanted to be there, or they were not there. They would go get a GED if they wanted to have a diploma. But these wanted to finish high school. And child care was provided so they could do so.

And it is nice when you see something that works as that did, at least locally. And it was always great. I wish all high school

graduations were as enjoyable as theirs was because everyone was truly ecstatic. They had done something. And that seems to be what we need to do.

Mr. SCOTT. Was that an alternative school?

Mr. GOHMERT. Yes, it was called Pace Alternative School, in Tyler.

Mr. Muhlhausen, I didn't get to you earlier, and I just wanted to ask in reviewing the proposed bill, did you find safeguards within the Youth PROMISE design that would ensure against funding mediocre or unsuccessful programs? And if not, what would you recommend?

Mr. MUHLHAUSEN. Well, one of my concerns is the interplay between grant-making bureaus and Congress and constituents. And as a grant-making agency, their primary duty is to let the money flow. That makes Congress happy. Now, that causes a problem when providing quick-and-easy money to State and local agencies becomes more important than making sure that it is effectively used.

So my fear is that the more programs you fund, the lower common denominator will be for each of the programs funded, and so you will lower the bar. And Office of Justice Programs has had a lot of problems in the past of monitoring the grants that it gives out to make sure that the grant programs are successful. This is according to GAO.

So what I think is, one helpful area would be to make sure that all the programs that are implemented in the real world are undergoing some sort of evaluation. I think that is important. If we only evaluate, say, 10 programs when we are actually funding a thousand programs, will those 10 programs be representative of the thousand programs being implemented? I fear that will not be the case.

Mr. GOHMERT. Thank you very much.

Mr. SCOTT. I would like to follow up on one of the things that you said about an alternative school. Because there is a theory if you kick kids out of school with no services, if they land in an alternative school—let me ask Ms. Velázquez or Dr. Prothrow-Stith. If you kick a child out of school with no services, or you for one reason or another have to kick them out of the regular classroom and put them in an alternative school so that they can continue their education, is there a value in the alternative school?

Dr. PROTHROW-STITH. I was just in St. Louis visiting a school that Judge Atweth there is putting together. And in that setting he is planning a very short stay for children. And I think there is some emphasis on an alternative setting where a child can go back to the regular school setting.

It is——

Mr. SCOTT. Was that better than having them out in the street?

Dr. PROTHROW-STITH. Yes, it is better for the kid. It is better for the family. And it is better for society. Because out in the street is, you know, obviously uncontrollable from any number of perspectives and I think leads to criminalization of those kids, when often there are some very specific either learning or other sorts of health issues that often could keep that child in a regular classroom and not even need an alternative setting.

Mr. GOHMERT. Mr. Chairman, if I might clarify, too. We had two different alternative schools in Smith County. One was a juvenile justice alternative school. You commit a violent act, you may end up—and basically you are confined and the school is part of the confinement.

But there is Pace Alternative where there were young women who had had children and had to drop out of school but decided I don't want a GED, I want a diploma. There were others who would have trauma in their lives and drop out but decide they wanted to finish. I was referring to the latter.

Mr. SCOTT. The important thing is that they have services, because those who drop out, the evidence is they are on a different trajectory in terms of life, much more likely to get involved in crime, much more likely to be a teen parent, much more likely to get involved in drugs. And the program that your wife is apparently running gives those children services which they desperately need and can make a profound difference in the outcome.

Mr. GOHMERT. I do know that we can't maintain a society as we have been used to, when a third of our kids drop out of high school. Thank you.

Mr. SCOTT. That is right. I would like to thank our witnesses for the testimony today. Members may have additional written questions that we will forward to you and ask that you answer as promptly as you can so that this may be part of the record.

And, without objection I would like to incorporate by reference into the record the following letters and documents in support of the Youth PROMISE Act:

A letter from 238 national organizations in support of the Youth PROMISE Act.

A letter from the NAACP.

A letter from the American Psychological Association.

The American Bar Association.

The National Council of LaRaza.

The National Council of Juvenile and Family Court Judges.

A letter from Color of Change referencing a petition signed by over 15,000 of their members.

A letter from the ACLU.

A Law Review article by Edgar Kahn and Cynthia Robbins—and Professor Kahn is here with us today—entitled "An Offer They Can't Refuse: Racial Disparity in Juvenile Justice and Deliberate Indifference Meet Alternatives That Work."

We also have a letter from Wallace "Gator" Bradley, president and founder of United in Peace, Incorporated, in Chicago; and he is with us today.

A letter from Heart of Champion in support of the Youth PROMISE Act.

A report from Charles Hamilton Youth Institute for Race and Justice, "No More Children Left Behind Bars."

The National Council for Crime and Delinquency report evaluating Federal gang bills.

A report on the economic return on PCCD's investment in research-based programs and cost-benefit assessment of delinquency prevention in Pennsylvania.

A report by the Justice Policy Institute, "Gang Wars: Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies."

A resolution in support of the Youth PROMISE Act from the U.S. Conference of Mayors.

Resolutions of support from the following cities: Los Angeles; Cleveland, OH; Philadelphia; Pittsburgh; Santa Fe, NM; Norfolk, Hampton and Newport News in Virginia, and Richmond, VA; Portsmouth, VA; Pasadena, CA; and New York City.

And a resolution from the Los Angeles Unified School District in support of the Youth PROMISE Act.

And, at the request of Mr. Conyers, a portion of H.R. 3200, the 'Tri-Committee Health Proposal on how it would affect at-risk youth.

[See preceding prepared statement of Mr. Conyers.]

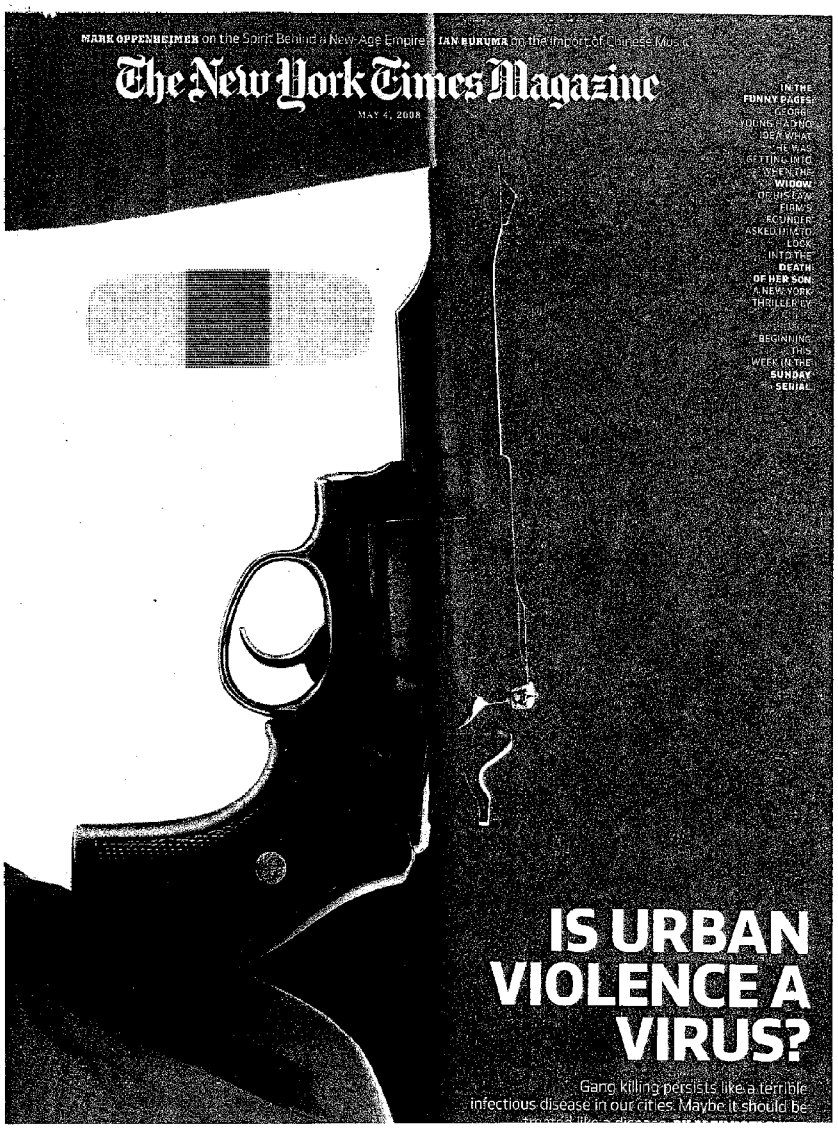
Mr. SCOTT. Without objection, the Subcommittee now stands adjourned.

[Whereupon, at 5:27 p.m., the Subcommittee was adjourned.]

APPENDIX

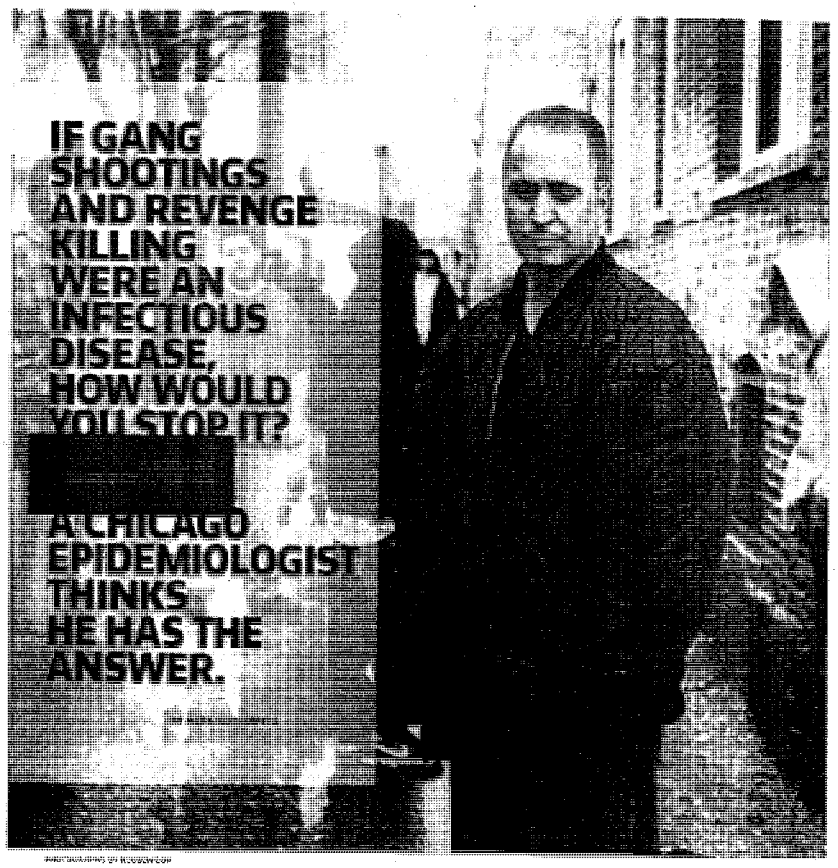
Material Submitted for the Hearing Record

MATERIAL SUBMITTED BY DEBORAH PROTHROW-STITH, M.D., CONSULTANT, SPENCER STUART, BOSTON, MA



The New York Times Magazine

MAY 4, 2008


IF GANG SHOOTINGS AND REVENGE KILLING WERE AN INFECTIOUS DISEASE, HOW WOULD YOU STOP IT?

A CHICAGO EPIDEMIOLOGIST THINKS HE HAS THE ANSWER.

Zale Hoddenbach, center, once a gang member, now a Ceasefire interrupter. He trades on his street credibility to defuse violence before it happens.

LAST SUMMER, MARTIN TORRES WAS WORKING AS A COOK IN AUSTIN,

Tex., when, on the morning of Aug. 23, he received a call from a relative. His 17-year-old nephew, Emilio, had been murdered. According to the police, Emilio was walking down a street on Chicago's South Side when someone shot him in the chest, possibly the culmination of an ongoing dispute. Like many killings, Emilio's received just a few sentences in the local newspapers. Torres, who was especially close to his nephew, got on the first Greyhound bus to Chicago. He was grieving and plotting retribution. "I thought, Man, I'm going to take care of business," he told me recently. "That's how I live. I was going hunting. This is my own blood, my nephew."

Torres, who is 38, grew up in a dicey section of Chicago, and even by the standards of his neighborhood he was a rough character. His nickname was Packman, because he was known to always pack a gun. He was first shot when he was 12, in the legs with buckshot by members of a rival gang. He was shot five more times, including once through the jaw, another time in his right shoulder and the last time — seven years ago — in his right thigh, with a .38-caliber bullet that is still lodged there. On his chest, he has tattooed a tombstone with the name "Buff" at its center, a tribute to a friend who was killed on his 18th birthday. Torres was the head of a small Hispanic gang, and though he is no longer active, he still wears two silver studs in his left ear, a sign of his affiliation.

When he arrived in Chicago, he began to ask around, and within a day believed he had figured out who killed his nephew. He also began drinking a lot — mostly Hennessey cognac. He borrowed two guns, a .38 and a .380, from guys he knew. He would, he thought, wait until after the funeral to track down his nephew's assailants.

Zale Hoddenbach looks like an ex-military man. He wears his hair cropped and has a trimmed goatee that highlights his angular jaw. He often wears T-shirts that fit tightly around his muscled arms, though he also carries a slight paunch. When he was younger, Hoddenbach, who is also 38, belonged to a gang that was under the same umbrella as Torres's, and so when the two men first met 17 years ago at Pontiac Correctional Center, an Illinois maximum-security prison, they became friendly. Hoddenbach was serving time for armed violence; Torres for possession of a stolen car and a gun (he was, he says, on his way to make a hit). "Zale was always in segregation, in the hole for fights," Torres told me. "He was aggressive." In one scuffle, Hoddenbach lost the sight in his right eye after an inmate pierced it with a shank. Torres and Hoddenbach were at Pontiac together for about a year but quickly lost touch after they were both released.

Shortly after Torres arrived in Chicago last summer, Hoddenbach received a phone call from Torres's brother, the father of the young man who was murdered. He was worried that Torres was preparing to seek revenge and hoped that Hoddenbach would speak with him. When Hoddenbach called, Torres was thrilled. He immediately thought that his old prison buddy was going to join him in his search for the killer. But instead Hoddenbach tried to talk him down, telling him retribution wasn't what his brother wanted. "I didn't understand what the hell he was talking about," Torres told me when I talked to him six months later. "This didn't seem like the person I knew." The next day Hoddenbach appeared at the wake, which was held at New Life Community Church, housed in a low-slung former factory. He spent the day by Torres's side, sitting with him, talking to him, urging him to respect his brother's wishes. When Torres went to the parking lot for a smoke, his hands shaking from agitation, Hoddenbach would follow. "Because of our relationship, I thought there was a chance," Hoddenbach told me. "We were both cut from the same cloth." Hoddenbach knew from experience that the longer he could delay Torres from heading out, the more chance he'd have of keeping him from shooting someone. So he let him vent for a few hours. Then Hoddenbach started laying into him with every argument he could think of: *Look around, do you see any old guys here? I never seen so many young kids at a funeral. Look at these kids, what does the future hold for them? Where do we fit in? Who are you to step on your brother's wishes?*

THE STUBBORN CORE of violence in American cities is troubling and perplexing. Even as homicide rates have declined across the country — in some places, like New York, by a remarkable amount — gunplay continues to plague economically struggling minority communities. For 25 years, murder has been the leading cause of death among African-American men between the ages of 15 and 34, according to the Centers for Disease Control and Prevention, which has analyzed data up to 2005. And the past few years have seen an uptick in homicides in many cities. Since 2004, for instance, they are up 19 percent in Philadelphia and Milwaukee, 29 percent in Houston and 54 percent in Oakland. Just two weekends ago in Chicago, with the first warm weather, 36 people were shot, 7 of them fatally. The Chicago Sun-Times called it the "weekend of rage." Many killings are attributed to gang conflicts and are confined to particular neighborhoods. In Chicago, where on average five people were shot each day last year, 83 percent of the assaults were concentrated in half the police districts. So for people living outside those neighborhoods, the frequent outbursts of unrestrained anger have been easy to ignore. But each shooting, each murder, leaves a devastating legacy, and a growing school of thought suggests that there's little we can do about the entrenched urban poverty if the relentless pattern of street violence isn't somehow broken.

The traditional response has been more focused policing and longer prison sentences, but law enforcement does little to disrupt a street code that allows, if not encourages, the settling of squabbles with deadly force. Zale Hoddenbach, who works for an organization called CeaseFire, is part of an unusual effort to apply the principles of public health to the brutality of the streets. CeaseFire tries to deal with these quarrels on the front end. Hoddenbach's job is to suss out smoldering disputes and to intervene before matters get out of hand. His job title is violence interrupter, a term that while not artful seems bluntly self-explanatory. Newspaper accounts usually refer to the organization as a gang-intervention program, and Hoddenbach and most of his colleagues are indeed former gang leaders. But CeaseFire doesn't necessarily aim to get people out of gangs — nor interrupt the drug trade. It's almost blindly focused on one thing: preventing shootings.

CeaseFire's founder, Gary Slutkin, is an epidemiologist and a physician who for 10 years battled infectious diseases in Africa. He says that violence directly mimics infections like tuberculosis and AIDS, and so, he suggests, the treatment ought to mimic the regimen applied to these diseases: go after the most infected, and stop the infection at its source. "For violence, we're trying to interrupt the next event, the next transmission, the next violent activity," Slutkin told me recently. "And the violent activity predicts the next violent activity like H.I.V. predicts the next H.I.V. and TB predicts the next TB." Slutkin wants to shift how we think about violence from a moral issue (good and bad people) to a public health one (healthful and unhealthful behavior).

EVERY WEDNESDAY AFTERNOON, in a Spartan room on the 10th floor of the University of Illinois at Chicago's public-health building, 15 to 25 men — and two women — all violence interrupters, sit around tables arranged in a

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Alex Kotlowitz teaches writing at Northwestern University and is a regular contributor to the magazine. His last article was about illegal immigration.

THE VISIONARY Gary Slutkin saw a connection between violence and disease.

circle and ruminate on the rage percolating in the city. Most are in their 40s and 50s, though some, like Hoddenbach, are a bit younger. All of them are black or Hispanic and in one manner or another have themselves been privy to, if not participants in, the brutality of the streets.

On a Wednesday near the end of March, Slutkin made a rare appearance; he ordinarily leaves the day-to-day operations to a staff member. Fit at 57, Slutkin has a somewhat disheveled appearance — tie askew, hair uncombed, seemingly forgetful. Some see his presentation as a calculated effort to disarm. "Slutkin does his thing in his Slutkinesque way," notes Carl Bell, a psychiatrist who has long worked with children exposed to neighborhood violence and who admires CeaseFire's work. "He seems kind of disorganized, but he's not." Hoddenbach told me: "You can't make too much of that guy. In the beginning, he gives you that look like he doesn't know what you're talking about."

Slutkin had come to talk with the group about a recent high-profile incident outside Crane Tech High School on the city's West Side. An 18-year-old boy was shot and died on the school's steps, while nearby another boy was savagely beaten with a golf club. Since the beginning of the school year, 18 Chicago public-school students had been killed. (Another six would be murdered in the coming weeks.) The interrupters told Slutkin that there was a large police presence at the school, at least temporarily muffling any hostilities there, and that the police were even escorting some kids to and from school. They then told him what was happening off the radar in their neighborhoods. There was the continuing discord at another high school involving a group of girls ("They'd argue with a stop sign," one of the interrupters noted); a 14-year-old boy with a gang tattoo on his forehead was shot by an older gang member just out of prison; a 15-year-old was shot in the stomach by a rival gang member as he came out of his house; and a former CeaseFire colleague was struggling to keep himself from losing control after his own sons were beaten. There was also a high-school basketball player shot four times; a 12-year-old boy shot at a party; gang members arming themselves to counter an egging of their freshly painted cars; and a high-ranking gang member who was on life support after being shot, and whose sister was overheard talking on her cellphone in the hospital, urging someone to "get those straps together. Get loaded."

These incidents all occurred over the previous seven days. In each of them, the interrupters had stepped in to try to keep one act of enmity from spiraling into another. Some had more success than others. Janell Sails prodded the guys with the egged cars to go to a car wash and then persuaded them it wasn't worth risking their lives over a stupid prank. At Crane Tech High School, three of the interrupters fanned out, trying to convince the five gangs involved in the conflict to lie low, but they conceded that they were unable reach some of the main players. Many of the interrupters seem bewildered by what they see as a wilder group of youngsters now running the streets and by a gang structure that is no longer top-down but is instead made up of many small groups — which they refer to as cliques — whose members are answerable to a handful of peers.

For an hour, Slutkin leaned on the table, playing with a piece of Scotch tape, keenly listening. In some situations, Slutkin can appear detached and didactic. He can wear people down with his long discourses, and some of the interrupters say they sometimes tune him out. (On one occasion, he tried to explain to me the relationship between emotional intelligence and quantum physics.) But having seen a lot of out-of-control behavior, Slutkin is a big believer in controlling emotions. So he has taught himself not to break into discussions and to digest before presenting his view. The interrupters say he has their unqualified loyalty. Hoddenbach told me that he now considers Slutkin a friend.

It became clear as they delivered their reports that many of the interrupters were worn down. One of them, Calvin Buchanan, whose street name is Monster and who just recently joined CeaseFire, showed the others six stitches over his left eye; someone had cracked a beer bottle on his head while he was mediating an argument between two men. The other interrupters applauded when Buchanan told them that, though tempted, he restrained himself from getting even.

When Slutkin finally spoke, he first praised the interrupters for their work. "Everybody's overreacting, and you're trying to cool them down," he told them. He then asked if any of them had been experiencing jitteriness or fear. He spent the next half-hour teaching stress-reduction exercises. If they could calm themselves, he seemed to be saying, they could also calm others. I recalled what one of the interrupters told me a few weeks earlier: "We helped create the madness, and now we're trying to debug it."

IN THE PUBLIC HEALTH field, there have long been two schools of thought on derailing violence. One focuses on environmental factors, specifically trying to limit gun purchases and making guns safer. The other tries to influence behavior by introducing school-based curricula like antidrug and safe-sex campaigns.

Slutkin is going after it in a third way — as if he were trying to contain an infectious disease. The fact that there's no vaccine or medical cure for violence doesn't dissuade him. He points out that in the early days of AIDS, there was no treatment either. In the short run, he's just trying to halt the spread of violence. In the long run, though, he says he hopes to alter behavior and what's considered socially acceptable.

Slutkin's perspective grew out of his own experience as an infectious-disease doctor. In 1981, six years out of the University of Chicago Pritzker School of Medicine, Slutkin was asked to lead the TB program in San Francisco. With an influx of new refugees from Cambodia, Laos and Vietnam, the number of cases in the city had nearly doubled. Slutkin chose to concentrate on those who had the most active TB; on average, they were infecting 6 to 10 others a year. Slutkin hired Southeast Asian outreach workers who could not only locate the infected individuals but who could also stick with them for nine months, making sure they took the necessary medication. These outreach workers knew the communities and spoke the languages, and they were able to persuade family members of infected peo-

PHOTOGRAPH BY REUBEN COX FOR THE NEW YORK TIMES

THE FRONT END James Highsmith tries to stay plugged in to Auburn Gresham, a Chicago neighborhood, where he can track brewing conflicts.

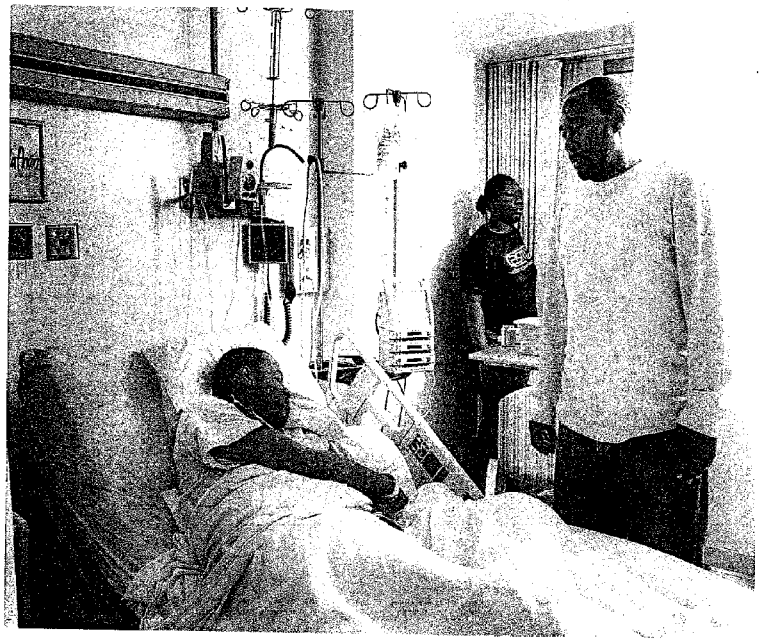
ple to be tested. Slutkin also went after the toughest cases — 26 people with drug-resistant TB. The chance of curing those people was slim, but Slutkin reckoned that if they went untreated, the disease would continue to spread. "Gary wasn't constrained by the textbook," says Eric Goosby, who worked in the clinic and is now the chief executive of the Pangaea Global AIDS Foundation. Within two years, the number of TB cases, at least among these new immigrants, declined sharply.

Slutkin then spent 10 years in Africa, first in refugee camps in Somalia and then working, in Uganda and other countries, for the World Health Organization to curtail the spread of AIDS. During his first posting, in Somalia, a cholera epidemic spread from camp to camp. Slutkin had never dealt with an outbreak of this sort, and he was overwhelmed. The diarrhea from cholera is so severe that patients can die within hours from dehydration. According to Sandy Gove, who was then married to Slutkin and was also a doctor in the camps, infection rates were approaching 10 percent; in one camp there were 1,200 severely ill refugees. "It was desperate," she told me. Slutkin drove a Land Cruiser two and a half days to an American military base along the coast to the closest phone. He called doctors in Europe and the United States, trying to get information. He also asked the soldiers at the base for blue food coloring, which he then poured into the water sources of the bacteria, a warning to refugees not to drink. "What Gary is really good about is laying out a broad strategic plan and keeping ahead of something," Gove told me. There were only six doctors for the 40 refugee camps, so Slutkin and Gove trained birth attendants to spot infected people and to give them rehydration therapies in their homes. Because the birth attendants were refugees, they were trusted and could persuade those with the most severe symptoms to receive aid at the medical tent.

After leaving Africa, Slutkin returned to Chicago, where he was raised and where he could attend to his aging parents. (He later remarried there.) It was 1995, and there had been a series of horrific murders involving children in the city. He was convinced that longer sentences and more police officers had made little difference. "Punishment doesn't drive behavior," he told me. "Copying and modeling and the social expectations of your peers is what drives your behavior."

Borrowing some ideas (and the name) from a successful Boston program, Slutkin initially established an approach that exists in one form or another in

PHOTOGRAPHS BY REUBEN COX FOR THE NEW YORK TIMES



THE BACK END Charles Mack visiting the victim of a gunshot wound. His goal: to prevent retaliation.

many cities: outreach workers tried to get youth and young adults into school or to help them find jobs. These outreach workers were also doing dispute mediation. But Slutkin was feeling his way, much as he had in Somalia during the cholera epidemic. One of Slutkin's colleagues, Tio Hardiman, brought up an uncomfortable truth: the program wasn't reaching the most bellicose, those most likely to pull a trigger. So in 2004, Hardiman suggested that, in addition to outreach workers, they also hire men and women who had been deep into street life, and he began recruiting people even while they were still in prison. Hardiman told me he was looking for those "right there on the edge." (The interrupters are paid roughly $15 an hour, and those working full time receive benefits from the University of Illinois at Chicago, where CeaseFire is housed.) The new recruits, with strong connections to the toughest communities, would focus solely on sniffing out clashes that had the potential to escalate. They would intervene in potential acts of retribution — as well as try to defuse seemingly minor spats that might erupt into something bigger, like disputes over women or insulting remarks.

As CeaseFire evolved, Slutkin says he started to realize how much it was drawing on his experiences fighting TB and AIDS. "Early intervention in TB is actually treatment of the most infectious people," Slutkin told me recently. "They're the ones who are infecting others. So treatment of the most infectious spreaders is the most effective strategy known and now accepted in the world." And, he continued, you want to go after them with individuals who themselves were once either infectious spreaders or at high risk for the illness. In the case of violence, you use those who were once hard-core, once the most belligerent, once the most uncontrollable, once the angriest. They are the most convincing messengers. It's why, for instance, Slutkin and his colleagues asked sex workers in Uganda and other nations to spread the word to other sex workers about safer sexual behavior. Then, Slutkin said, you train them, as you would paraprofessionals, as he and Gove did when they trained birth attendants to spot cholera in Somalia.

The first step to containing the spread of an infectious disease is minimizing transmission. The parallel in Slutkin's Chicago work is thwarting retaliations, which is precisely what Hoddenbach was trying to do in the aftermath of Emilio Torres's murder. But Slutkin is also looking for the equivalent of a cure. The way public-health doctors think of curing disease when there are no drug treatments is by changing behavior.

Smoking is the most obvious example. Cigarettes are still around. And there's no easy remedy for lung cancer or emphysema. So the best way to deal with the diseases associated with smoking is to get people to stop smoking. In Uganda, Slutkin and his colleagues tried to change behavior by encouraging people to have fewer sexual partners and to use condoms. CeaseFire has a visible public-communications campaign, which includes billboards and bumper stickers (which read, "Stop. Killing. People."). It also holds rallies — or what it calls "responses" — at the sites of killings. But much research suggests that peer or social pressure is the most effective way to change behavior. "It was a real turning point for me," Slutkin said, "when I was working on the AIDS epidemic and saw research findings that showed that the principal determinant of whether someone uses a condom or not is whether they think their friends use them." Daniel Webster, a professor of public health at Johns Hopkins University who has looked closely at CeaseFire, told me, "The guys out there doing the interruption have some prestige and reputation, and I think the hope is that they start to change a culture so that you can retain your status, retain your manliness and be able to walk away from events where all expectations were that you were supposed to respond with lethal force."

As a result, the interrupters operate in a netherworld between upholding the law and upholding the logic of the streets. They're not meant to be a substitute for the police, and indeed, sometimes the interrupters negotiate disputes involving illicit goings-on. They often walk a fine line between mediating and seeming to condone criminal activity. At one Wednesday meeting this past December, the interrupters argued over whether they could dissuade stickup artists from shooting their victims; persuading them to stop robbing people didn't come up in the discussion.

SMALL STEPS A CeaseFire field office in Chicago's Humboldt Park.

LAST DECEMBER, at the first Wednesday meeting I attended, James Highsmith came up to introduce himself. At 58, Highsmith is one of the older interrupters. He wears striped, collared shirts, black rectangular glasses and often a black Borsalino, an Italian-made fedora. He reminded me that I had mentioned him in my book, "There Are No Children Here," about life in a Chicago public-housing project in the late 1980s. I wrote about a picnic that some Chicago drug kingpins gave in a South Side park. There was a car show, a wet T-shirt contest and softball games for the children. About 2,000 people attended, dancing to a live band while the drug lords showed off their Mercedes Benzes, Rolls-Royces and Jaguars. Highsmith was the key sponsor of the event. He controlled the drug trade on the city's South Side. He owned a towing business, an auto-mechanic's shop and a nightclub, as well as a 38-foot boat. In January 1994, he was sentenced to 14 years in federal prison on drug-conspiracy charges; he was released in 2004. Highsmith was just the kind of recruit CeaseFire looks for: an older man getting out of the penitentiary who once had standing on the streets and who, through word of mouth, appears ready, eager even, to discard his former persona. "I'm a work in progress," Highsmith told me.

One evening we were sitting in Highsmith's basement apartment when the phone rang. It was Alphonso Prater, another interrupter. The two had a reunion of sorts when they joined CeaseFire; they shared a cell in the county jail 34 years ago. Prater's voice is so raspy it sounds as if he has gravel in his throat. He told me that he became permanently hoarse after a long stint in segregation in prison; he had to shout to talk with others. When Prater called the night I was there, all Highsmith could make out was: "There's some high-tech stuff going on. I need you to talk to some folks." Highsmith didn't ask any questions.

We drove to a poorly lighted side street on the city's West Side. Empty beer bottles littered the side of the road. Prater, who is short and wiry and has trouble keeping still, was bouncing on the sidewalk, standing next to a lanky middle-aged man who had receded into his oversize hooded sweatshirt. Highsmith, Prater and another interrupter joined the man in a parked car, where they talked for half an hour. When they were done, the car peeled away, two other sedans escorting it, one in front, the other in the rear. "Protection," Highsmith commented. Apparently, the man in the hooded sweatshirt, whom I would meet later, had been an intermediary in a drug deal. He had taken an out-of-town buyer holding $30,000 in cash to a house on the South Side to buy drugs. But when they got there, they were met by six men in the backyard, each armed with a pistol or an automatic weapon, and robbed. The out-of-town buyer believed he'd been set up by the intermediary, who, in turn, was trying to hunt down the stickup artists. In the car, Prater, who knew the intermediary, had worked to cool him down, while Highsmith promised to see if he could find someone who might know the stickup guys and could negotiate with them. The intermediary told Prater and Highsmith, a bit ominously, "Something got to give."

After the intermediary drove off, Prater joked that there was no way he was getting back in a car with him, that he was too overheated and too likely to be the target or the shooter. "I'm not sure we can do anything about this one," Highsmith told Prater.

RELYING ON HARDENED TYPES — the ones who, as Webster of Johns Hopkins says, have some prestige on the streets — is risky. They have prestige for a reason. Hoddenbach, who once beat someone so badly he punctured his lungs, is reluctant to talk about his past. "I don't want to be seen as a monster," he told me. Hoddenbach's ethnicity is hard to pinpoint. His father was Dutch and his mother Puerto Rican, and he's so light-skinned his street name was Casper. He has a discerning gaze and mischievous smile, and can be hardheaded and impatient. (At the Wednesday meetings, he often sits near the door and whispers entreaties to the others to speed things up.) Hoddenbach's father had an explosive temper, and to steal from Slutkin's lingo, he seems to have infected others. Two of Hoddenbach's older brothers are serving time for murder. His third brother has carved out a legitimate life as a manager at a manufacturing firm. Hoddenbach always worked. He did maintenance on train equipment and towed airplanes at a private airport. But he was also active in a Hispanic street gang and was known for his unmitigated aggression. He served a total of eight years in the state penitentiary, the last stay for charges that included aggravated battery. He was released in 2002.

PHOTOGRAPH BY REUBEN COX FOR THE NEW YORK TIMES

In January, I was with Slutkin in Baltimore, where he spoke about CeaseFire to a small gathering of local civic leaders at a private home. During the two-hour meeting, Slutkin never mentioned that the interrupters were ex-felons. When I later asked him about that omission, he conceded that talking about their personal histories "is a dilemma. I haven't solved it." I spent many hours with Hoddenbach and the others, trying to understand how they chose to make the transition from gangster to peacemaker, how they put thuggery behind them. It is, of course, their street savvy and reputations that make them effective for CeaseFire. (One supporter of the program admiringly called it "a terrifying strategy" because of the inherent risks.) Some CeaseFire workers have, indeed, reverted to their old ways. One outreach worker was fired after he was arrested for possession of an AK-47 and a handgun. Another outreach worker and an interrupter were let go after they were arrested for dealing drugs. Word-of-mouth allegations often circulate, and privately, some in the police department worry about CeaseFire's workers returning to their old habits.

Not all the interrupters I talked to could articulate how they had made the transition. Some, like Hoddenbach, find religion — in his case, Christianity. He also has four children he feels responsible for, and has found ways to decompress, like going for long runs. (His brother Mark speculated that "maybe he just wants to give back what he took out.") I once asked Hoddenbach if he has ever apologized to anyone he hurt. We were with one of his old friends from the street, who started guffawing, as if I had asked Hoddenbach if he ever wore dresses. "I done it twice," Hoddenbach told us — quickly silencing his friend and saving me from further embarrassment. (One apology was to the brother of the man whose lungs he'd punctured; the other was to a rival gang member he shot.) Alphonso Prater told me that the last time he was released from prison, in 2001, an older woman hired him to gut some homes she was renovating. She trusted him with the keys to the homes, and something about that small gesture lifted him. "She seen something in me that I didn't see," he told me.

Though the interrupters may not put it this way, the Wednesday meetings are a kind of therapy. One staff member laughingly compared it to a 12-step program. It was clear to me that they leaned on one another — a lot. Prater once got an urgent call from his daughter, who said her boyfriend was beating her. Prater got in his car and began to race to her house; as he was about to run a stop sign, he glimpsed a police car on the corner. He skidded to a halt. It gave him a moment to think, and he called his CeaseFire supervisor, Tio Hardiman, who got another interrupter to visit Prater's daughter. Not long ago, three old-timers fresh out of prison ruthlessly ridiculed Hoddenbach for his work with CeaseFire. They were relentless, and Hoddenbach asked to sit down with them. But when it came time to meet, he realized he was too riled, and so he asked another interrupter, Tim White, to go in his place. "I was worried I was going to whip their asses, and wherever it went from there it went," Hoddenbach told me. "They were old feelings, feelings I don't want to revisit."

'VIOLENT ACTIVITY [redacted] PREDICTS THE NEXT VIOLENT ACTIVITY LIKE H.I.V. PREDICTS THE NEXT H.I.V. AND TB PREDICTS THE NEXT TB,' SLUTKIN SAYS.

Recently I went out to lunch with Hoddenbach and Torres. It had been four months since Torres buried his nephew. Torres, who looked worn and agitated (he would get up periodically to smoke a cigarette outside), seemed paradoxically both grateful to and annoyed at Hoddenbach. In the end, Hoddenbach had persuaded him not to avenge his nephew's murder. Torres had returned the guns and quickly left town. This was his first visit back to Chicago. "I felt like a punk," he told me, before transferring to the present tense. "I feel shameful." He said he had sought revenge for people who weren't related to him — "people who weren't even no blood to me." But he held back in the case of his nephew. "I still struggle with it," he said. On the ride over to the restaurant, Torres had been playing a CD of his nephew's favorite rap songs. It got him hyped up, and he blurted out to Hoddenbach, "I feel like doing something." Hoddenbach chided him and shut off the music. "Stop being an idiot," he told Torres.

"Something made me do what Zale asked me to do," Torres said later, looking more puzzled than comforted. "Which is respect my brother's wishes."

When Slutkin heard of Hoddenbach's intervention, he told me: "The interrupters have to deal with how to get someone to save face. In other words, how do you not do a shooting if someone has insulted you, if all of your friends are expecting you to do that? . . . In fact, what our interrupters do is put social pressure in the other direction."

He continued: "This is cognitive dissonance. Before Zale walked up to him, this guy was holding only one thought. So you want to put another thought in his head. It turns out talking about family is what really makes a difference." Slutkin didn't take this notion to the interrupters; he learned it from them.

ONE JANUARY NIGHT at 11 p.m., Charles Mack received a phone call that a shooting victim was being rushed to Advocate Christ Medical Center. Mack drove the 10 miles from his home to the hospital, which houses one of four trauma centers in Chicago. Two interrupters, Mack and LeVon Stone, are assigned there. They respond to every shooting and stabbing victim taken to the hospital. Mack, who is 57 and has a slight lisp, is less imposing than his colleagues. He seems always to be coming from or going to church, often dressed in tie and cardigan. He sheepishly told me that his prison term, two years, was for bank fraud. "The other guys laugh at me," he said. LeVon Stone is 23 years younger and a fast talker. He's in a wheelchair, paralyzed from the waist down as a result of being shot when he was 18.

Advocate Christ has come to see the presence of interrupters in the trauma unit as essential and is, in fact, looking to expand their numbers. "It has just given me so much hope," Cathy Arsenault, one of the chaplains there, told me. "The families would come in, huddle in the corner and I could see them assigning people to take care of business." Mack and Stone try to cool off family members and friends, and if the victim survives, try to keep them from seeking vengeance.

The victim that night was a tall 16-year-old boy named Frederick. He was lying on a gurney just off the emergency room's main hallway. He was connected to two IVs, and blood was seeping through the gauze wrapped around his left hand. Mack stood to one side; Stone pulled up on the other.

"You know, the most important thing is —" Mack ventured.

"You're alive," Stone chimed in.

Stone then asked Frederick if he had heard of CeaseFire. The boy nodded and told them that he had even participated in a CeaseFire rally after a killing in his neighborhood.

"We try to stop violence on the front end," Stone told Frederick. "Unfortunately, this is the back end. We just want to make sure you don't go out and try to retaliate."

The boy had been shot — one bullet shattered his thigh bone and another ripped the tendons in two fingers. Nonetheless, he seemed lucid and chatty.

"My intention is to get in the house, call my school, get my books and finish my work," he told Mack and Stone. He mentioned the school he attends, which Mack instantly recognized as a place for kids on juvenile-court probation. Frederick told his story. He was at a party, and a rival clique arrived. Frederick and his friends sensed there would be trouble, so they left, and while standing outside, one of the rival group pulled a gun on

them. Frederick's friend told him earlier he had a gun. It turned out to be braggadocio, and so when his friend took off running, so did Frederick, a step behind. As he dashed through a narrow passageway between buildings, he heard the shots.

"Can I ask why you're in the wheelchair?" Frederick asked Stone.

"I got shot 15 years ago," Stone told him. Stone didn't say anything more about it, and later when I asked for more detail, he was elusive. He said simply that he had gotten shot at a barbecue when he tried to intervene in a fistfight.

"You doing good," Stone assured him. "You got shot. You're here. And you're alive. What you do when you get out of here?"

"You got to stop hanging with the wrong person, thinking you're a Wyatt Earp," Frederick said, speaking in the third person as if he were reciting a lesson.

At that point, Frederick's sister arrived. She explained that she was bringing up her brother. She was 18.

"He just wants to go to parties, parties, parties," she complained. "But it's too dangerous." She started to cry.

"Don't start that, please," Frederick pleaded.

Mack left a CeaseFire brochure on Frederick's chest and promised to visit him again in the coming weeks.

LAST MAY, after a 16-year-old boy was killed trying to protect a girl from a gunman on a city bus, Slutkin appeared on a local public-television news program. He suggested CeaseFire was responsible for sharp dips in homicide around the city. Slutkin, some say, gives CeaseFire too much credit. Carl Bell, the psychiatrist, was on the program with Slutkin that night. "I didn't say anything," he told me. "I support Slutkin. I'm like, Slutkin, what are you doing? You can't do that. Maybe politically it's a good thing, but scientifically it's so much more complex than that. Come on, Gary."

Last year, CeaseFire lost its $6 million in annual state financing — which meant a reduction from 45 interrupters to 17 — as part of statewide budget cuts. One state senator, who had ordered an audit of CeaseFire (released after the cuts, it found some administrative inefficiencies), maintained there was no evidence that CeaseFire's work had made a difference. (The cuts caused considerable uproar: The Chicago Tribune ran an editorial urging the restoration of financing, and the State House overwhelmingly voted to double CeaseFire's financing; the State Senate, though, has yet to address it.)

It can be hard to measure the success — or the failure — of public-health programs, especially violence-prevention efforts. And given Slutkin's propensity to cite scientific studies, it is surprising that he hasn't yet published anything about CeaseFire in a peer-reviewed journal. Nonetheless, in a report due out later this month, independent researchers hired by the Justice Department (from which CeaseFire gets some money) conclude that CeaseFire has had an impact. Shootings have declined around the city in recent years. But the study found that in six of the seven neighborhoods examined, CeaseFire's efforts reduced the number of shootings or attempted shootings by 16 percent to 27 percent more than it had declined in comparable neighborhoods. The report also noted — with approbation — that CeaseFire, unlike most programs, manages by outcomes, which means that it doesn't measure its success by gauging the amount of activity (like the number of interrupters on the street or the number of interruptions — 1,200 over four years) but rather by whether shootings are going up or down. One wall in Slutkin's office is taken up by maps and charts his staff has generated on the location and changes in the frequency of shootings throughout the city; the data determine how they assign the interrupters. Wes Skogan, a professor of political science at Northwestern (disclosure: I teach there) and the author of the report, said, "I found the statistical results to be as strong as you could hope for."

BALTIMORE, NEWARK and Kansas City, Mo., have each replicated components of the CeaseFire model and have received training from the Chicago staff. In Baltimore, the program, which is run by the city, combines the work of interrupters and outreach workers and has been concentrated in one East Baltimore neighborhood. (The program recently expanded to a second community.) Early research out of the Johns Hopkins Bloomberg School of Public Health shows that in the East Baltimore neighborhood there were on average two shootings a month just before the program started. During the first four months that interrupters worked the streets, there had not been a single incident.

"My eyes rolled immediately when I heard what the model was," says Webster of Johns Hopkins, who is studying the Baltimore project. Webster knew the forces the interrupters were up against and considered it wishful thinking that they could effectively mediate disputes. "But when I looked closer at the data," Webster continues, "and got to know more about who these people were and what they were doing, I became far less skeptical and more hopeful. We're going to learn from it. And it will evolve." George Kelling, a Rutgers professor of criminal justice who is helping to establish an effort in Newark to reduce homicide, helped develop the "broken window" theory of fighting crime: addressing small issues quickly. He says a public-health model will be fully effective only if coupled with other efforts, including more creative policing and efforts to get gang members back to school or to work. But he sees promise in the CeaseFire model. "I had to overcome resistance," Kelling told me, referring to the introduction of a similar program in Newark. "But I think Slutkin's on to something."

Most of the police officials I spoke with, in both Chicago and Baltimore, were grateful for the interrupters. James B. Jackson, now the first deputy superintendent in Chicago, was once the commander of the 11th district, which has one of the highest rates of violent crime in the city. Jackson told me that after his officers investigated an incident, he would ask the police to pull back so the interrupters could mediate. He understood that if the interrupters were associated with the police, it would jeopardize their standing among gang members. "If you look at how segments of the population view the police department, it makes some of our efforts problematic," Baltimore's police commissioner, Frederick H. Bealefeld III, told me. "It takes someone who knows these guys to go in and say, 'Hey, lay off.' We can't do that."

Like many new programs that taste some success, CeaseFire has ambitions that threaten to outgrow its capacity. Slutkin has put much of his effort on taking the project to other cities (there's interest from Los Angeles, Oakland and Wilmington, Del., among others), and he has consulted with the State Department about assisting in Iraq and in Kenya. (CeaseFire training material has been made available to the provincial reconstruction teams in Iraq.) Meanwhile, their Chicago project is underfinanced, and the interrupters seem stressed from the amount of work they've taken on.

THE INTERRUPTERS have certain understandings. At the Wednesday meetings, no one is ever to mention anyone involved in a dispute by name or, for that matter, mention the name of the gang. Instead they refer to "Group A" or "Group B." They are not investigators for the police. In fact, they go out of their way to avoid knowing too much about a crime. When Highsmith and Prater left me the night of the failed drug deal, they began working their contacts. Highsmith found someone who knew one of the stickup men and who, at Highsmith's request, negotiated with them. Highsmith's context persuaded the robbers to return enough of the money to appease the drug-buyer's anger. When I met with the intermediary a few weeks after things were resolved, he was still stirred up about the robbery. "I was mad enough to do anything," he told me, making it clear that he and his friends had been hunting for the stickup guys. "This could've been a hell of a lot worse than it was." To this day, neither Highsmith nor Prater know the identities of anyone except the intermediary — and they want to leave it that way.

The interrupters often operate by instinct. CeaseFire once received a call from the mother of a 15-year-old boy who wanted out of a gang he joined a few weeks earlier. The mother told Hoddenbach and another interrupter,

Max Cerda, that the gang members chased her son home every day from school threatening to beat him. They had shot at him twice. Hoddenbach found the clique leaders and tried to talk sense to them. If the boy didn't want to be in the gang, he told them, he'd be the first one to snitch. The gang members saw the logic behind that but insisted on giving him a beating before releasing him. Hoddenbach then tried another tack: he negotiated to let him leave the gang for $300 — and no thrashing. The family, though, was only able to come up with $50, so Hoddenbach, Cerda and another interrupter came up with the rest. At their next Wednesday meeting, some interrupters were critical of Hoddenbach for paying what they considered extortion money. "It was kind of a messed-up way, but it was a messed-up way that works," Hoddenbach said.

It was nearly three months before Charles Mack could find time to visit Frederick, the young shooting victim. Frederick had since moved in with his great-grandmother in a different part of town. In his old neighborhood, he told Mack, "there always somebody who knows you. And I had a reputation." He complained to Mack that he had never been interviewed by the police but then declared he would never identify the person who shot him anyway. "I'm going to leave it alone," he said. As is so often the case, Frederick couldn't remember the genesis of the disagreement between his clique and the other. Mack promised to stay in touch, and as we dropped him off, Mack turned to me and said, "I think he's going to be all right." It sounded like both a proclamation as well as hopeful aside.

Not long ago, I stopped by to visit with Hoddenbach at the Boys and Girls Club, where he holds down a second job. It was a Friday evening, and he was waiting for an old associate to come by to give him an introduction to a group of Hispanic kids on the far North Side. Apparently, earlier in the week, they bashed in the face of an African-American teenager with a brick. From what Hoddenbach could make out, it was the result of a long-simmering dispute — the equivalent of a dormant virus — and the victim's uncle was now worried that it would set off more fighting. As we sat and talked, Hoddenbach seemed unusually agitated. His left foot twitched as if it had an electric current running through it. "If these idiots continue," he told me, "somebody's going to step up and make a statement."

Hoddenbach also worried about Torres, who had recently gone back to Texas and found a job working construction. Hoddenbach says he originally hoped Torres would stay in Chicago and establish some roots, but then decided he'd be better off in another town. "I kept him out of one situation, but I can't keep him out of all of them," Hoddenbach said. This may well speak to CeaseFire's limitations. Leaving town is not an option for most. And for those who have walked away from a shooting, like Torres, if there are no jobs, or lousy schools, or decrepit housing, what's to keep them from drifting back into their former lives? It's like cholera: you may cure everyone, you may contain the epidemic, but if you don't clean up the water supply, people will soon get sick again.

Slutkin says that it makes sense to purify the water supply if — and only if — you acknowledge and treat the epidemic at hand. In other words, antipoverty measures will work only if you treat violence. It would seem intuitive that violence is a result of economic deprivation, but the relationship between the two is not static. People who have little expectation for the future live recklessly. On the other side of the coin, a community in which arguments are settled by gunshots is unlikely to experience economic growth and opportunity. In his book "The Bottom Billion," Paul Collier argues that one of the characteristics of many developing countries that suffer from entrenched poverty is what he calls the conflict trap, the inability to escape a cycle of violence, usually in the guise of civil wars. Could the same be true in our inner cities, where the ubiquity of guns and gunplay pushes businesses and residents out and leaves behind those who can't leave, the most impoverished?

In this, Slutkin sees a direct parallel to the early history of seemingly incurable infectious diseases. "Chinatown, San Francisco in the 1880s," Slutkin says. "Three ghosts: malaria, smallpox and leprosy. No one wanted to go there. Everybody blamed the people. Dirty. Bad habits. Something about their race. Not only is everybody afraid to go there, but the people there themselves are afraid at all times because people are dying a lot and nobody really knows what to do about it. And people come up with all kinds of other ideas that are not scientifically grounded — like putting people away, closing the place down, pushing the people out of town. Sound familiar?" ■

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CeaseFire

A national partnership to reduce shootings and killings using a public health approach.

The CeaseFire method stops shootings and killings and makes communities safer:

- Works in communities and with individuals most affected by the problem
- Uses science, behavior change and epidemic reversal methods
- Achieves 41-73% drops in shootings and killings
- Uses evidence-based practices scientifically proven to be effective

Theory and practice

CeaseFire sees violence as a disease that is "transmitted" from one person to another. It spreads through a community as a learned and modeled behavior, maintained largely by peer-based social pressures. Because this violence behaves like an epidemic, it can be reversed using science-based methods: interrupting transmission and changing norms. The CeaseFire method interrupts the transmission of violence by employing credible messengers to anticipate and prevent retaliations, reaching out to involved persons and preventing shooting events; it uses trained CeaseFire outreach workers to work closely with the highest-risk participants; and works with whole communities to change behavioral norms - or what is "normal".

Critical Elements of CeaseFire

1. Implementation in the highest-need communities
2. Utilization of specialized and highly trained workers
3. Engagement with the highest-risk clients
4. Application of epidemic control and behavior change methods
5. Creation of partnerships with communities, organizations, and individuals
6. Utilization of highly credible messengers and messages
7. Development of respectful and trusting relationships with law enforcement
8. Reliance on statistical measures of effectiveness and accountability

Independent Evaluation Commissioned by U.S. Department of Justice

Summary of findings:

- Four universities; three year study; four different scientific methods.
- Violence statistically reduced in every community examined.
- Shootings and killings down 41-73% total, 17-35% attributable to CeaseFire alone
- Shootings and killings down up to 40% by hot spot mappings.
- Retaliation murders down 100% in 5 of 8 communities.
- Reliably makes neighborhoods safer.

White House.Gov: Agenda/Urban Policy: "Obama and Biden support innovative local programs, like the CeaseFire program in Chicago, which implement a community-based strategy to prevent youth violence and have been proven effective."

New York Times - Sunday Magazine - Cover Story: "I found the statistical results to be as strong as you could hope for." Wes Skogan, Study author

The Economist - The World in 2009: "The approach that will come to prominence in 2009."

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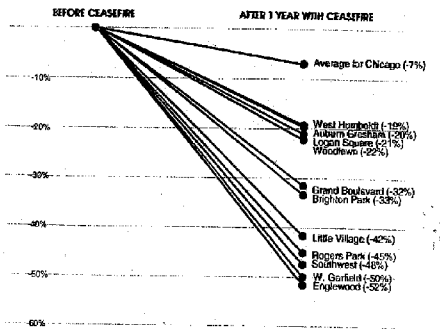
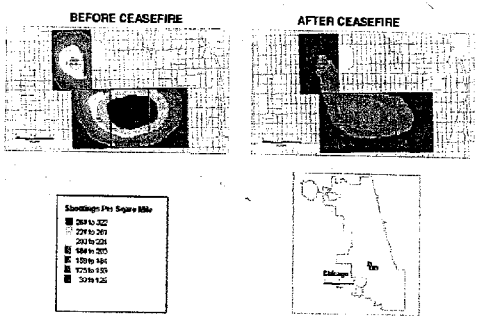
CeaseFire: The Campaign to STOP the Shooting

REDUCTION IN SHOOTINGS & KILLINGS IN CEASEFIRE ZONES



REDUCING SHOOTING HOT SPOTS – ENGLEWOOD



Economist.com

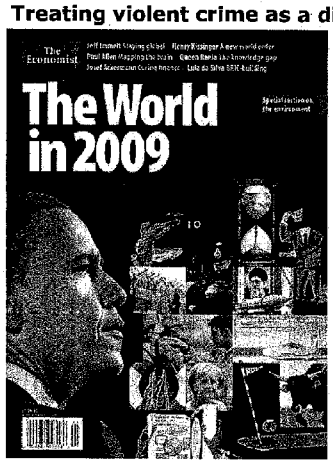
The World in 2009

United States

Crime, Interrupted

Nov 19th 2008
From *The World in 2009* print edition
By Joel Budd, LOS ANGELES

Treating violent crime as a disease



Crime will rise slightly in 2009, thanks largely to America's wobbly economy. Higher unemployment will drive more people to seek an illegitimate income, and budget shortfalls will force cities and counties to cut back on police officers, or at least fail to hire enough new ones to cope with their growing populations. The search will be on for a cheaper, smarter crime-fighting method—and one will be found.

For the past 15 years a single model of policing, developed in a single city, has dominated thinking about law and order in America. In the early 1990s New York hired thousands of extra police officers and told them to crack down on petty offenders in high-crime areas. Local commanders were held accountable for recorded crimes in their territory, which were tracked by means of a simple spreadsheet programme known as Compstat. The results were extraordinary. Murders fell from more than 2,200 in 1990 to fewer than 500 in 2007.

New York's "zero tolerance" methods seemed simple, and have been widely copied. Yet no other city in America or anywhere else has achieved quite such good results. This may be because most cities are poorer and less densely populated than New York, and so find it harder to flood the streets with cops. And New York had two big advantages in the early 1990s: its police chief, William Bratton, who now manages the cops of Los Angeles, and its mayor, Rudolph Giuliani, who was last seen running

for the American presidency. Both men had a superb feel for police culture and knew how to motivate officers through a combination of praise and fear.

The approach that will come to prominence in 2009 is almost the exact opposite of zero tolerance. Rather than cracking down on petty offenders such as turnstile-jumpers and squeegee men, the authorities will focus on those who are most likely to kill or be killed. Some may be drug dealers recently released from prison. Others may be the associates of people recently wounded by gunfire. What makes the approach particularly novel is that it depends on local people. Rather than insisting on zero tolerance from the police, it tries to change what the residents of crime-infested areas will tolerate.

The approach that will come to prominence in 2009 is almost the exact opposite of zero tolerance

The new method has been quietly honed for almost a decade in Chicago, where it is known as Operation Ceasefire. It has two main tools. The more conventional one is a team of outreach workers who try to mobilise communities to oppose violence, often in partnership with local clergy. Then, at night, "violence interrupters" hit the streets to sniff out trouble. Often former gang members and graduates of the prison system, the interrupters have a hard-nosed approach to law and order. They may, for example, encourage an aggrieved man to consider beating someone instead of shooting him, or try to convince rival drug-dealers that a turf war would be bad for business, as it would attract the police.

In May 2008 Operation Ceasefire was evaluated in a report for the Justice Department. The results were encouraging: in five out of seven areas examined, shootings dropped sharply. In four of these areas the decline was much steeper than in comparable parts of the city where Operation Ceasefire was not in place. But even these results do not explain why so many police forces are looking to Chicago for inspiration. The approach seems to offer a solution to what has become an intractable problem in inner cities from Los Angeles to London. Young people seem to be killing for inane reasons, such as somebody looking at their girlfriend the wrong way. And they appear to be unafraid of prison.

Operation Ceasefire's chief architect is Gary Slutkin. An epidemiologist, he likens shootings to a health crisis and insists that they can be tackled in a similar way to unsafe sex or needle-sharing. Zero tolerance's slogan was "take care of the small stuff and the big stuff will take care of itself". Dr Slutkin's slogan is even snappier: "violent crime is a disease".

The approach may not travel perfectly. Chicago has relatively well-organised gangs and a strong tradition of community mobilisation. What has worked splendidly there may not work as well in, say, Phoenix. We will soon find out, because Operation Ceasefire is swiftly spreading. Baltimore, Newark and Kansas City have projects inspired by it. A further ten or so cities are in the planning stages. In 2009 one of the cities to roll out a trial programme will be New York.

UIC-SPHPI • 1603 West Taylor St. M/C 923 • Chicago, IL 60612 • Tel: (312) 996-8775
info@ceasefirechicago.org
www.ceasefirechicago.org

CEASEFIRE SYSTEMS FOR REPLICATION

CEASEFIRE SYSTEMS FOR REPLICATION

MANAGEMENT SYSTEMS – CITY, COMMUNITY ROLES

WORKER RECRUITMENT, HIRING, SUPERVISION PROCESSES

TRAINING CURRICULA AND SUPPORT SYSTEMS

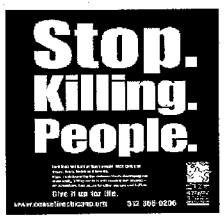
INDICATOR MONITORING AND DOCUMENTATION

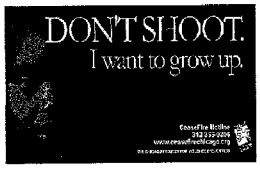
REPLICABLE RESULTS

OPPORTUNITY

OPPORTUNITY

CEASEFIRE REPLICATION
AND LEARNING PARTNERSHIP

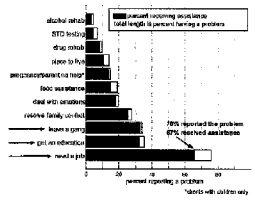




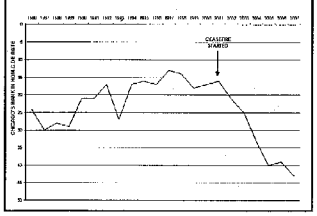
100% DROP IN RECIPROCAL MURDERS
IN 5 OF 8 NEIGHBORHOODS

	CEASEFIRE	CONTROL
Auburn Gresham	-100%	-26%
Englewood	-100%	-100%
Logan Square	-100%	+100%
Rogers Park	no change	n/a
Southwest	-100%	no change
West: Garfield Park	-46%	+41%
West: Humboldt Park	-50%	-67%
East Garfield Park	-100%	+90%

85-99% OF HIGHEST RISK CLIENTS HELPED
WITH JOB, EDUCATION, OR GET OUT OF GANG



CHICAGO'S DROP IN HOMICIDE RANKING



U.S. DEPT OF JUSTICE
INDEPENDENT
EVALUATION

THREE YEAR STUDY, FOUR UNIVERSITIES
FOUR TYPES OF STATISTICAL ANALYSIS

U.S. DEPT OF JUSTICE
INDEPENDENT
EVALUATION

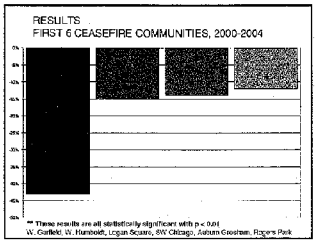
THREE YEAR STUDY, FOUR UNIVERSITIES
FOUR TYPES OF STATISTICAL ANALYSIS

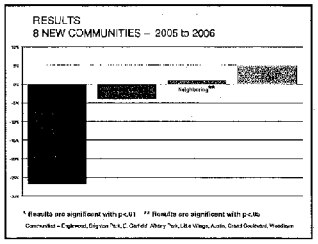
16 - 28% drops in shootings, killings, attributable by time series
15 - 40% decreases in shooting density
85 - 99% helped highest risk clients
100% less retaliation murders in 5 of 8 communities
41-73% drops in shootings and killings in CeaseFire zones

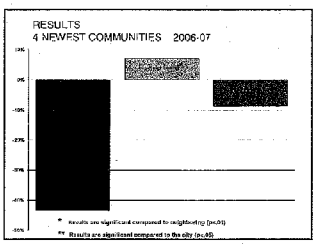
PROVEN METHOD TO REDUCE SHOOTINGS AND
KILLINGS, IMPROVE NEIGHBORHOOD SAFETY

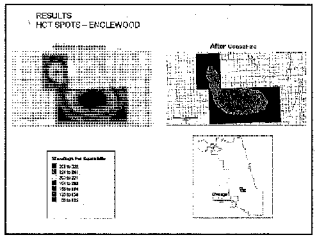
U.S. DEPT OF JUSTICE
INDEPENDENT
EVALUATION SUMMARY

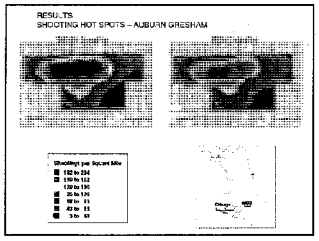
↓ SHOOTINGS AND KILLINGS
↓ SHOOTING HOT SPOTS
↓ RETALIATION MURDERS
↑ SAFER NEIGHBORHOODS

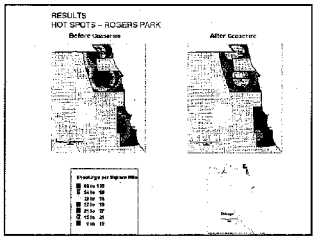

RESULTS
FIRST 6 CEASEFIRE COMMUNITIES, 2000-2004

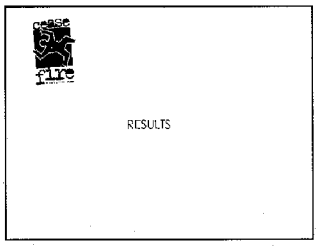

RESULTS
8 NEW COMMUNITIES – 2005 to 2006

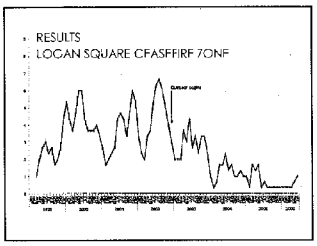

RESULTS
4 NEWEST COMMUNITIES 2006-07

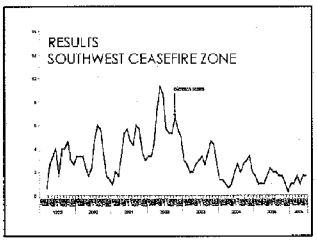

RESULTS
HOT SPOTS – ENGLEWOOD
After Ceasefire

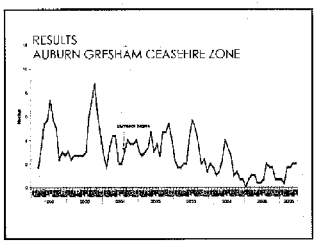

RESULTS
SHOOTING HOT SPOTS – AUBURN GRESHAM

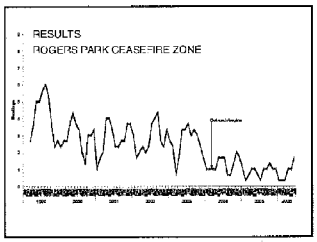

RESULTS
HOT SPOTS – ROGERS PARK
Before Ceasefire
After Ceasefire

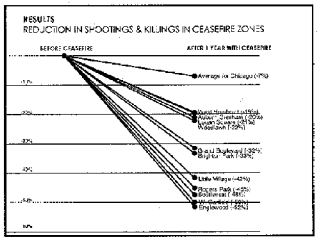

RESULTS


RESULTS
LOGAN SQUARE CEASEFIRE ZONE


RESULTS
SOUTHWEST CEASEFIRE ZONE

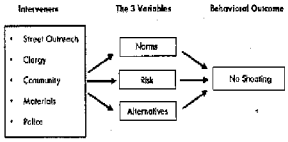

RESULTS
AUBURN GRESHAM CEASEFIRE ZONE

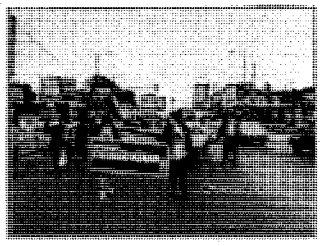

RESULTS
ROGERS PARK CEASEFIRE ZONE

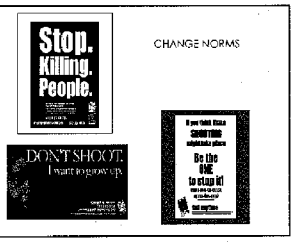

RESULTS
REDUCTION IN SHOOTINGS & KILLINGS IN CEASEFIRE ZONES
BEFORE CEASEFIRE
AFTER 1 YEAR WITH CEASEFIRE

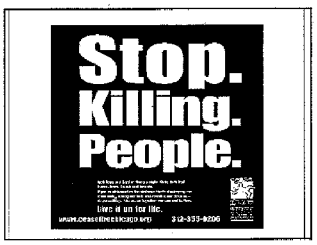
CEASEFIRE OUTREACH WORKERS
INTERRUPT CONFLICTS AND CHANGE NORMS

CHANGE NORMS







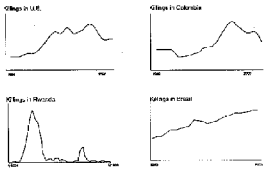


SCIENTIFIC UNDERSTANDING OF VIOLENCE

BEHAVIOR
LEARNED
MODELED
COPIED
NORMS
PEER EXPECTATIONS
BEHAVIOR CHANGE

EPIDEMIOLOGIC
INFECTIOUS
EPIDEMIC
EPIDEMIC CONTROL METHODS

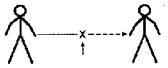
KILLINGS
VIOLENCE BEHAVES EXACTLY LIKE AN INFECTIOUS DISEASE



HOW ARE EPIDEMICS REVERSED?

1. INTERRUPT TRANSMISSION
2. CHANGE BEHAVIORAL NORMS

HOW ARE EPIDEMICS REVERSED?
1. INTERRUPT TRANSMISSION



CEASEFIRE VIOLENCE INTERRUPTERS
INTERRUPT TRANSMISSION

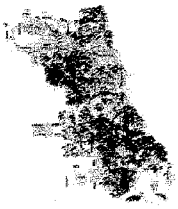
HEALED
MEDIATED
TRAINED
SUPERVISED
SUPPORTED

HOW ARE EPIDEMICS REVERSED?
2. CHANGE SOCIAL NORMS

CEASEFIRE
A PROVEN METHOD FOR
REDUCING LETHAL VIOLENCE

GARY SLUTKIN, MD
FORMERLY WORLD HEALTH ORGANIZATION
NATIONAL CEASEFIRE PARTNERSHIP
UIC School of Public Health

EPIDEMIC OF VIOLENCE



KILLINGS COST US ALL

REGULAR DEATHS AND LOSS IN COMMUNITIES

CHRONIC MENTAL HEALTH, LEARNING DISABILITIES

SCHOOL FAILURE – DROP OUT, IQ LOSS, LOW PERFORMANCE

ECONOMIC DEVELOPMENT BLOCKED

BILLIONS IN TAXPAYER COSTS

CEASEFIRE IS THEORY DRIVEN

REDUCING VIOLENT BEHAVIOR

SCIENTIFIC UNDERSTANDING

SCIENTIFIC APPROACH

SCIENTIFIC UNDERSTANDING

BEHAVIOR

EPIDEMIOLOGIC

MATERIAL SUBMITTED BY THE HONORABLE ROBERT C. "BOBBY" SCOTT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA, AND CHAIRMAN, SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

ROBERT C. "BOBBY" SCOTT
3RD DISTRICT, VIRGINIA

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CHAIRMAN, SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND CIVIL LIBERTIES

COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY AND SECONDARY EDUCATION
SUBCOMMITTEE ON HIGHER EDUCATION, LIFELONG LEARNING AND COMPETITIVENESS

COMMITTEE ON THE BUDGET

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House of Representatives
Washington, DC 20515–4603

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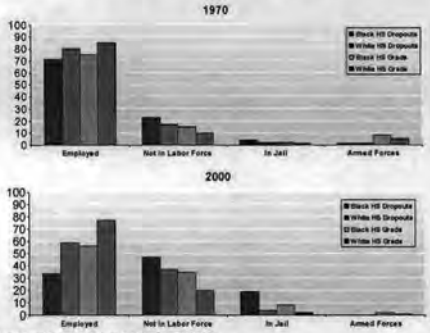
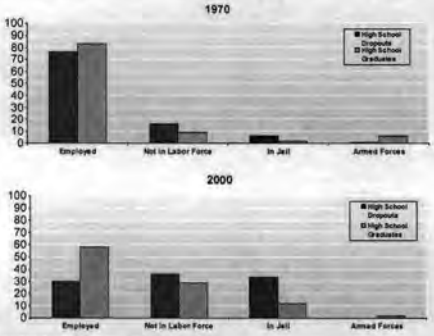
High School Dropouts vs. High School Graduates
Employed, Not in the Labor Force, Incarcerated or in the Armed Forces by Race



Prepared by the Office of Congressman Robert C. "Bobby" Scott (3/26/08)
Source: Steven Raphael, "The Socioeconomic Status of Black Males: The Increasing Importance of Incarceration." Goldman School of Public Policy, University of California, Berkeley, March 2004

Black Males Age 26-30
Employed, Not in the Labor Force, Incarcerated or in the Armed Forces



Prepared by the Office of Congressman Robert C. "Bobby" Scott (3/26/08)
Source: Steven Raphael, "The Socioeconomic Status of Black Males: The Increasing Importance of Incarceration." Goldman School of Public Policy, University of California, Berkeley, March 2004

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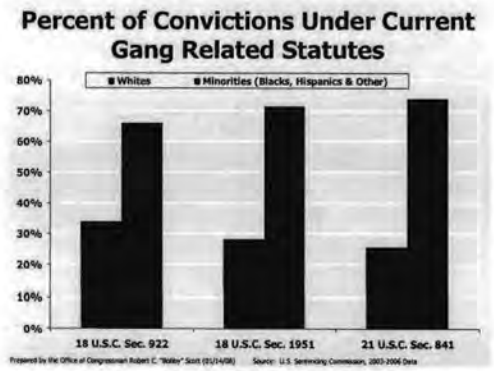
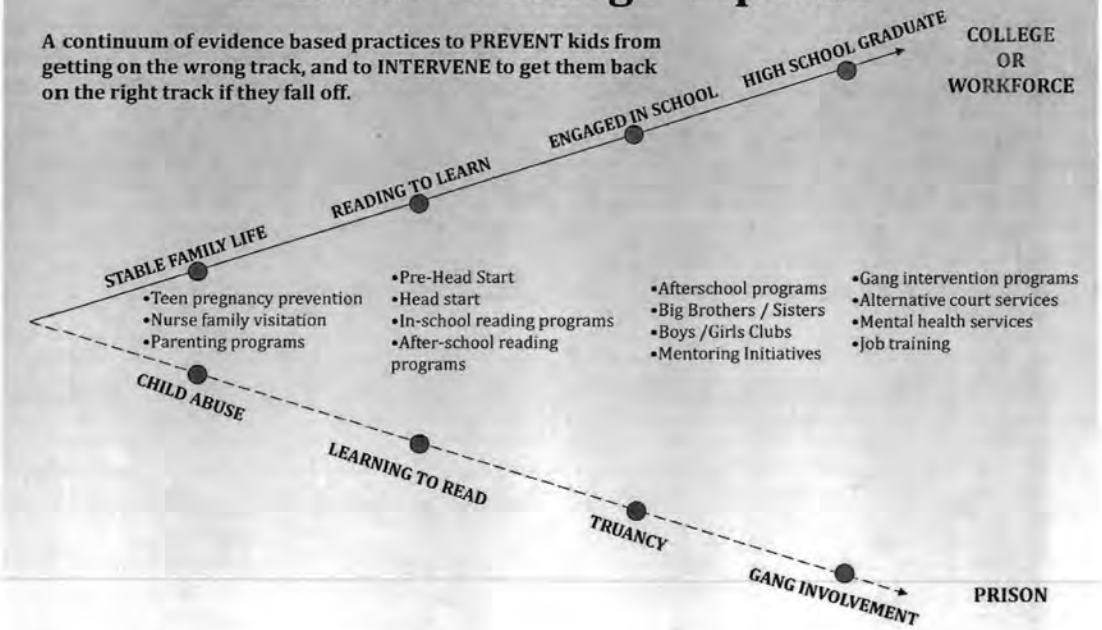
U.S. Incarceration Rate Highest in the World
Rates Per 100,000 of National Population
3500
3000
2500
2000
1500
1000
500
0
India
Afghanistan
Iraq
Pakistan
Japan
Sweden
France
Germany
Canada
Turkey
China
Australia
Colombia
England & Wales
Mexico
Israel
Iran
UAE
South Africa
Russia
USA
Blacks in US
Blacks in Top 10
Blacks in Incarceration
Prepared by the Office of Congressman Robert C. "Bobby" Scott (11/06/07)
Source: International Centre for Prison Studies, King's College - London

African American Incarceration Rate
Ranked by State
Rates Per 100,000 of Population
5000
4500
4000
3500
3000
2500
2000
1500
1000
500
0
Prepared by the Office of Congressman Robert C. "Bobby" Scott (11/06/07)
Source: The Sentencing Project (2005 Data)


Percent of Convictions Under Current Gang Related Statutes
Whites
Minorities (Blacks, Hispanics & Other)
80%
70%
60%
50%
40%
30%
20%
10%
0%
18 U.S.C. Sec. 922
18 U.S.C. Sec. 1951
21 U.S.C. Sec. 841
Prepared by the Office of Congressman Robert C. "Bobby" Scott (01/14/08)
Source: U.S. Sentencing Commission, 2003-2006 Data

Replacing the "Cradle to Prison" Pipeline with a "Cradle to College" Pipeline

A continuum of evidence based practices to PREVENT kids from getting on the wrong track, and to INTERVENE to get them back on the right track if they fall off.



Prepared by the Office of Congressman Robert C. "Bobby" Scott, 4/7/09

Putting Money on the table

What if we reduced the African-American Incarceration rate to 500 per 100,000?*

- Reduction from 2,200 per 100,000 to 500 per 100,000
- 1,700 fewer incarcerated x $29,000 year = $49,300,000
- Kids per 100,000 = approx. 30,000
- $49,300,000 / 30,000 kids = **$1,643 per child, per year**
- $49,300,000 targeted at 1/3 of our most vulnerable kids = **$4,930 per child, per year**

* In the Pew Center on the States study "1 in 31", it was determined that incarceration rates over 500 per 100,000 were counterproductive to reducing crime.

Prepared by the Office of Congressman Robert C. "Bobby" Scott 4/7/09

Source: International Centre for Prison Studies, King's College – London
Pew Center on the States

Putting Money on the table

What if we reduced the African-American Incarceration rate in the worst ten states to 500 per 100,000?*

- Reduction from 4000 per 100,000 to 500 per 100,000
- 3500 fewer incarcerated x $29,000 year = $101,500,000
- Kids per 100,000 = approx. 30,000
- $101,500,000/ 30,000 kids = **$3,383 per child, per year**
- $101,500,000 targeted at 1/3 of our most vulnerable kids = **$10,150 per child, per year**

* In the Pew Center on the States study "1 in 31", it was determined that incarceration rates over 500 per 100,000 were counterproductive to reducing crime.

Prepared by the Office of Congressman Robert C. "Bobby" Scott 4/7/09

Source: International Centre for Prison Studies, King's College – London
Pew Center on the States

June 17, 2009

Support for the Youth PROMISE Act
H.R. 1064 and S. 435

Dear Member of Congress:

We, the undersigned, representing a broad array of children and youth-oriented specialties including juvenile justice, mental health, civil rights, education, youth work, legal services, and faith communities, respectfully express our strong support for the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act ("Youth PROMISE Act"), bi-partisan and bi-cameral legislation sponsored by Representatives Robert C. "Bobby" Scott and Michael Castle (H.R. 1064) and Senators Robert Casey and Olympia Snowe (S. 435).

Rather than creating additional and duplicative punitive approaches, the Youth PROMISE Act builds upon evidence-based and promising practices proven to reduce youth violence and delinquency. Specifically, the Youth PROMISE Act directs resources towards communities facing an increased risk of crime and gang activity in order to enable those communities to begin to address significant unmet needs and prevent crime from occurring. Under the Youth PROMISE Act, communities facing the greatest youth gang, delinquency and crime challenges will come together – via a local council that includes law enforcement, community-based organizations, schools, faith organizations, health, social services, and mental health providers – to develop and implement a comprehensive local plan to support young people and their families and make our communities safer, reduce victimization, and help at-risk young people to lead law-abiding and healthy lives, free from gangs, delinquency and/or criminal involvement.

The Youth PROMISE Act provides for thorough evaluation, including analyses of the cost-savings to society yielded by investing in prevention and intervention rather than in more costly and ineffective prosecution and incarceration. Under the Youth PROMISE Act, savings from investments in prevention and intervention programs will be reinvested in prevention and intervention efforts funded under the Act.

The Youth PROMISE Act also provides for the hiring and training of Youth Oriented Policing (YOPS) officers to prevent and address juvenile delinquency and criminal street gang activity in a manner that is responsive to the research on juveniles and adolescent brain development. The Act's Center for Youth Oriented Policing will be responsible for identification, development and dissemination of information related to strategic policing practices and technologies to law enforcement agencies, specifically related to the needs of young people Additionally, the Act includes support for youth victim and witness protection programs, which are critical to deter crime.

Finally, the Youth PROMISE Act provides for the increased local coordination of federal programs designed to reduce and prevent juvenile delinquency and youth crime, and establishes a federal commission charged to carry out a nationwide, comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies.

In short, the approach of the Youth PROMISE Act makes sense, comports with the research on adolescent brain development and crime and violence prevention and intervention, and will yield overall savings to the community, according to both financial and life quality measures. We are

hopeful that you will take into account our strong support for H.R. 1064 and S. 435, the Youth PROMISE Act.

Please feel free to contact us with any questions: Tara Andrews, Deputy Executive Director at the Coalition for Juvenile Justice, 202-467-0864, ext. 109.

Thank you for your consideration.

Sincerely,

International Organizations
Citizens United for the Rehabilitation of Errants (CURE), International
Continental Societies, Incorporated
Covenant House International
Human Rights Watch
International Community Corrections Association
Penal Reform International
World Vision

National Organizations
Afterschool Alliance
Alliance for Children and Families
American Academy of Child and Adolescent Psychiatry (AACAP)
American Bar Association
American Civil Liberties Union (ACLU)
American Correctional Association
American Council of Chief Defenders
American Federation of School Administrators, AFL-CIO
American Federation of Teachers (AFT)
American Jewish Congress
American Psychological Association
Asian American Justice Center
ASPIRA, Inc.
Bazelon Center for Mental Health Law
Boy Scouts of America
Boys and Girls Clubs of America
Campaign for Youth Justice
Catholic Charities USA
Center for Children's Law and Policy
Child Welfare League of America
Children's Defense Fund
Coalition for Juvenile Justice
Coalition on Human Needs
Correctional Education Association
Council for Educators of At-Risk and Delinquent Youth
Council for Opportunity in Education
Council of Juvenile Correctional Administrators (CJCA)
Family Justice
Federal CURE
Fight Crime: Invest in Kids

Girls Inc.
Immigrant Justice Network
Institute for Community Peace
Justice Policy Institute
Juvenile Justice Trainers Association
Leadership Conference on Civil Rights
League of Young Voters
Legal Action Center
Lutheran Immigration and Refugee Service
Mennonite Central Committee Washington Office
Mental Health America
Mexican American Legal Defense & Educational Fund (MALDEF)
National Advocacy Center of the Sisters of the Good Shepherd
National African-American Drug Policy Coalition, Inc.
National Alliance of Black School Educators
National Alliance to End Homelessness
National Alliance for Faith and Justice
National Association for the Advancement of Colored People (NAACP)
National Association of Blacks in Criminal Justice
National Association of Counties (NACo)
National Association of Criminal Defense Lawyers
National Association of Juvenile Correctional Agencies
National Association of Secondary School Principals
National Black Caucus of Local Elected Officials (NBC-LEO)
National Black Police Association
National Center for Youth Law
National Consortium of TASC (Treatment Accountability for Safer Communities) Programs
National Council for Community Behavioral Health
National Council of La Raza
National Council on Crime and Delinquency
National Council on Educating Black Children
National Council of Juvenile and Family Court Judges (NCJFCJ)
National Council for Urban (Gang) Peace, Justice and Empowerment
National Education Association
National Federation of Families for Children's Mental Health
National Head Start Association
National Hire Network
National Immigration Project of the National Lawyers Guild
National Juvenile Defender Center
National Juvenile Detention Association
National Juvenile Justice Network
National Network for Youth
National Organization of Black Law Enforcement
National Organization of Concerned Black Men, Inc.
National Partnership for Juvenile Services
National Parent Teacher Association (PTA)
National Trust for the Development of African-American Men
National Urban League
National Women's Law Center
Open Society Policy Center

Presbyterian Church (USA), Washington Office
Prison Legal News
Prisons Foundation
Southeast Asia Resource Action Center
Southern Poverty Law Center
The Academy of Criminal Justice Sciences, Law and Policy Section
The Rebecca Project for Human Rights
The School Social Work Association of America
The Sentencing Project
Therapeutic Communities of America (TCA)
Time Dollar Youth Court
TimeBanks USA
Unitarian Universalist Association of Congregations
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
United Neighborhood Centers of America
U.S. Conference of Mayors
U.S. Dream Academy
U.S. Psychiatric Rehabilitation Association (USPRA)
VOICES for America's Children
W. Haywood Burns Institute
Washington Office on Latin America
Youth Law Center
Youth Matter America

State Organizations
ACLU of Illinois (IL)
ACLU of North Carolina (NC)
ACLU of Ohio (OH)
Action for Children North Carolina (NC)
Advocates for Children and Youth (MD)
Alabama Youth Justice Coalition (AL)
Alston Wilkes Society (SC)
Alturas Mas Altas (CA)
Archdiocese of Los Angeles, Office of Restorative Justice (CA)
Asian Law Caucus (CA)
ATTIC Correctional Services, Inc. (WI)
Barrios Unidos – Santa Cruz Chapter (CA)
Barrios Unidos – Virginia Chapter (VA)
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Columbia Heights Shaw Family Collaborative (DC)
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Contra Costa County Public Defender's Office (CA)

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Council for Children's Rights (NC)
DC Alliance of Youth Advocates (DC)
DC NAACP Youth Council (DC)
Delaware Center for Justice (DE)
Equal Justice Initiative (AL)
Facilitating Leadership in Youth (FLY) (DC)
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Families & Allies of Virginia's Youth (VA)
Families & Friends of La.'s Incarcerated Children (LA)
Families Moving Forward (CT)
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Florida Public Defender, Fourth Judicial Circuit (FL)
Florida Families for Fair Sentences (FL)
Franklin County Public Defender (OH)
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Identity, Inc. (MD)
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JustChildren (VA)
Justice for DC Youth (DC)
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Juvenile Justice Center of Suffolk University Law School (NY)
Juvenile Justice Coalition (OH)
Juvenile Justice Initiative of Illinois (IL)
Juvenile Justice Project of Louisiana (LA)
Kansas CURE (KS)
Keeping Our Kids Safe: The Newport News Violence Prevention Network (VA)
L.A. Youth Justice Coalition (CA)
Latin American Youth Center (DC)
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Maryland Juvenile Justice Coalition (MD)
Maryland Office of the Public Defender (MD)
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Mid-Atlantic Juvenile Defender Center, Juvenile Law and Policy Clinic,
University of Richmond School of Law (VA)
Midwest Juvenile Defender Center (IL)
Minnesota Juvenile Justice Coalition (MN)
Mississippi CURE (MS)
Mississippi Youth Justice Project (MS)
New Hampshire Association of Criminal Defense Lawyers (NH)
New Jersey Association on Correction (NJ)
New Mexico Council on Crime and Delinquency (NM)
New Mexico Criminal Defense Lawyers Association (NM)

Pacific Juvenile Defender Center (CA)
Parents Who Care Coalition (SD)
Parents, Youth, Children and Family Training Institute (AL)
Partnership for Safety and Justice (OR)
Peace in the Hood (OH)
Puerto Rico Association of Criminal Defense Lawyers (PR)
Public Justice Center (MD)
PTA of Illinois (IL)
Quad A For KIDS / A Rochester Area Community Foundation Initiative (NY)
Southern Juvenile Defender Center (AL)
Texas Criminal Justice Coalition (TX)
The Fortune Society (NY)
The Law Offices of Public Defender Bennett H. Brummer
(Miami-Dade Public Defender's Office) (FL)
The Pendulum Foundation (CO)
The Poor People's Alliance, Connecticut Chapter (CT)
The S.T.O.P. Family Investment Center at Oakmont North (VA)
Southern Juvenile Defender Center (AL)
Southern Poverty Law Center (AL)
Tennessee Commission on Children and Youth (TN)
UNC Juvenile Justice Clinic, University of North Carolina at Chapel Hill School of Law (NC)
United Church of Christ, Justice and Witness Ministries (OH)
Virginia Coalition for Juvenile Justice (VA)
Virginia Commonwealth University School of Education (VA)
Virginia Commonwealth University Center for School-Community Collaboration (VA)
Virginia CURE (VA)
VOICES for Alabama's Children (AL)
VOICES for Children in Nebraska (NE)
VOICES for Ohio's Children (OH)
Washington Association of Criminal Defense Lawyers (WA)
Washington Defender Association (WA)
Washington Defender Association's Immigration Project (WA)
Youth Advocate Programs, Inc. (PA)
Youth Advocacy Project of the Committee for Public Counsel Services (MA)
Young America Works Public Charter School (DC)

Local Jurisdictions
City of Hampton (VA)
City of Los Angeles (CA)
City of New York (NY)
City of Newport News (VA)
City of Norfolk (VA)
City of Pasadena (CA)
City of Philadelphia (PA)
City of Pittsburgh (PA)
City of Richmond (VA)
County of Santa Fe (NM)

Elected Officials and Academics
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Donna M. Bishop, Northeastern University (MA)
Susan J. Carstens, Psy.D., L.P. Juvenile Specialist, Crystal Police Dept. (MN)
The Honorable Toni Harp, Connecticut State Senator
The Honorable Alice L. Bordsen, North Carolina State Representatives
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ACTION ALERT

DATE: March 12, 2010

TO: Concerned Parties

FROM: Hilary O. Shelton, Director, Washington Bureau

NAACP OPPOSES DISCRIMINATORY PROVISIONS IN GANG ABATEMENT AND PREVENTION ACT

S. 132 COULD INSTITUTIONALIZE NEW RACIAL PROFILING PRACTICES BY LAW ENFORCEMENT

THE ISSUE:

Legislation has been introduced in the United States Senate, S. 132, the *Gang Abatement and Prevention Act of 2009*, which dramatically expands powers of law enforcement to try to address gang related activities and vastly increases punishments for those convicted of the same activities. While the NAACP agrees that gang violence is having a devastating effect on American lives, neighborhoods, and communities, and needs to be dealt with effectively, we respectfully disagree with the potentially discriminatory approach taken in S. 132. Specifically, the NAACP is concerned that provisions in S. 132 in its current form are destructive and counterproductive. We are opposed to the invariable increase in racial and ethnic disparities that will result from this bill's discriminatory enforcement, the bill's overly broad definition of "gang" and "gang crime," and its excessive penalties, including life without parole for youth as well as for adults. The legislation would also create "Gang member database" which would collect names of those identified as gang members. Because of problems with the "criminal intent" provision, as well as the lack of a common criminal purpose requirement in the bill, the potential for innocent young people and other to erroneously be added to this data base is high. There is also a lack of clarity in the bill about how one can be removed from this data base that is extremely problematic.

African American and Latino communities consistently bear the brunt and the cost of suppression and interdiction strategies, and S. 132 will not be an exception. The definitions in this bill are of particular concern because the lack of directives governing this bill's enforcement will invariably lead to an increase in the already troubling racial and ethnic disparity in the juvenile and criminal justice systems, criminalizing the conduct of many more people - particularly young men of color - whose conduct was never contemplated by this legislation. Of special concern is the expansion of the definition of a "gang" and "Gang Crime", which are so broad and vague in S. 132 that they will dramatically increase unwarranted federal prosecution of children and youth, especially low-income youth and youth of color. The definitions fail to include one of the most fundamental tenets of criminal law: criminal intent. As written, there is no "common criminal purpose" requirement in the bill. Thus, a group of young people who come together for any legal group activity and not for the *purpose* of committing gang crime will still be vulnerable to federal prosecution under this bill. The definitions of "gang" and "gang crime" in S. 132 are overbroad, vague, and will invite discriminatory enforcement.

Young men of color are disproportionately identified as gang members and targeted for surveillance, arrest and incarceration, while whites - who make up a significant share of gang members - rarely show up in law enforcement accounts of gang enforcement efforts. For instance, African American and Latinos are roughly 15 times more likely than whites to be identified by police as gang members, despite the fact that whites account for more than 40 percent of adolescent gang members.

The NAACP is committed to working with the supporters of S. 132 to amend and improve the bill to eliminate the potential for increased racial profiling and racial disparities by law enforcement and to include proven prevention strategies, especially for youth. Of special interest is the inclusion of the Youth Promise Act, introduced by Senators Casey (PA) and Snowe (ME) in the Senate and Congressman Scott (VA) in the House.

More...

THE ACTION WE NEED YOU TO TAKE:

Contact your Representative and both your Senators **and URGE THEM TO OPPOSE PUNITIVE GANG ABATEMENT LEGISLATION AND TO SUPPORT PREVENTATIVE MEASURES.** To contact your Senators and Representative, you may:

- ✓ **Make a Phone Call**:
  Call your Senators and your Representative in Washington by dialing the Capitol Switchboard and asking to be transferred to your Senators'/Congressman's offices. The switchboard phone number is **(202) 224-3121** (see message section, below).
- ✓ **Write a Letter**
  To write letters to your Senators, send them to:
  The Honorable (name of Senator)
  U.S. Senate
  Washington, D.C. 20510
  To write a letter to your Representative, send it to:
  The Honorable (name of Representative)
  U.S. House of Representatives
  Washington, D.C. 20515

A SAMPLE LETTER IS ATTACHED

- ✓ **Send a Fax**
  If you would like to send a fax, call your Senators' or Representative's offices (through the Capitol switchboard) and ask for their fax numbers (you can use either the attached sample letter or the message box, below).
- ✓ **Send an E-Mail**
  To send an e-mail to your Senators, go to www.senate.gov; click on "*Find Your Senators*". Look up your Senators by state; go to their web sites for e-mail addresses. To send an e-mail to your Representative, go to www.house.gov, and click on "*Write Your Representative*" (on the left hand side, just under "find your Representative). This will help you identify who your congressman is and how to contact him/her.

REMEMBER TO CONTACT BOTH YOUR SENATORS!!!!!

THE MESSAGE

- Young men of color are disproportionately identified as gang members and targeted for surveillance, arrest and incarceration, while whites - who make up a significant share of gang members - rarely show up in law enforcement accounts of gang enforcement efforts.
- We need to ensure that in any anti-gang legislation we do not open ourselves up to the possibility of additional racial profiling.
- The legislation would also create "Gang member database" which would collect names of those identified as gang members. Because of problems with the "criminal intent" provision, as well as the lack of a common criminal purpose requirement in the bill, the potential for innocent young people and other to erroneously be added to this data base is high. There is also a lack of clarity in the bill about how one can be removed from this data base that is extremely problematic
- There is legislation, such as the *Youth Promise Act*, which emphasizes scientifically-proven prevention methods to keep youth out of gangs which should be implemented prior to increased punishments, especially of youth.

THANK YOU FOR YOUR ATTENTION TO THIS IMPORTANT MATTER!!!

If you have any questions, call Hilary Shelton at the Washington Bureau at (202) 463-2940

MEMBERSHIP IS POWER! JOIN THE NAACP TODAY.

To become an NAACP member or to sign up for e-mail legislative and press updates, visit www.naacp.org

Sample Letter

(date)

The Honorable _____
United States Senate / House of Representatives
Washington, D.C. 20510 / 20515

RE: SUPPORT FOR PREVENTION FIRST WHEN DEALING WITH GANG ABATEMENT; OPPOSITION TO S. 132

Dear Senator / Representative _____.

As your constituent, I would encourage you to work to promote legislation that includes scientifically-proven prevention methods for preventing gang violence and gang recruitment before increasing punishments. Specifically, I am opposed to much of the track taken in S. 132, the *Gang Abatement and Prevention Act of 2009*, and would hope that you will work to see that it is improved prior to consideration by the full Senate.

Of special concern to me is the fact that S. 132 provides law enforcement with tools and incentives that would actually exacerbate racial profiling and disproportionately hurt racial and ethnic minorities, especially young men of color. Young men of color are currently disproportionately identified as gang members and targeted for surveillance, arrest and incarceration, while whites - who make up a significant share of gang members - rarely show up in law enforcement accounts of gang enforcement efforts. S. 132 would allow more of this targeting and even encourages it. The legislation would also create "Gang member database" which would collect names of those identified as gang members. Because of problems with the "criminal intent" provision, as well as the lack of a common criminal purpose requirement in the bill, the potential for innocent young people and other to erroneously be added to this data base is high. There is also a lack of clarity in the bill about how one can be removed from this data base that is extremely problematic

Rather than focus on punishment and law enforcement tools (such as racial profiling) that have proven to be ineffective, we need to focus on scientifically-proven prevention methods if we are seriously going to address and end the scourge of gang violence. One such example is the Youth Promise Act, which would allow communities to work to stop gang violence before it spreads.

Please let me know what you are doing to help stop the wreckage caused on American lives, neighborhoods and communities by gang violence and what I can do to help.

Sincerely,

(sign and print your name and
remember to include your address)

Remember to contact your Representative and BOTH your Senators.

Disseminating Evidence-Based Practice For Children & Adolescents:

a systems approach to enhancing care

APA TASK FORCE ON EVIDENCE-BASED PRACTICE WITH CHILDREN AND ADOLESCENTS

AMERICAN PSYCHOLOGICAL ASSOCIATION

Disseminating Evidence-Based Practice For Children & Adolescents:

a systems approach to enhancing care

APA TASK FORCE ON EVIDENCE-BASED PRACTICE WITH CHILDREN AND ADOLESCENTS

APA Task Force on Evidence-Based Practice With Children and Adolescents

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Report of the APA Task Force on Evidence-Based Practice With Children and Adolescents

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executive summary

The prevalence of children's behavioral disorders is well documented, with 10 to 20% of youth (about 15 million children) in the United States meeting diagnostic criteria for a mental health disorder. Many more are at risk for escalating problems with long-term individual, family, community, and societal implications (National Advisory Mental Health Council Workgroup on Child and Adolescent Mental Health Intervention Development and Deployment, 2001; President's New Freedom Commission on Mental Health, 2003; U.S. Public Health Service, 2000). Child mental health services are historically and consistently underfunded with the result that children and adolescents often do not receive the mental health care they need (Knitzer, 1982; Masi & Cooper, 2006). For example, among those with a recognized disorder, only 20 to 30% receive any specialized mental health care in a given year (Burns et al., 1995; Kataoka, Zhang, & Wells, 2002). The situation is even worse for youth from low-income families, those in the juvenile justice and child welfare systems, ethnic minority youth, and those with substance abuse problems (Masi & Cooper, 2006). Latino children and adolescents are most likely to go without needed mental health care (Health Care Financing & Organization (HCFO), 2004; National Center for Children in Poverty, 2006). In this report, we adhere to the definition of evidence-based practice (EBP) developed by the 2005 Presidential Task Force on Evidence-Based Practice of the American Psychological Association and the policy statement on practice recommended by the task force that the APA Council of Representatives adopted as policy:

Evidence-based practice in psychology (EBPP) **is the integration of the best available research with clinical expertise in the context of patient characteristics, culture, and preferences. This definition of EBPP closely parallels the definition of practice adopted by the Institute of Medicine (2001, p. 147) as adapted from Sackett and colleagues (2000). The purpose of EBPP is to promote effective psychological practice and enhance public health by applying empirically supported principles of psychological assessment, case, formulation, therapeutic relationship, and intervention.** —Adopted by APA Council of Representatives, August 17, 2005

The **EVIDENCE-BASED PRACTICE FOR CHILDREN AND ADOLESCENTS (EBPCA)** report focuses specifically on psychological practice with children and adolescents. We agree with the framers of the original task force report that integrating science and practice must be a priority. In addition, we believe that developmental considerations and cultural/contextual factors warrant specific, distinctive attention by researchers and practitioners who focus on youth and their families. Evidence-based practice (EBP) denotes the quality, robustness, and/or scientific evidence on prevention, assessment, treatment, access, engagement, and retention of targeted patient populations (Cournover & Powers, 2002; Hoagwood & Johnson, 2003). EBP assumes the presence of a coherent body of scientific knowledge relevant to a broad range of services that optimizes the effectiveness of interventions, treatments, or services on a particular student, client, or system. Although growing evidence exists for effective practice for children with mental health problems, the integration of science and practice and the development of systems for assuring that children receive effective treatment and services present myriad challenges. Effectively implemented EBP requires a contextual base, collaborative foundation, and creative partnership among families, practitioners, and researchers. Children and adolescents should receive the best available evidence-based mental health care based on scientific knowledge and integrated with clinical expertise in the context of patient characteristics, culture, and preferences. Evidence-based care should be provided as consistently as possible with children and their families across clinicians and settings. Care systems should demonstrate responsiveness to youth and their families through prevention, early intervention, treatment, and continuity of care. Equal access to effective care should cut across age, gender, sexual orientation, and disability, inclusive of all racial, ethnic, and cultural groups.

THE PSYCHOLOGIST'S FRAMEWORK

The practice of the psychologist providing EBP to children and adolescents must include partnerships with other providers, cultural responsiveness, a developmental approach, and a socioecological framework. Although many evidence-based interventions are intended for implementation by clinicians (e.g., manual-based treatment for anxiety disorders), multiple stakeholders are increasingly becoming involved in developing, shaping, and providing behavioral health services to children and adolescents, including, for example, families, administrators, direct care professionals, and teachers. Psychologists frequently work in collaborative multidisciplinary settings in which they help to organize and structure EBP and consult with and train other professionals to implement evidence-based interventions and address systemic processes that have an impact on the effectiveness of the practice (Friedman, 2006; Kratochwill, 2007; Kratochwill & Hoagwood, 2006; Sheridan & Kratochwill, 2007). This form of EBP requires psychologists to function as collaborators, consultants, and problem solvers in order to optimize the effectiveness of their practice. Psychologists must also be culturally responsive, that is, have the skills, values, attitudes, and beliefs to reduce bias in assessment and intervention approaches. They must have the knowledge and training to integrate multiple developmental processes (e.g., physical, mental, cognitive, social, emotional) in treatment and practice. They must be able to develop or adapt evidence-based interventions and practices that are responsive to the needs and cultural beliefs and values of the local communities they serve.

CONTEXT

Service delivery for children cannot occur without attention to context, including the family, schools, the health care system, and the child mental health system. Within each of these systems, particular attention must be paid to integrating EBP with culturally, geographically, and socioeconomically diverse groups. Research has provided evidence for the success of EBP with ethnic minority youth, for example in the treatment of anxiety-related problems, ADHD, depression, conduct problems, substance use problems, trauma-related syndromes, and other clinical syndromes and problems (Huey & Polo, 2008). In addition to developmental and other factors, psychologists providing EBP should take into account sociocultural and familial factors (e.g., gender, gender identity, ethnicity, race, social class, religion, disability status, family structure, and sexual orientation) and environmental context (e.g., institutional racism, health care disparities) (American Psychological Association, 2006).

Psychologists should adapt services and subsequently monitor these modifications and evaluate treatments developed within and for specific cultural and socioeconomic groups. Culturally insensitive treatments can cause the therapist unwittingly to select goals or embrace values that reflect the culture of the therapist rather than that of the child and family (Comas-Diaz, 2006).

THE FAMILY

Children and most adolescents typically access care via an adult "gatekeeper," most often a parent, school or juvenile

justice personnel, or physician. Although many psychosocial treatments emphasize the child as an individual, those that include family context and actively engage families in fostering adaptive development represent optimal approaches. Some evidence-based treatment approaches explicitly engage family members and target family change as a necessary outcome. However, even in treatments that lack this explicit focus, it is clear that families are essential partners in clinical engagement of children, support for children who are learning new ways of functioning and coping (e.g., Mendlowitz et al., 1999; Thienemann, Moore, & Tompkins, 2006), and support for sustaining changes after children are no longer receiving care (Hawley & Weisz, 2005).

SCHOOLS

Schools are influential forces in the development of prosocial and problem behavior and provide opportunities for prevention and treatment. Limited access to health and behavioral health care increases the likelihood that untreated behavioral concerns will emerge in schools. Traditionally, special education services have served students with special needs, wherein they were referred, evaluated (typically by a school psychologist), and placed in special education classes. Among students between the ages of 6 and 21 years, nearly 3 million with learning disabilities (LD), 500,000 with emotional and behavior disorders (EBD), and more than 79,000 with autism received special education services in 2001 (Office of Special Education Programs, 2003). After years of implementation, the limitations of this model became evident. Students had to develop serious problems prior to receiving needed services (frequently called the "wait-to-fail model"), and schools placed a disproportionate number of minority students in special education. Because the category of "learning disabilities" was the most common and purportedly overused category of services, a long series of research reviews, task forces, commissions, and work by various government groups targeted and proposed alternatives (Gresham, 2006).

One recommendation for services to students at risk for academic and behavioral problems is response to intervention (RtI) that employs evidence-based interventions implemented in a multitiered model of services, using student outcomes in learning and behavior domains to make decisions about the need for subsequent and more intense interventions, including special education (National Association of State Directors of Special Education, 2005). A corollary to RtI in the behavior disorder domain is a prevention and intervention movement called positive behavior support (PBS) that uses functional assessment and analysis to design intervention programs for individual students.

THE HEALTH CARE SYSTEM

Pediatricians may be the first to detect potential precursors of health or behavioral concerns that warrant further attention, especially for those children and adolescents who may not receive evidence-based treatment through the mental health or educational systems. Unfortunately, pediatricians and pediatric health care systems are often not able to treat these problems. That is, pediatricians may feel unprepared to accurately diagnose behavioral problems and to treat complex problems that may necessitate both pharmacologic and behavioral treatments.

Pediatric psychologists and other behavioral health care professionals are often integrated into multidisciplinary treatment teams for children with disorders such as cancer, asthma, diabetes, chronic and acute pain, sickle cell disease, neurological disorders, HIV/AIDS, cystic fibrosis, cardiac disease, organ and stem cell transplantations, burns, gastroenterological disorders, rheumatic diseases, injuries, sleep disorders, and genetic disorders, among others. While disease-specific expertise is needed for a subset of each pediatric group noted, more generic problems common across diseases include strategies for coping with pain and distressing procedures, adherence to medical treatments, family functioning, and child anxiety and depression. Evidence-based practices are available and broadly utilized (Drotar, 2006; Roberts, 2003; Shaw & DeMaso, 2006; Spirito & Kazak, 2006). The pediatric health care system can implement additional diverse intervention efforts, including, for example, cognitive remediation for children with impairments to the central nervous system, end-of-life care, and the impact of child death on families.

CHILDREN'S MENTAL HEALTH CARE SYSTEM

The most salient characteristic of the children's mental health care system is, unfortunately, its fragmentation and lack of coordination of services. In addition to creating considerable burden on families, it is inefficient for states, providers, and systems and destructive to the shared goal of service integration. At least six separate sectors or administrative structures constitute the "system" serving children with psychological problems: the mental health sector; education; child welfare, including foster care and adoptive services; substance abuse; general health; and juvenile justice. These sectors themselves are asymmetrical

in that each offers a range of programs with varying levels of restrictiveness and no consistent standards for access or discharge and sometimes parallel in that services offered in one sector are not coordinated with services in another sector.

JUVENILE JUSTICE SYSTEM

Mental health problems and behavioral and social dysfunction are highly prevalent among youngsters in the juvenile justice system (Skowyra & Cocozza, 2006), and the evidence base on interventions, including anger management and systematic problem solving, for such behavior is particularly extensive (United States Public Health Service, 2001). Unfortunately, many youngsters do not have access to sufficient intervention to prevent their entry into the juvenile justice system, particularly youth of color. For example, African American youth ages 10 to 17 years make up about 16% of the juvenile population in the United States; yet, they accounted for 38% of almost 100,000 juveniles in secure residential placement (National Council on Crime and Delinquency, 2007). Youth of color comprise the majority of youth held in public and private facilities, and youth of color, especially Latino youth, represent a much larger proportion of juveniles in public facilities, which are often harsher environments than private facilities (National Council on Crime and Delinquency, 2007). In a national study of youth from various juvenile justice programs, 72% of girls and 63% of boys in the aggregate sample had a clinical elevation on at least one scale on the Massachusetts Youth Screening Instrument-Version 2 (Vincent, Grisso, Terry, & Banks, 2008).

Unfortunately, many youngsters do not have access to sufficient intervention to prevent their entry into the juvenile justice system, particularly youth of color.

CHILD PROTECTION

Child maltreatment, encompassing both neglect and abuse, is evident in all regions of the country, necessitating child protective service systems in every state. Sometimes lost in the complexity of the bureaucracy designed to handle such situations is attention to the trauma the children have experienced, as related to the identified maltreatment, the investigations by child protective services and law enforcement, involvement in legal proceedings, and subsequent changes in the children's living situation. Evidence-based assessment methods exist for identification of problems and disorders that warrant clinical attention, and evidence-based treatments exist for some of the most likely problems and disorders (see, e.g., Cohen, Mannarino, & Deblinger, 2006). However, because child protection and justice systems often operate independently from mental health systems, awareness of these assessment and treatment methods may be limited. In addition, the personnel responsible for child protection, criminal investigation, and legal proceedings may have training relevant to their primary work, but relatively little exposure to evidence-based assessments or treatments.

SUBSTANCE ABUSE

Substance use may be more prevalent in certain subgroups of youth, and the approaches necessary (e.g., for GLBT youth) may differ from more "traditional" treatment models (Russell, 2006).

Alcohol and drug abuse in children and adolescents often co-occur with mental health problems, and the existence of separate "systems" (substance abuse treatment, behavioral health, general health, and juvenile justice systems) pose a significant challenge for children, adolescents, and their families. Evidence-based treatment programs for children or adolescents with co-occurring disorders are still rare.

ASSESSMENT, INTERVENTION, AND PREVENTION

A large and ever-expanding scientific literature documents the existence of two major elements of evidence-based practice: assessments shown to be psychometrically sound for the populations on whom they are used and interventions with sufficient evidence for their effectiveness. Sound assessment is required for accurate identification of children's problems and disorders, for ongoing monitoring of children's response to interventions, and for evaluation of the outcomes of intervention once termination has occurred. Evidence-based interventions, and particularly those utilizing longitudinal data for short- and longer-term outcomes, are required if practitioners are to draw on clinical care procedures that have track records—i.e., procedures shown to ameliorate problems or symptoms—or to otherwise bolster or sustain children's adaptation or well-being.

Using assessment approaches with a well-demonstrated evidence base can make it possible to properly match the

child's condition to the appropriate treatment. Assessment should also identify each youngster's strengths, as these are the resources upon which intervention can build and encompass environmental and system factors that are so often critical to successful treatment. Once treatment has begun, culturally responsive and psychometrically sound assessment at regular intervals (e.g., each treatment session, weekly) will gauge the child's response to the intervention, inform adjustments in treatment strategy, and guide decisions about how long treatment needs to continue. After treatment ends, posttreatment assessment will gauge the overall impact of care.

Several narrative reviews and meta-analyses have shown that prevention programs for young people can produce significant benefit by reducing rates of later social, behavioral, academic, and psychological problems.

Several narrative reviews and meta-analyses have shown that prevention programs for young people can produce significant benefit by reducing rates of later social, behavioral, academic, and psychological problems. Researchers have designed some specific programs to promote a broad array of positive outcomes, called health promotion or positive youth development programs. In one program with elementary school students in high-crime areas, teacher training, parenting classes, and child social skills training resulted in more positive outcomes, including reduced rates of risky sexual behavior, pregnancy, and delinquency, and higher levels of school achievement among youths who participated in the program versus those who did not (Lonczak, Abbott, Hawkins, Kosterman, & Catalano, 2002). Other programs focus on universal prevention in an entire population. One "whole school program" markedly reduced bullying, vandalism, fighting, and theft in schools by improving school recess supervision, establishing anti-bullying school rules, and arranging meetings with bullies, victims, and parents of both (Olweus, 1994).

Still other programs employ selective prevention, targeting specific groups that are especially at high risk of unwanted outcomes. In the Nurse Home Visitation Project (Olds et al., 1998), designed specifically for low-income women experiencing their first pregnancy who were younger than 19 or unmarried, nurses worked with the expectant mothers to promote healthy behavior during pregnancy and the child's early years, to build competency in child care, to link mother and child to services and social supports, and to support the mother's personal development. The program has shown benefits that include reduced rates of substance use, antisocial behavior, and child maltreatment—effects documented over 15 years after birth. In a fourth category of preventive intervention, indicated prevention, the focus is on youngsters who already show some evidence of the target problem. In the Montreal Prevention Experiment, Tremblay, Pagani-Kurtz, Masse, Vitaro, and Pihl (1995) identified inner-city kindergarten boys who already showed significant disruptive behavior and provided the boys with school-based social skills training and their parents with home-based parent training. This indicated prevention program led to better school performance and reduced delinquency over the subsequent 5 years.

BENEFITS OF YOUTH TREATMENT PROGRAMS

There is a rich evidence base of sound assessment and intervention strategies tailored to particular conditions, contexts, and needs demonstrating that structured, empirically tested treatment programs can have beneficial effects with children and their parents. Many of these programs include individual therapy with children and others—particularly for conduct problems and other externalizing behavior—and address child problems primarily by working with parents. Still others focus intervention on multiple levels of children's social ecology.

AN EVIDENCE-BASED ORIENTATION TO PRACTICE

Central to an evidence-based orientation to clinical practice is a scientifically minded approach characterized by knowledge and skills in applying psychological science, including models of etiology and change, as well as a constant process of observation and inquiry. The three primary elements of an evidence-based clinical practice are (a) assessment that guides diagnosis, intervention planning, and outcome evaluation; (b) intervention that includes, but is not limited to, those treatment programs for which randomized controlled trials have shown empirical support for the target populations and ecologies; and (c) ongoing monitoring, including client or participant feedback, conducted in a scientifically minded manner and informed by clinical expertise (e.g., judgment, decision making, interpersonal expertise). In addition, efforts to alleviate

concerns, align expectations about treatment, culturally adapt or tailor treatment, and provide support for individuals and families to receive treatment can enhance treatment engagement.

Barriers to positive outcomes may exist, including chronic and severe child psychopathology, parental psychological difficulties, needs of siblings, and familial inability to access or utilize services. Competencies in areas such as case formulation; treatment planning; implementation of treatment; monitoring; formation of therapeutic alliances; and understanding of individual, cultural, and contextual influences (APA Presidential Task Force on Evidence-Based Practice, 2006) are necessary to address such barriers.

The momentum to move new and tested practices into real-world settings has created both a set of challenges and a set of opportunities.

IMPLEMENTATION AND DISSEMINATION

The momentum to move new and tested practices into real-world settings has created both a set of challenges and a set of opportunities. Some of the challenges include the acceptance of EBP by providers, administrators, families, and other stakeholders; the effect of the adoption of EBP on caseloads or supervisory practices; and the integration of EBP by existing organizational and management structures. Prompted in part by recognition of these challenges, a series of major federal, state, and local policies launched in recent years has created unprecedented opportunities for partnerships among researchers, practitioners, and policymakers to encourage the implementation and dissemination of EBP into public mental health systems. Several foundations are also supporting major studies to improve delivery of EBP for children. Though empirical testing of implementation or dissemination strategies is lacking, there are several relevant strategies, frameworks, and guiding principles emerging in the literature that can help guide the efforts of those seeking to disseminate EBP and promote their adoption into large systems.

CHALLENGES TO IMPLEMENTATION AND DISSEMINATION

A number of macro (e.g., systemic) and micro (e.g., individual, such as clinician, supervisor, administrator, family) factors hamper implementation of EBP. In addition to the lack of integrative conceptual models described above, other issues include inconsistent definitions for the major constructs; the role of families and local communities in EBP; methodological, measurement, and data analytic challenges; insufficient training and consultation models; and system fragmentation. Complicating this is the fact that children in treatment often present with multiple co-occurring problems and disorders (Angold, Costello, & Erkanli, 1999) with complex social and family problems and situations and diverse cultural contexts. By contrast, most evidence-based treatments are designed for single conditions or groups of closely related conditions (e.g., a cluster of anxiety disorders with partially overlapping symptoms) and do not specify how to deal with the complex social and family circumstances that relate to the children's problems or to the cultural contexts in which the children's problems are manifested and interpreted. Comorbidity may either undermine or enhance the effects of treatment on the primary problem targeted in treatment (see Curry et al., 2006; Hinshaw, 2007), and complexities associated with social and family circumstances and cultural contexts may hamper the effects of treatment if they are ignored (Koss-Chioino & Vargas, 1999). In any treatment episode, those problems and contexts not targeted by the evidence-based treatment in use may persist, continuing to cause difficulty.

METHODOLOGICAL, MEASUREMENT, AND ANALYTIC CHALLENGES

Those seeking to implement new clinical service models in their systems face numerous methodological, measurement, and analytic challenges. These include (a) the lack of reliable or valid methods for determining the preparedness of providers, agencies, regions, or specific stakeholder groups in adopting or sustaining new EBP technologies; (b) the lack of metrics or measures for determining the efficacy and effectiveness of implementation efforts; (c) the lack of adequate measures for assessing the fidelity of implementation efforts at multiple levels (families/youth, clinicians, supervisors, administrators, policymakers) and contexts (e.g., rural vs. urban, or Korean Americans in South Central Los Angeles vs. Ethiopian Americans in Silver Lake, MD); (d) the problems of using data collected within real-world service systems for research purposes, often compromised by missing elements due to random and/or nonrandom factors, as well as observer biases; and (e) the un-ideal nature of service organization and delivery, such that rigorous control of potential confounds or even knowledge of potential sources of bias are increasingly difficult. From a policy perspective, this is very problematic, as substantial analytic and interpretative problems in costly trials result

from noncompliance, treatment switching, variable attendance, and differential attrition/dropout (Little & Rubin, 2000). In the child arena, for example, some evidence shows that these factors vary as a function of cultural or ethnicity variables (McCabe, 2002); failing to assess and account for such factors in the analytic models is likely to obscure genuine understanding (Kazdin & Mazurick, 1994).

Increasingly sophisticated research designs, assessment methods, data capture techniques, and analytic approaches are becoming more common in services research studies.

Increasingly sophisticated research designs, assessment methods, data capture techniques, and analytic approaches are becoming more common in services research studies. However, investigators at a systems level almost always encounter particular research design and analytic challenges resulting from the nested nature of children/families within clinicians, clinicians within supervisors and clinics, clinics within provider organizations, and provider organizations within geographic regions. In addition, the same potential sources of bias that operate at smaller scales, e.g., attrition (perhaps due to lack of EBP "preparedness" or self-selection factors at the family, clinician, or clinic level), adherence/fidelity to EBP methods/procedures, and incomplete or missing data for both random and nonrandom reasons complicate the ability to examine EBP.

Training and consultation issues range from the fact that EBP training is unavailable—or when available, uses ineffective training models, such as half-day workshops at professional meetings with no substantial follow-up or support (Grimshaw et al., 2001); manualization of current psychotherapy models varies widely (Chorpita, 2003); families often will not attend the 16 to 20 sessions needed to complete many of the models (Armbruster & Kazdin, 1994; Kazdin, 2004; McKay & Bannon, 2004); and new clinical practices do not take into account organizational or systems variables characterizing the practice environments (Hoagwood, Burns, & Weisz, 2002; Weisz & Addis, 2006; Weisz, Hawley, & Doss, 2004).

Strengthening the science base requires the ability to identify, measure, track, and monitor processes and outcomes for multiple stakeholders (families/children, clinicians, supervisors, directors, payers, policymakers) across each of these systems. This would be a difficult undertaking in a simple system, and the asymmetry of the current contexts of care and the cultural, geographic, and economic diversity of the populations these mental health systems are intended to serve make it much more complex.

PROMISING APPROACHES

The EBP movement is beginning to recognize and examine issues related to organizational, clinical, and monitoring supports and how to embed these into systems. The development of a policy research base regarding state oversight of mental health service system transformation and implementation of EBP has begun. There have been some encouraging first steps. In addition, research is proposing new models of intervention development to help accelerate the application of research findings to routine practice. These approaches are creating learning communities with typical practice settings, encouraging these settings to become empirically driven centers for both delivering services and examining the impact of routine practice on outcomes. Such normalization of research-based approaches to practice can demystify the scientific enterprise and facilitate the constant re-evaluation, refinement, and improvement of services. This approach also encourages the construction of locally relevant evidence and creates a context for systematic evidence gathering within routine service settings, leading ultimately, one hopes, to improvements in quality.

TRAINING AND SUPERVISION

There are many implications of EBP for the training and supervision of psychologists. Educational efforts in graduate training will have to ensure that students have (a) a firm foundation in philosophy of science and an appreciation of the definition of science from different theoretical and disciplinary perspectives; (b) an understanding of and appreciation for current dominant views about science, how the valued methodologies derived from these views are culturally and historically situated, and the inherent strengths, biases, and limitations of these views; (c) an understanding of varied forms and levels of evidence and methods of evidence gathering, the use and suitability of certain types of evidence in developing treatments (e.g., as derived from qualitative and quantitative methods), and an appreciation for the knowledge that different types and levels of evidence can contribute in the process of scientific inquiry; and (d) an understanding of the knowledge about EBP currently available, the essential practice and contextual aspects necessary to effectively implement an intervention in a particular setting or community, and the strengths and

limitations (e.g., characteristics of patients and ecologies for which the treatment is intended) of EBP.

Because EBP extends to diverse contexts and delivery systems and attends to aspects of access, engagement, treatment process, and retention, students will have to develop specific skills in these areas of practice and appreciate that optimal application of their expertise—whether in research or practice—occurs only in collaboration with the participants in a study or the patients in the office, clinic, school, or community. Students must understand and appreciate the varied and complex characteristics of the target populations, including participants' values, beliefs, and views, the varied treatment contexts, and the delivery systems of psychological services. Students must be able to implement a prevention or intervention program with specific patient populations in specific communities, attend to structural and procedural aspects in order to facilitate access to care, respond to individual and cultural diversity in the efforts and techniques used to increase patient engagement and retention, promote cultural responsiveness in the administrative and organizational systems involved in service delivery, and establish collaborative relationships with the communities of targeted patient populations.

These educational efforts also will have to be directed toward practicing and supervising psychologists. This will likely require close partnerships among the American Psychological Association, state licensing board, state psychological associations, and the Association of State and Provincial Psychology Boards (ASPPB) in order to develop and implement effective strategies to (a) provide training in EBP to practicing psychologists through continuing professional education and (b) encourage state licensing boards to include requirements for training in and implementation of EBP in state licensing board rules and regulations.

APA must be prepared to provide consultation and technical assistance to behavioral health care, health care, juvenile justice, and school systems interested in providing EBP. This will require that APA establish a priority to provide such consultation and technical support and that it develop an organizational mechanism by which to provide such consultation and technical support, ideally in partnership with other professional associations, such as the American Medical Association, American Psychiatric Association, National Association of School Psychologists, National Association of Social Workers, and American Counseling Association.

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Disseminating Evidence-Based Practice For Children & Adolescents: *a systems approach to enhancing care*

INTRODUCTION

The prevalence of children's behavioral disorders is well documented, with 10 to 20% of youth (about 15 million children) in the United States meeting diagnostic criteria for a mental health disorder. Many more are at risk for escalating problems with long-term individual, family, community, and societal implications (National Advisory Mental Health Council Workgroup on Child and Adolescent Mental Health Intervention Development and Deployment, 2001; President's New Freedom Commission on Mental Health, 2003; USPHS Mental Health Report, 2000).

A critical problem is that children and adolescents often do not receive the care they need. Among those with a recognized disorder, only 20 to 30% receive any specialized mental health care in a given year (Burns et al., 1995; Kataoka, Zhang, & Wells, 2002). The situation is even worse for those youths from low-income families, those in the juvenile justice and child welfare systems, ethnic minority youth, and those with substance abuse problems (Masi & Cooper, 2006). Up to 50% of youth in the child welfare system have mental health problems (Burns, et al., 2004), and 70% in the juvenile justice system have a diagnosable mental health disorder (Skowyra & Cocozza, 2006). Latino children and adolescents are most likely to go without needed mental health care (Health Care Financing & Organization (HCFO), 2004; National Center for Children in Poverty, 2006). There are also geographic disparities in unmet need. For example, the rate of unmet need ranges from 51.3% in Massachusetts to 80.6% in California (HCFO, 2004).

This unfortunate state of affairs may be in part attributable to the historical underfunding of children's mental health care. Although children and adolescents comprise 25% of the U.S. population, only one ninth of health care funding is directed to them (Costello, Egger, & Angold, 2005). Given the high prevalence of children's behavioral disorders, disparities in rates and access to care, the unmet need, and the underfunding of mental health services, efforts at improving the quality of care are especially timely and have gained public health salience (American Psychological Association, 2003). Although growing evidence exists for evidence-based practice for children with mental health problems, systems for assuring that children receive effective delivery treatment are lacking.

In light of the complexities of developing, testing, and implementing evidence-based practice (EBP) for children and adolescents and the fact that treatment is often delivered within multiple delivery systems, the task force selected a systems orientation to frame this report. Using a variation of a social ecological model for understanding children (as illustrated in Figure 1), we frame the challenges in conceptualizing, evaluating, and disseminating EBP for children systemically. This dynamic system includes multiple layers: individuals (e.g., clinicians, supervisors, researchers), settings (e.g., schools, health centers, community agencies), delivery mechanisms (e.g., training, ongoing consultation, clinical decision making, assessment and monitoring tools).

consumers (e.g., youths and their families), the cultures of and within each layer, and the interactions among these layers. As used in this report, EBP is a broad concept that encompasses evidence-based treatments (EBTs), evidence-based assessments (EBAs), and evidence-based prevention and extends to the systemic, cultural, and structural aspects of the settings, delivery mechanisms, and organizations and institutions through which EBTs and EBAs are developed and implemented and to the relational and transactional processes within and among these layers in order to effect a successful prevention program, assessment, or intervention.

This report builds on the work of the APA 2005 Presidential Task Force on Evidence-Based Practice (EBP) by addressing the unique challenges for practitioners in developing, strengthening, and disseminating EBP for children, adolescents, and their families, focusing on the importance of enhanced dissemination efforts. The overarching purpose of this report is to summarize key issues surrounding the current status of EBP for children and adolescents and their families. We do so guided by four principles (see Table 1) and with an emphasis on the integration of research and practice and a systemic orientation, which are essential to promote national improvements in access to care and much needed dissemination and evaluation of evidence-based behavioral health care to children and adolescents.

TABLE 1. GUIDING PRINCIPLES FOR EVIDENCE-BASED PRACTICE FOR CHILDREN AND ADOLESCENTS (EBPCA)

1. Children and adolescents should receive the best available care based on scientific knowledge and integrated with clinical expertise in the context of patient characteristics, culture, and preferences. Quality care should be provided as consistently as possible with children and their caregivers and families across clinicians and settings.
2. Care systems should demonstrate responsiveness to youth and their families through prevention, early intervention, treatment, and continuity of care.
3. Equal access to effective care should cut across age, gender, sexual orientation, and disability, inclusive of all racial, ethnic, and cultural groups.
4. Effectively implemented EBP requires a contextual base, collaborative foundation, and creative partnership among families, practitioners, and researchers.

We begin this report with a brief overview of the history of practice, including the report of the APA 2005 Presidential Task Force on Evidence-Based Practice, and clarify the definitions relevant to evidence-based practice with children and adolescents. Next, we discuss key assumptions of practice, which, while generally well accepted, admittedly reflect the values of our task force. Our recommendations reflect these assumptions, including the commitment to effective

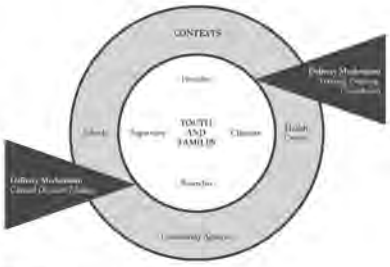

FIGURE 1: *A systems social ecological framework guide: conceptualization of EBP in youth*

child mental health care, the importance of prevention, the critical need to develop evidence-based care at the level of broader systems affecting children, the need for ongoing multidisciplinary and collaborative practices, the importance of culturally responsive care, and the need for diverse bases of evidence in developing and evaluating models of care. The next section highlights developmental considerations for children and adolescents, with particular emphasis on inherent differences in the ways that children seek and receive care, and attention to children in the context of their families as well as other essential systems, such as schools and health care, and other service settings.

In the next section, we provide a summary of evidence-based practice for children and adolescents, including assessment, treatment, and prevention. Building on the evidence base, we propose a scientifically minded orientation to practice that engages the clinician in a constant process of observation, inquiry, and evaluation. Attention to dissemination and implementation is a critical component of this work, thus we provide an overview of current initiatives and concerns related to ensuring that children and adolescents can receive care more readily. The next section that follows addresses training and supervision issues essential to the ongoing refinement and dissemination of EBP. Our process throughout the report was to review the literature broadly and to summarize and integrate key findings in order to provide a scientifically grounded document that could serve as a blueprint for further steps by APA to advance EBP with children and adolescents. We did not conduct an exhaustive scholarly literature review. When specific programs are referenced, we intend them as examples to augment key points in the report. They should not be viewed as exemplars. They are noted to provide illustrations—with awareness that, in many cases, there are multiple programs that we could have cited. We conclude this report with recommendations that cut across research and dissemination, education and training, practice, policy, and public education.

EVIDENCE-BASED PRACTICE: HISTORY AND DEFINITIONS

historical context for the EBPCA Task Force

A century ago, Lightner Witmer, founder of the first psychological clinic, stressed the importance of linking science and clinical care; as he put it, "the pure and applied sciences advance in a single front" (Witmer, 1996/1907, p. 249). Forty years later, the concept of scientist-practitioner model of training was endorsed by APA (Shakow, 1947). The six decades since have seen a massive expansion of both clinical practice by psychologists and research on psychological treatments. With the growth of practice and the expansion of the evidence base, discussion and debate have swirled around the question of how best to link the two. To address this question, among others, APA President Ronald L. Levant appointed the 2005 Presidential Task Force on Evidence-Based Practice.

This 2005 task force discussed the importance of integrating science and practice and recognized the challenges inherent in doing so. In this report we summarize some key points from the earlier report. First, the initial task force acknowledged the diverse forms of evidence that bear on clinical intervention. While there is debate over what constitutes necessary and sufficient "evidence" for treatments, assessments, or practice to be "evidence-based," varied forms of evidence can be obtained through many methods: clinical observation, qualitative and ethnographic approaches, process-outcome studies, single-case designs, randomized controlled trials, crossover designs, quasi-experimental program evaluation, and summary meta-analyses. The final report of the task force (APA Presidential Task Force on Evidence-Based Practice, 2006) includes a discussion of the ways in which, and the questions for which, the various forms of evidence may have value. Second, the report emphasizes the role of clinical expertise and clinical judgment in the various steps of clinical care, including, but not limited to, initial assessment and diagnosis, case formulation, intervention procedures, clinical decision making, and monitoring of client progress.

The Presidential Task Force also considered the likelihood that "psychological services are most likely to be beneficial when they are responsive to the client's specific problems, strengths, personality, sociocultural context, and preferences" (APA Presidential Task Force on Evidence-Based Practice, p. 278). The 2006 report noted a number of ways in which this perspective is reflected in the process of clinical care and then identified possibilities for future research on patient characteristics in relation to intervention procedures and outcomes. A policy statement on practice recommended by the task force reflected its emphasis on these three themes, i.e., scientific evidence, clinical expertise, and patient characteristics. In August 2005, the APA Council of Representatives adopted as policy the following statement:

> *Evidence-based practice in psychology (EBPP) is the integration of the best available research with clinical expertise in the context of patient characteristics, culture, and preferences. This definition of EBPP closely parallels the definition of practice adopted by the Institute of Medicine (2001, p. 147) as adapted from Sackett and colleagues (2000). The purpose of EBPP is to promote effective psychological practice and enhance public health by applying empirically supported principles of psychological assessment, case formulation, therapeutic relationship, and intervention.*
>
> Adopted by APA Council of Representatives
> August 17, 2005

The EBPCA builds on and extends the work of the 2005 Presidential Task Force on Evidence-Based Practice by focusing specifically on psychological practice with children and adolescents. We agree with the framers of the original task force report that integrating science and practice must be a priority. In addition, we believe that developmental considerations and cultural/contextual factors warrant specific, distinctive attention by researchers and practitioners who focus on youths and their families.

defining EBP and associated controversies

EBP has become a popular construct in psychology and related professions. From 1900 to 1995, there were virtually no citations in Medline or PsycINFO on EBP. However, the period between 1995 and 2006 marked an explosion of citations (Norcross, Koocher, & Garofalo, 2006). Further, there were at least 271 references to EBP with children and adolescents in PsycINFO just for the year 2005 and the first 8 months of 2006 (Frick, 2007). Early in the EBP movement, a Task Force on Promotion and Dissemination of Psychological Procedures of the Society of Clinical Psychology (APA Division 12, 1995) used the terms "empirically validated treatments" and "empirically supported treatments (EST)" to convey the concept of treatment validation and experimental research (see Chambless & Ollendick, 2001). Although these terms never constituted APA policy, they were important in setting the stage for a scientifically minded approach to psychological treatments. They also sparked controversy regarding basic assumptions about evidence, treatment approaches, and implementation. The clinical, counseling, pediatric, and school psychology literature now more commonly use "treatment or intervention" for approaches that meet criteria designated by a task force or professional group as based on research support. Over the past several years, a number of books have been published on evidence-based interventions and therapies for children and adolescents (e.g., Barrett & Ollendick, 2004; Burns & Hoagwood, 2004, 2005; Christophersen & Mortweet, 2003; Fonagy, Target, Cottrell, Phillips, & Kurtz, 2002; Kazdin & Weisz, 2003; Morris & Kratochwill, 2007; Spirito & Kazak, 2006; Tolan, Szapocznik, & Sambrano, 2007; Weisz, 2004).

Our task force uses the broad contemporary term "evidence-based practice" as a framework for discussing the broader movement as well as conceptual and methodological points. EBP is a broader term than "evidence-based treatment." It denotes the quality, robustness, and/or scientific evidence on prevention, assessment, treatment, access, engagement, and retention of targeted patient populations (Cournoyer & Powers, 2002; Hoagwood, Burns, Kiser, et al., 2001). EBP also incorporates patient characteristics and clinical expertise. EBP assumes the presence of a coherent body of scientific knowledge relevant to a range of service and clinician practices and is designed to allow for the prediction of the impact of interventions, treatments, or services on a particular student, client, or system. EBP is distinguished from evidence-based treatment (EBT), which generally refers to either intervention or prevention programs for which there is a strong scientific evidence base.

Although EBP has gained considerable momentum, the task force prepared this report with awareness that EBP is not a singular concept, or uniformly endorsed. Given the inevitability of different perspectives on some of the issues, we highlight some key points. We intend this report to serve as a unifying document about the clinical, scientific, ethical, and pragmatic mandates for providing EBP for children and adolescents. We prepared the report at the request of the American Psychological Association (APA) and intend it primarily as a resource for psychologists to promote quality care for youth and their families.

We list here some of the issues identified, along with our approach to them in this document:

1. **Definitions used in developing and defining EBP.** We adhered to the 2005 APA definition of EBP and clarify throughout the report when treatments discussed differ, reflecting acknowledgement of alternative definitions and criteria.

2. **Type(s) of evidence used to establish EBP.** There are broad potential discrepancies in the concept of "evidence." In some previous instances, evidence-based approaches have been understood to refer only to specific methods of generating evidence. However, more diverse sources of evidence and alternative models of research (including qualitative methods) are now increasingly recognized as legitimate sources of evidence to support EBP (Slife, Wiggins, & Graham, 2005; Wendt & Slife, in press) especially insofar as they contribute to culturally responsive evidence-based practice. Throughout the report, we define evidence and discuss the various types of evidence that may be used to support EBP. However, we rely heavily on traditional psychometric (reliability, validity) and quantitative approaches (randomized clinical trials) for the evidence summarized in this report. We recognize that traditional psychometric approaches are themselves culturally rooted (often Western European and North American) and applaud efforts to broaden sources of evidence. At the end of the report, we make recommendations to give these approaches greater attention in research and practice.

3. **Core values and principles related to providing care.** Some critics of EBP note concerns that EBP emphasizes clinical problems over person variables, potentially neglecting the importance of individualized (patient-centered) care, strengths-based models, family centered care, and cultural competencies (see Goodheart, Kazdin, & Sternberg, 2006 for comprehensive review of this topic). While the scientific basis for EBP guides the development of this report, we emphasize the process and context of assessment, treatment, and ongoing monitoring rather than focus on particular theories, models, or treatments. We advocate for a systemic, culturally responsive approach that reflects person variables, flexibility in the delivery of care, and aspirations for excellent clinical care and care delivery.

4. **Medical model origins.** EBP has roots in medicine, and some have criticized its disease-oriented approach at the potential expense of attention to preventive or recovery-oriented services and values. In the case of children, an emphasis on prevention becomes imperative.

We highlight the importance of preventive and recovery-oriented approaches and use specific diagnostic examples for illustrative purposes. While scientific advances have often been organized largely by disease entities because of the prominence of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)* (American Psychiatric Association, 2000) and the organization of major funding organizations by disease (such as the National Institutes of Health), there are important reasons for considering other conceptual frameworks (e.g., client-oriented change, common factors) and broader contextual aspects of emotional and behavioral problems in children and adolescents.

5. **Sources of evidence.** Traditionally, the sources of data for EBP have been research-based investigations, such as randomized clinical trials with an emphasis on efficacy research. The need to establish effectiveness is critical. Importantly, other sources of evidence, such as those originating from practice, particularly practice-based evidence, and communities, such as through community-based participatory research, have much to contribute to the evolution of EBP. More attention to longitudinal data is also critical to establish shorter- and longer-term effects.

6. **Range of settings.** There is a growing number of prevention and intervention programs that are being designated as evidence based (see, for example, Silverman & Hinshaw, in press; Weisz, Sandler, Durlak, & Anton, 2005b). Nevertheless, research supporting most of these interventions has occurred largely within a narrow range of practice settings. We might apply EBP more widely if we had stronger evidence for interventions that are effective within a broader range of routine care settings and if we had a better understanding of the organizational and contextual factors that increase the likelihood that interventions will be successful. Throughout the report, we highlight the need for more pragmatic research to support delivery of interventions within routine practice.

7. **Concerns about implementation, monitoring, and evaluation.** The adoption of a practice that has yielded positive results in one context does not necessarily imply that it will be effective in another context. The evidentiary basis for assessing the ability to generalize interventions and practices across settings, cultural groups, communities, or systems does not exist. In the absence of ongoing clinical monitoring systems for tracking change, we cannot know the extent to which practitioners properly implement and faithfully apply EBP. The EBP movement has generally neglected issues of organizational, clinical, and monitoring supports needed to ensure that good clinical care occurs at the level of the patient and family.

8. **Compatibility with family centered care.** Family acceptability, engagement, and collaboration are cornerstones of high-quality care. EBP development and its dissemination are increasingly recognizing the importance of systematically incorporating practices that are both responsive to and inclusive of family and youth perspectives on treatment and services.

9. **Determinations of which treatments are evidence based may be used to restrict services.** Some are concerned that recommendations for EBP may lead to the development of lists of treatments, and that policymakers, state and federal agencies, managed care organizations, or other delivery systems could use these lists to restrict or limit the care provided or reimbursed or apply treatments to populations for which there is little or no evidence of efficacy for the "approved" treatments. The approach in this report highlights the need for more effective, high-quality, and diverse services to children and adolescents and their families. To the extent that services are supported by scientific evidence, that support should serve as protection against efforts to limit care. Our recommendations emphasize the importance of developing more treatments that are supported by evidence and are culturally responsive and the need to advance models for dissemination of those treatments. Rather than reducing the services available, we favor broadening the array and increasing the availability of more services that have been tested and shown to be effective.

10. **Ethical challenges.** Limited or inequitable access to EBP—especially in underserved populations, in rural areas, and for children and families living in poverty and of culturally diverse backgrounds—remain ethical and social justice concerns. Psychologists and other health care professionals providing treatment may not have access to training and supervision in EBP approaches. Continuing education opportunities for practicing psychologists often do not meet the intense training and supervision needed to acquire the competencies for effective and culturally responsive implementation. An additional ethical concern relates to practitioners who focus on the application of manualized treatments without consideration of the individual needs and preferences of people who differ in culture, language, lifestyle, or social status from the populations used to test or establish the efficacy of the treatments.

ASSUMPTIONS OF EVIDENCE-BASED PRACTICE

In this section of the report, we highlight this task force's specific assumptions underlying evidence-based practice (EBP) that we think are essential components of ongoing efforts to develop and disseminate care to youth and their families. Our assumptions include (a) the shared goal of effective child mental health care, uniting families, practitioners, policymakers, payers, and researchers; (b) the importance of evidence-based assessment of childhood problems; (c) the importance of prevention of child and adolescent problems; (d) the need for systems-level changes to support EBP; (e) the importance of collaborative, multidisciplinary-focused EBP; (f) the imperatives of culturally responsive EBP; and (g) the utilization of diverse bases of evidence for EBP. In the sections that follow, we discuss each of these briefly.

a shared objective: effective child mental health care

The challenge of caring for children experiencing mental health problems calls for involvement of a diverse array of individuals, groups, agencies, and professions. Stakeholders in the process of delivering care include the children and their families; the clinicians who provide the care; the clinics and organizations in which those clinicians are employed; the government agencies that set policy for mental health services, education, and human services; the insurance and managed care organizations through which payment is provided; and the researchers who develop and test interventions. While the various individuals, organizations, and professions represented in this list may differ in their views, they share the common objective of effective child mental health care. This shared interest also links the present task force report to the mission of other groups and organizations in the area of child mental health (e.g., APA Working Group on Psychotropic Medications for Children and Adolescents, 2006) and to previous task force reports and resolutions of the APA (APA Presidential Task Force on Evidence-Based Practice, 2006; APA Task Force on Early Mental Health Intervention, 2003).

evidence-based assessment

By definition, EBP emphasizes interventions with strong support. Our task force recognizes that we must not lose sight of our strong tradition in psychology to create an evidentiary base for assessment tools in particular. Psychological assessment contributes to diagnosis, clinical formulation, intervention planning, and outcome assessment, and using instruments with strong reliability and validity remains of paramount importance in EBP (Mash & Hunsley, 2005). However, there are gaps in evidence for the use of assessment for populations that differ from those on whom the instruments were developed and normed (see APA

Committee on Ethnic Minority Affairs/Committee on Psychological Tests and Assessment, 2000) and in treatment planning and outcome assessment (Fletcher, Francis, Morris, & Lyon, 2005; Neisworth & Bagnato, 2004).

Psychological and educational assessments have advanced interorganizational standards to promote high-quality assessment (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, 1999). Mash and Hunsley (2005) discuss recommendations for EBP in the assessment process that guide the evaluation of the psychometric quality of measures used to assess child and adolescent disorders. For example, they present a template for research development of instruments that includes various psychometric standards related to practice applications. Advances have occurred in the psychometric standards used to select interventions. Called the treatment utility or validity of assessment, research in this domain has promise for advancing psychological and educational assessment (Hayes, Nelson, & Jarrett, 1986, 1987). Researchers have also made recommendations for understanding the nature of the metrics used to determine effective outcomes following implementation of evidence-based interventions and for the use of "real life referents" to anchor metrics (Blanton & Jaccard, 2006; Kazdin, 2005, 2006).

prevention orientation

Historically, the EBP movement emphasized matching treatments to major diagnostic categories of the *DSM*. Although this research base and its utilization in practice remain critical, there is increasing emphasis in EBP on prevention that has focused on children and adolescents (e.g., Tolan & Dodge, 2005; Weisz et al., 2005b). Prevention has special importance for children and adolescents in promoting adaptive functioning into adulthood. Increasing numbers of prevention programs demonstrate long-term positive outcomes for early intervention (e.g., Biglan, Mrazek, Carnine, & Flay, 2003; Nation et al., 2003; Weissberg, Kumpfer, & Seligman, 2003). Traditionally, prevention focused on the Institute of Medicine (Mrazek & Haggerty, 1994) framework of primary, secondary, and tertiary services (see also Mrazek & Haggerty, 1994). In particular, within this conceptualization, prevention involves the elimination or mitigation of the causes of disorders before they manifest, with particular focus on risk factors and protective factors (Coie et al., 1993). Numerous trials support prevention at multiple levels for social (e.g., Greenberg, Lengua, Coie, & Pinderhughes, 1999; Nation et al., 2003) and academic (e.g., Fletcher, Lyon, Fuchs, & Barnes, 2007) targets.

The concept of prevention has also been expanded to resilience approaches and positive youth development where there is not just a focus on risk variables (Small & Memmo, 2004). Nevertheless, despite a broader framework for prevention, some wide-scale initiatives have continued to focus on risk models. For example, in educational settings in which federal legislation has mandated the concept of "response to intervention" (RtI) for both academic and behavioral problems, there is increased emphasis on a multitiered prevention approach (Brown-Chidsey & Steege, 2005; Kratochwill, Clements, & Kalymon, 2007). RtI refers to the practice of using evidence-based instruction/intervention to address child needs while monitoring child performance in social/emotional and academic domains (National Association of State Directors of Special Education, 2005). However, because this initiative has largely focused on a risk or deficit model of prevention, it may be more limited in impact than if a broader model of prevention science were embraced (Kratochwill, 2007).

EBP research regarding prevention of childhood problems remains critical in that it illustrates that early intervention can reduce the need for more intense treatment for serious behavior problems, thereby helping to reduce the associated cost of these services (Durlak, 1995). While prevention can also contribute to broader reductions in human suffering, disruption to development, and social problems such as delinquency, there are also ethical considerations related to the identification of "at-risk" youth. These considerations include the potential adverse consequences of labeling a child or adolescent, with attendant hazards of self-fulfilling prophecies and blaming the victim, particularly if treatment is not available or provided (Koocher & Keith-Spiegel, 2008).

systems-focused interventions

Traditionally, treatments for child and adolescent disorders have focused on the individual child (e.g., conduct disorder, anxiety disorders) and have not included interventions that involve families, schools, and broader systems. The health care, mental health, and social welfare systems represent a complex interactive structure with multiple components, including members of the organization (e.g., administrators, teachers, parents), payment authorities (e.g., private and governmental third parties), systematic implementation (e.g., time, resources, costs), and functions of individuals in the system (e.g., clinicians, treatment team leaders).

The President's New Freedom Commission on Mental Health stressed the need for research in order to bridge the gap between science and practice (New

Freedom Commission on Mental Health, 2003). Its Subcommittee on Children and Families similarly urged that mental health care for children and their families be guided by a clearly defined policy that promotes evidence-based interventions, along with effective organization of community-based systems of care and their accompanying service delivery mechanisms, in order to maximize the likelihood of successful interventions for children and their families (Huang et al., 2005). Researchers, clinicians, and policymakers recognize that understanding and appreciating the organizational and ecological context into which evidence-based treatments (EBTs) will be transported is essential to implementing these interventions successfully (Burns, Hoagwood, & Mrazek, 1999; National Advisory Mental Health Council Workgroup on Child and Adolescent Mental Health Intervention Development and Deployment, 2001; Schoenwald & Hoagwood, 2001; Walrath, Sheehan, Holden, Hernandez, & Blau, 2006). A survey of 616 service providers in children service agencies with federal programs to improve children's mental health services found that these agencies only partially implemented EBT protocols largely due to few agency mandates to do so and widely ranging supports within the agencies to implement the EBT protocols (Walrath et al., 2006).

Prevention and intervention programs are increasingly addressing systemic changes to maximize the likelihood that they will succeed (Evidence-Based Intervention Work Group, 2005; Weisz et al., 2005b). Researchers have begun to examine how community-based systems and programs conceptualize, operationalize, and implement service delivery for a particular population of children and families, how they evaluate the result of their service delivery, and how local service policies are integrated into daily operations (e.g., Hodges, Hernandez, Nesman, & Lipien, 2002), which is critical to understanding how systems and agencies can successfully implement EBTs and engage in EBP. For example, large-scale studies are under way in at least a dozen states to examine the implementation of EBP for children and families. Because state policy drives these initiatives, attention to system issues is essential (Burns & Hoagwood, 2004; Burns et al., 2008). These system issues include changes in financing, regulatory, accreditation or licensing, and infrastructure support for training.

Thus, it becomes the responsibility of the psychologist to keep abreast of prevention and intervention programs and the factors affecting adoption, implementation, and sustainability.

a continuum of care: individual, collaborative, and multidisciplinary care

In any system of care, a range of services exists provided by psychologists offering these services in private practice settings to collaborative multidisciplinary hospital- or school-based services provided to children with multiple mental health needs. Multiple stakeholders are increasingly becoming involved in providing prevention and intervention mental health services to children and adolescents, including, for example, families, administrators, direct care professionals, and teachers. Although many evidence-based prevention and intervention services are intended for implementation by psychologists (e.g., manual-based treatment for anxiety disorders), psychologists frequently work in collaborative multidisciplinary settings in which they help to organize and structure EBP and consult with and train other professionals to implement evidence-based services and address systemic processes that affect uptake (Friedman, 2006; Kratochwill, 2007; Kratochwill & Hoagwood, 2006; Sheridan & Kratochwill, 2008). This form of EBP requires psychologists to function as collaborators, consultants, educators, and problem solvers. It also requires them to be involved in assisting in the selection, implementation, modification, and maintenance of prevention and intervention programs and services in community and school settings. Thus, it becomes the responsibility of the psychologist to keep abreast of prevention and intervention programs and the factors affecting adoption, implementation, and sustainability.

The multidisciplinary focus carries with it several important considerations. First, the development of evidence-based prevention and intervention must consider system variables, such as organizational structures and community characteristics (e.g., Hoagwood, Burns, & Weisz, 2002; Schoenwald & Hoagwood, 2001; Weisz 2004; Weisz, et al., 2005b). Second, psychologists must establish relationships with teachers, health care specialists, and other professionals, all of whom may mediate the delivery of care. "Therapeutic relationships" expand and include individuals who are not clients in the traditional sense. Third, psychologists provide training for other professionals in EBP (Kratochwill, Volpiansky, Clements, & Ball, 2008) and must be skilled in doing so (Kratochwill, 2007).

culturally responsive EBP

Concerns have frequently been raised about the applicability of evidence-based treatments to culturally diverse groups, which, in turn, raises concerns about how to integrate these

approaches in EBP with culturally diverse groups. Among the concerns raised are the following.

1. Some have criticized the idea of cultural competence by claiming that there is no convincing evidence for the effectiveness of cultural competence (Sue, 2003) and/or by excluding evidence particularly relevant to the concept of cultural competence (Bernal & Scharron-del-Rio, 2001; Sue, 2003).

2. The overemphasis on hypothesis-testing in efficacy studies ignores the use of other methodologies to obtain evidence. Other sources of evidence, such as discovery-oriented methodologies, may be ignored or discouraged (Bernal & Scharrón-del-Río, 2001; Nagayama Hall, 2001; Sue, 2003).

3. Including representative numbers of ethnic minorities in efficacy studies, especially when based on distribution, in the general population, is unlikely to produce useful information on outcomes because the numbers will be too small to produce reliable findings (Miranda, Nakamura, & Bernal, 2003).

4. Aspects that are important to culturally diverse groups, such as interdependence, spirituality, and discrimination, have received less attention (Nagayama Hall, 2001). A culturally competent orientation is consistent with growing evidence for the strengths of ethnic minority youth and the development of tailored interventions (Brody et al., 2004; Spencer, Cole, Dupree, Glymph, & Pierre, 1993).

5. Samples of ethnic groups in efficacy studies are sometimes obtained without measuring or adequately measuring the degree to which the group sampled adheres to the values, beliefs, and attitudes of the ancestral cultures. It is possible that participants from ethnic groups may be more like another group or like the dominant ethnic group (e.g., the European American group).

6. There is a wide range in the extent of cultural adaptation and meta-analyses that have not generally considered the degree of cultural adaptation.

7. Many interventions considered to be evidence based were developed by European American researchers with largely European American participants in a restricted socioeconomic range. In other words, the interventions are themselves culturally rooted. Transporting approaches to culturally diverse groups that differ substantially from the original groups in which the treatments were developed and tested, even with subsequent cultural adaptations, might ignore important aspects of culturally framed problem formulations and culturally responsive interventions.

The APA Presidential Task Force on Evidence-Based Practice (2006) emphasized patient characteristics, culture, and preferences in the delivery of psychological services. The increasing emphasis on including culturally constituted EBP is only part of the picture. The important agenda for the future of EBP is to ensure that the psychologist is culturally responsive; that is, assuring that psychologists have the skills, values, attitudes, and beliefs to reduce bias in assessment and intervention approaches. Our task force assumes that the psychologist engaged in EBP for youth must be culturally responsive. One example of this consideration is the Multicultural and Diversity Committee of the Task Force on Evidence-Based Intervention in School Psychology (Task Force on Evidence-Based Interventions in School Psychology, 2007) offering directions for psychologists in the selection and implementation of interventions appropriate for their settings. Likewise, we encourage the practitioner to be mindful of the APA Policy Statement on Evidence-Based Practice in Psychology (APA, 2005):

> *Psychological services are most effective when responsive to the patient's specific problems, strengths, personality, sociocultural context, and preferences. Many patient characteristics, such as functional status, readiness to change, and level of social support, are known to be related to therapeutic outcomes. Other important patient characteristics to consider in forming and maintaining a treatment relationship and in implementing specific interventions include (a) variations in presenting problems or disorders, etiology, concurrent symptoms or syndromes, and behavior; (b) chronological age, developmental status, developmental history, and life stage; (c) sociocultural and familial factors (e.g., gender, gender identity, ethnicity, race, social class, religion, disability status, family structure, and sexual orientation); (d) environmental context (e.g., institutional racism, health care disparities) and stressors (e.g., unemployment, major life events); and (e) personal preferences, values, and preferences related to treatment (e.g., goals, beliefs, worldviews, and treatment expectations). Some effective treatments involve interventions directed toward others in the patient's environment, such as parents, teachers, and caregivers. A central goal of EBPP is to maximize patient choice among effective alternative interventions.*

We also recognize the importance of considering resilience in youth from all cultures and the specific identification of factors that may promote further development of interventions mindful of the strengths of Black youth. (APA Task Force on Resilience and Strength in Black Children and Adolescents, 2008)

Research has also provided helpful information on the success of empirically supported treatments when used with ethnic minority youths. In a recent review and meta-analysis focused on ethnic minority samples, Huey and Polo (2008) found supportive evidence for treatments of ethnic minority youngsters with anxiety-related problems, ADHD, depression, conduct problems, substance use problems, trauma-related syndromes, and other clinical syndromes and problems. Overall treatment effects in the Huey-Polo meta-analysis met Cohen's (1988) criteria for a medium effect (effect size [d] = .51). Moreover, treatment outcome in these studies was not significantly moderated by youth ethnicity. After a comprehensive review of EBT research as pertains to ethnic minorities, a group of researchers (Miranda et al., 2005) addressed in their conclusion the issues of culturally responsive EBP in carrying out EBTs:

> *Our review of the literature has led us to believe that evidence-based care is likely appropriate for most ethnic minority individuals. In the absence of efficacy studies, the combined used of protocols or guidelines that consider culture and context with evidence-based care is likely to facilitate engagement in treatment and probably to enhance outcomes. We also believe that two areas of research need immediate attention. First, methodologies for tailoring evidence-based interventions for specific populations would be extremely helpful. Because culture is continually evolving, the ability to identify factors that are amendable to adaptation, while maintaining the critical ingredients of care, would provide a methodology for continually ensuring that care is sensitive to the needs and concerns of any client group. Second, although beyond the scope of this review, we would be remiss in not noting that ethnic minorities are less likely to receive mental health care than are majority populations (U.S. Department of Health and Human Services, 2001). Furthermore, those who do receive care are less likely to obtain evidence-based care than are their majority counterparts (U.S. Department of Health and Human Services, 2001). We believe that research focusing on methods for actively engaging ethnic minorities in mental health care is extremely important. For example, studies of American Indian youths have included entire classrooms. Could there be appropriate ways for identifying and treating American Indian youths with disorders that would avoid stigmatizing them? Clearly, working with communities to identify ways to bring appropriate care to minority populations is a priority. (p. 134)*

Many researchers believe that the main reason that ethnic minority clients underutilize mental health services and drop out of treatment at high rates is the inability of clinicians to provide culturally responsive treatments for their ethnic minority clients (Gelso & Fretz, 2001). Buttressing this belief is a meta-analysis of 76 studies that evaluated culturally adapted interventions (Griner & Smith, 2006). The meta-analysis showed moderately strong benefit of culturally adapted interventions. Other findings included: (a) interventions targeting a specific cultural group were four times more efficacious than interventions provided for groups of clients of diverse cultural backgrounds, and (b) interventions carried out in the clients' native language (when it was not English) were twice as effective as interventions conducted in English.

As we apply services within ecologies and for people who differ from the participants and contexts in which the research base was originally established, there is greater need for adaptations of the treatments and subsequent monitoring of these modifications and for evaluation of treatments developed within and for specific cultural and socioeconomic groups. Culturally insensitive treatments can cause therapists unwittingly to select goals or embrace values that reflect the culture of the therapist rather than that of the child/family (Comas-Diaz, 2006).

diverse bases of evidence

Multiple professional groups and government organizations have attempted to designate prevention and treatment practices as evidence based. For example, task forces of APA Divisions 12, Society of Clinical Psychology; 53, Society of Clinical Child and Adolescent Psychology; and 16, School Psychology have all developed criteria for EBP designation and have published information that is now readily available to psychologists (e.g., Kratochwill & Shernoff, 2004; Lonigan, Elbert, & Johnson, 1998; Masia-Warner, Nangle, & Hansen, 2006). Federally funded initiatives such as the What Works Clearinghouse have similarly begun the process of reviewing academic and behavioral programs for implementation in schools (http://www.whatworks.ed.gov). A number of other groups are now providing information on EBP, especially in the area of school-based prevention. Some examples are included in the box on the next page.

Some clinicians and researchers have argued that limiting EBP to the use of EBTs raises concern about important areas of treatment that are ignored in EBT research. Researchers (e.g., Messer, 2004; Westen, Novotny, & Thompson-Brenner, 2005; Whaley & Davis, 2007) have pointed out that EBTs are one of the subcategories of EBP and that the narrow focus of RCTs prevents clinicians from using other valuable sources of information in their practice. Furthermore, EBT studies tend to ignore or deemphasize some essential elements of psychotherapy, such as (a) the person of the therapist, (b) the therapeutic relationship and working alliance, (c) the client's nondiagnostic characteristics,

- **www.CASEL.org**
  Collaborative for Academic, Social, and Emotional Learning
- **www.Character.org**
  Character Education Partnership
- **www.NASPonline.org**
  National Association of School Psychologists
- **www.NMHA.org**
  National Mental Health Association
- **www.ecs.org/nclc**
  Education Commission of the States/National Center for Learning and Citizenship
- **www.ed.gov/offices/OSDFS/exemplary01/2_intro2.html**
  U. S. Dept. of Education, Office of Safe and Drug-Free Schools
- **www.samhsa.gov/centers/csap/modelprograms**
  Center for Substance Abuse Prevention
- **http://modelprograms.samhsa.gov/template_cf.cfm?page=model_list**
  Center for Substance Abuse Prevention site for searching for model programs based on matching criteria
- **www.cdc.gov/hiv/projects/rep/compend.htm**
  Centers for Disease Control and Prevention
- **www.nida.nih.gov/prevention/prevopen.html**
  National Institute on Drug Abuse
- **www.colorado.edu/cspv/blueprints/index.html**
  Office of Juvenile Justice and Delinquency Prevention, Blueprints Project
- **http://consensus.nih.gov/ta/023/023youthviolencepostconfintro.htm**
  State of the art science in preventing adolescent violence and other problem behavior.

(d) processual aspects of a treatment, and (e) the context in which the treatment is delivered (Elliott, 1998; Norcross, 2002; Seligman, 1995). Another line of discourse has addressed how methodologies are predicated on explanatory systems and models (Frank & Frank, 1991; Wampold, 2007) or what Messer (2004) has called "psychology's dual heritage," the scientific and humanistic traditions.

The majority of review efforts have considered only randomized controlled trials (RCTs) as "evidence." RCTs have emerged as the gold standard for EBP across health care, mental health, and education. RCTs can involve a number of different design structures with the basic feature being random assignment of participants to conditions of the experiment (e.g., randomized design comparing intervention and control, factorial designs, crossover designs). However, they are not without limitations, including threats to validity such as internal, external, statistical conclusion, and construct validity (Shadish, Cook, & Campbell, 2002). Moreover, the literature reflects a growing recognition that other methodologies also contribute to understanding and improving practice (Hayes, Barlow, & Nelson-Gray, 1999; Laurenceau, Hayes, & Feldman, 2007; Messer, 2004; Slife, Wiggins, & Graham, 2005), sometimes in unique ways that RCTs cannot. For example, the Division 18 task force has presented the case for the role of qualitative methods for addressing issues related to monitoring of intervention implementation and assessment of issues such as acceptability, social validity, and cultural diversity (Ingraham & Oka, 2006; Nastasi & Schensul, 2005). In addition, the task force has focused on the role of mixed methods in fostering cultural validity and adaptation of evidence-based practices (Nastasi et al., 2007; see Tashakkori & Teddlie, 2003 for information on mixed methods research). APA's Division 43, Family Psychology, has also developed *Guidelines for Evidence-Based Treatments in Family Psychology* to assist in the identification and evaluation of specific interventions taking into account absolute, relative, and contextual efficacy (Sexton et al., 2007).

Therefore, in concert with these example efforts and with the APA Presidential Task Force on Evidence-Based Practice (2006), we endorse multiple types of research evidence that can serve as legitimate bases for establishing "research evidence." Because diverse research designs and methodologies address different types of questions, their inclusion in establishing "evidence" will give a more fully informed picture of whether and how a given intervention works, for whom, and in what circumstances. However, we also emphasize that RCTs extended to different research questions about EBP are the best sources of scientific information and that other methods must be interpreted with caution as they may contain various threats to validity and may bias causal inference (Shadish et al., 2002).

DEVELOPMENTAL CONSIDERATIONS

the importance of development

In considering EBP for children and adolescents, a developmental lens is important in order to integrate multiple developmental processes (e.g., physical, mental, cognitive, social, emotional) in treatment. Development is ever changing and relatively rapid across childhood and adolescence, providing a "moving target" for accurately identifying and assessing behavioral concerns and for formulating effective evidence-based treatment approaches that accommodate developmental change (Hoagwood, Burns, Kiser, Ringeisen, & Schoenwald, 2001). The changes seen across normal development are multidetermined and relatively consistent within individuals. However, there are many potential deviations from "normal" development. In order to understand and evaluate the extent to which children's behavior is sufficiently "off the (developmental) curve" to warrant intervention, considering both risk (vulnerabilities) and resilience (strengths) is important. Children's competence in handling developmental challenges and success in mastering increasingly complex challenges are critical components of intervention and prevention approaches for children and adolescents and their families. Understanding resilience in a culturally competent manner also necessitates considerations of the strengths of children from specific cultural backgrounds (Brody et al., 2002).

Specialized training that conveys an understanding of developmental change, capacities, and vulnerabilities at various ages, family characteristics and functioning, and the interplay of young people and the settings in which their development unfolds may be relevant to providing EBP to children and families. Beyond the truism that "children aren't just small adults" lies evidence for the many unique stages and phases of childhood, including differences associated with gender and gender development. Traditionally underrepresented groups, such as gay, lesbian, bisexual, and transgendered (LGBT) youth, underscore the importance of considering development broadly and with respect for different developmental trajectories (D'Augelli & Patterson, 2001). Differences in development associated with gender cut across physical, emotional, and social components and have implications for long-term well-being. Asking whether a particular behavior (e.g., oppositionality, sparse expressive language, emotional outbursts toward parents) is "normal" rests in large part on the age of the individual and the context of the behavior. In training developmentally sensitive

clinicians, emphasis on skills in engaging and working not only with children, but with the significant others whose behavior impinges on them, including siblings, parents, extended family members, and teachers, is important. Such training can provide an essential foundation for the use of evidence-based practice in child and adolescent mental health care (cf., Dishion & Stormshak, 2007; Roberts et al., 1998; Spirito et al., 2003).

a social-ecological framework

Social ecology (Bronfenbrenner, 1979) helps us understand children contextually, within multiple systems that interact and affect children's development. In addition to biological and psychological characteristics of the child, families, neighborhoods, communities, and educational settings influence children's development. Social ecology sees the child or adolescent as part of a far broader and powerful ecology that includes numerous aspects of culture, subculture, and society and the broadest systems shaping our society, including legal systems and ethical principles. The complexities of development would be daunting even if these processes were uniform and/or predictable. However, even within normal development, variations based on genetic and early environmental factors affect subsequent development. The risk factors associated with early experience can presage later emotional or behavioral problems for children and adolescents and signal opportunities for prevention and intervention efforts.

Children develop within a network of different contexts as members of their families, schools, peer groups, and communities. To effect positive change for children and adolescents with mental health problems, it is necessary to develop approaches that access children in natural settings and formulate interventions that fit into these contexts and in partnership with families. These contextual factors would be important to consider even if access and availability of interventions were plentiful and nonproblematic. Given constraints in providing EBP to children and adolescents in need, contextual factors become even more essential because access, engagement, and delivery of services automatically involve attention to the contexts that surround children's lives. Service delivery for children cannot occur without attention to context, including culture. The key contexts reviewed here are the family, schools, the health care system, and the child mental health system.

unique aspects in receiving and accessing care

Important differences in the ways in which children and adolescents, compared to adults, experience and access health care affect the conceptualization and development of EBP. Developmentally, children and adolescents may not be as able to recognize, understand, and communicate their distress as adults. In fact, children and most adolescents typically access care via an adult "gatekeeper," most often a parent, school personnel, or physician. Consent to treatment itself is even defined by age and usually necessitates adult involvement. Providers of EBP for children and adolescents must have skills and training in developmentally guided interventions. However, they must also be skilled in joining and motivating youth who may be disengaged, reluctant, or even hostile to care. Children, much more than adults, are in situations that they may be unable to change or expect to change (e.g., an abusive home, an underperforming school, a poor or violent neighborhood). Psychological services for many children and adolescents rest upon understanding the challenges inherent in changing some environments and balancing efforts to change with strategies to cope realistically with these situations.

families

Families are essential to the growth and development of children and are key determinants of whether a child will receive mental health services (Angold et al., 1999; Burns et al., 1995; Farmer, Burns, Angold, & Costello, 1997). The extent to which families are engaged in services can at least indirectly affect children's outcomes (Tolan, Hanish, McKay, & Dicky, 2002). The linkage of strategic engagement strategies for improving collaboration with families to use of EBP is likely to have a positive impact on outcomes (Hoagwood, 2005).

Families are also intimate and powerful environments for protection, nurturance, and socialization of children. They are generally strong advocates for their children and provide a key context for prevention and treatment. In some cases (such as families characterized by social isolation or abuse, substance use, and/or other illegal activities), families may be adverse environments for children. In other situations, families may struggle with issues, such as youth sexuality, and be inconsistent in their support. Although many psychosocial services emphasize the child as an individual, those that include family context and actively engage families in fostering adaptive development represent optimal approaches.

Family structure has varied across settings and across time. For example, over the period from 1980 to 2000, the percentage of children living in two-parent (married) families declined, and the percentage in single-parent families (both mother-headed and father-headed) increased (U.S. Census Bureau, 2000). These patterns coexist with other diverse

patterns of family structure and parenting, including those in which children live with grandparents, with lesbian or gay parents, and in foster families. The association between family structure and child outcomes has yielded inconsistent findings. However, children in single-parent families, particularly those of lower socioeconomic status and with other high-risk indicators (e.g., divorce, substance use, unemployment, domestic violence) are at elevated risk for behavioral difficulties (National Institute for Health Care Management Foundation, 2005).

Across family types and structures, family characteristics such as cohesion, warmth, consistency, and engagement with the broader community and social worlds are factors consistently associated with more adaptive family outcomes (Lavigne & Faier-Routman, 1992). Major risks include parental mental illness, social isolation, substance use, domestic violence, and chaotic living circumstances, all of which are associated with negative child outcomes, particularly with respect to externalizing behaviors and disorders. Some evidence-based interventions explicitly support, educate, and engage family members (e.g., Forehand & McMahon, 1981; Kazdin, 2004a; McKay & Bannon, 2004). However, even in interventions that lack this explicit focus, it is clear that many families are essential partners and can become active agents of change on behalf of their children (Jensen & Hoagwood, 2008).

Among students between the ages of 6 and 21, nearly 3 million with learning disabilities (LD), 500,000 with emotional and behavior disorders (EBD), and more than 78,000 with autism received special education services in 2001. These numbers are increasing…

school systems

Schools are immensely influential forces in the development of prosocial as well as problem behavior and provide opportunities for prevention and treatment. Limited access to health and behavioral health care increases the likelihood that untreated behavioral concerns will emerge in schools. The categories of disorders in educational settings are somewhat different than in mental health, but paint a similar picture of need. Among students between the ages of 6 and 21, nearly 3 million with learning disabilities (LD), 500,000 with emotional and behavior disorders (EBD), and more than 78,000 with autism received special education services in 2001. These numbers are increasing (Office of Special Education Programs, 2003), creating a greater demand on the school system and causing these youths to miss more school days and have associated emotional struggles with depression and anxiety (Blanchard, Gurka, & Blackman, 2006).

Children and adolescents display a wide variety of educational and mental health needs that are, in part, addressed by the public schools. Traditionally, special education services have served students with special needs, wherein they were referred, evaluated (typically by a school psychologist), and placed in special education classes. This process has been the most common since 1975, when the Education of All Handicapped Children Act passed (Public Law 94-142). After years of implementation, the limitations of this model became evident. Students had to develop serious problems prior to receiving needed services (frequently called the "wait-to-fail model"), and schools placed a disproportionate number of minority students in special education. Because the category of "learning disabilities" was the most common and purportedly overused category of services, a long series of research reviews, task forces, commissions, and work by various government groups targeted and proposed alternatives (Gresham, 2006). In 2004, the federal government signed the Individuals With Disabilities Education Improvement Act into law and included an option for school professionals to determine learning disability "based on the child's response to *scientific, research-based intervention*" (emphasis added) (United States Department of Education, 2004).

Further, when considering EBP for children and adolescents with disabilities, it is vital to recognize the heterogeneity of this population, including factors such as life-long versus acquired disabilities, type of disability, and level and impact of disability (Gibson, 2007). This population includes children with mental disabilities and those with multiple handicaps, including some with severe difficulties that may change with development over time. Partnerships among families, health care providers, and schools are essential in advancing EBP for children with disabilities. Despite progress in educational outcomes, students with disabilities fare much worse than peers without disabilities (Blackorby & Wagner, 1996). Although the pediatric psychology literature provides substantive background on the psychosocial adjustment of children with disabilities, interventions specific to these children are rare.

Several school-based examples of psychological and educational services can be featured, including those involving promotion and prevention models, comprehensive

mental health services including school-based health clinics, initiatives in special education, and positive behavior support. In the area of mental health promotion and prevention, considerable progress has been made in competence enhancement of school-age children as featured in the work of Weissberg and his colleagues involved in the Collaborative for Academic, Social, and Emotional Learning (CASEL) (Weissberg, Kumpfer, & Seligman, 2003). In particular, the Social and Emotional Learning (SEL) work is focused on building skills in four major domains including life skills and social competence, health promotion and problem-prevention skills, coping skills and social support for transitions and crises, and positive contributory service. Further information on SEL can be found in several sources (e.g., Devaney, Utne O'Brien, Resnik, Keister, & Weissberg, 2006; Elias et al., 1997; Zins, Weissberg, Wang, & Walberg, 2004).

Recommended models of comprehensive mental health services (Nastasi, Moore, & Varjas, 2004) typically are characterized by several components, including an integration of services of education, mental health, and social services through collaboration, a broad ecological focus (e.g., school, family, peers, community, society) that influence child functioning, a full continuum of services (e.g., ranging from prevention to intervention), program evaluation of process and outcome, and evidence-based approaches (Nastasi, Moore, & Varjas, 2004). Nastasi et al. (2004) also identified limitations of the evidence base in this area, including understanding essential components of programs, transfer of programs to other settings and populations, unintended outcomes, factors influencing program implementation, sustainability, cultural specific measures, and the relationship between program modifications and effective outcomes (see pp. 19–23).

Another recent initiative in education for services for students at risk for academic and behavioral problems is the response to intervention (RtI). The basic feature of an RtI approach is the use of evidence-based interventions implemented in a multitiered model of services, using student outcomes in learning and behavior domains to make decisions about the need for subsequent and more intense interventions, including special education (National Association of State Directors of Special Education, 2005). Interventions used in this model have included both academic (e.g., direct instruction, peer-assisted learning strategies) and, less often, behavioral domains (e.g., second step, multisystemic family therapy). RtI as a model of mental health and educational services is the first federally recommended wide-scale preventive approach implemented in schools. Schools can serve students demonstrating early signs of learning problems and behavioral concerns without a designation of "special education" and with evidence-based prevention and intervention. However, the RtI option in education does not yet have extensive research support (especially as a system of services), focuses primarily on academic skills in reading, is generally underfunded, is not well integrated in general education, and requires considerable professional development to realize the goals of the initiative (Kratochwill, 2007; Kratochwill, et al., 2007).

A corollary to RtI in the behavior disorder domain is a prevention and intervention movement called positive behavior support (PBS) or school-wide positive behavior support. PBS developed independently of the RtI initiative, but is also implemented in a multitiered prevention framework (Crone & Horner, 2003; Lewis, Newcomer, Trussell, & Richter, 2006). A full continuum of support may be available to students, including universal school-wide programs, secondary support, and tertiary or individual support. An important aspect of PBS (but not unique to PBS) is the use of functional assessment and analysis to design intervention programs for individual students (Crone, Horner, & Hawken, 2004). Many of the programs used within PBS are based on interventions developed within the field of applied behavior analysis and so have a strong evidence base. However, evidence for the system of intervention programs across a wide range of mental heath outcomes is still in its infancy.

pediatric health care systems

Pediatricians may identify children and adolescents with and at risk for behavioral health problems who may not receive evidence-based treatment through the mental health or educational systems. Indeed, about 75% of youth have medical visits with primary care pediatricians (Bernal, 2003), and half of "well-care" appointments in primary pediatrics may involve behavioral concerns (Cassidy & Jellinek, 1998). Unfortunately, pediatricians and pediatric health care systems are often not able to treat these problems. That is, pediatricians may feel unprepared to accurately diagnose behavioral problems and treat complex problems that may necessitate both pharmacologic and behavioral treatments. Recent evidence suggests that health care providers may more readily identify and treat ADHD than anxiety, depression, and conduct disorder (Williams, Klinepeter, Palmes, Pulley, & Foy, 2004), thus further demonstrating gaps in identifying and treating children and adolescents.

Appreciation for the role of behavioral professionals in primary care pediatrics is growing (Drotar, 1995) and in fact, the American Academy of Pediatrics (AAP) now has a

mental health task force to develop tools to help pediatricians better address the mental health needs of children and adolescents.

Pediatricians are often the first to identify developmental concerns in infants or toddlers (e.g., developmental delay, autism, health impairments, behavior problems).

Pediatricians are often the first to identify developmental concerns in infants or toddlers (e.g., developmental delay, autism, health impairments, behavior problems). They may also be the primary (or only) provider treating behavioral problems such as attention-deficit/hyperactivity disorder (ADHD). Pediatricians are in the front line in addressing public health issues, such as pediatric obesity, and may be the first to detect potential precursors of health or behavioral concerns that warrant further attention. They are strong allies in understanding, diagnosing, and treating a broad range of child problems, and they are partners in preventive and advocacy work on behalf of children and families. There are, for example, ample needs and opportunities for health promotion activities that can be formulated in collaboration with pediatricians (Black, 2002), although reimbursement for these activities is inconsistent.

An estimated 10 to 20% of children and adolescents have a chronic medical condition and may be at heightened risk for behavioral difficulties associated with their health conditions. These youth—particularly those with life-threatening illnesses and/or those conditions requiring intensive treatment regimens necessitating close medical monitoring—and their families receive treatment in tertiary care facilities or associated community-based care satellites. Pediatric psychologists and other behavioral health care professionals are often integrated into multidisciplinary treatment teams for children with disorders such as cancer, asthma, diabetes, chronic and acute pain, sickle cell disease, neurological disorders, HIV/AIDS, cystic fibrosis, cardiac disease, organ and stem cell transplantations, burns, gastroenterological disorders, rheumatic diseases, injuries, sleep disorders, and genetic disorders, among others. While disease-specific expertise is needed for a subset of each pediatric group noted, more generic problems common across diseases include strategies for coping with pain and distressing procedures, adherence to medical treatment, family issues, and child anxiety and depression. Evidence-based practices are available and broadly utilized (Drotar, 2006; Roberts, 2003; Shaw & DeMaso, 2006; Spirito & Kazak, 2006). The pediatric health care system can implement additional diverse intervention efforts, including, for example, cognitive remediation for children with impairments to the central nervous system and end-of-life care and the impact of child death on families.

child mental health systems

The most salient characteristic of the children's mental health system is, unfortunately, its fragmentation. Many sectors are involved in delivering services for children, adolescents, and their families. In addition to creating considerable burden on families, it is inefficient for states, providers, and systems and destructive to the shared goal of service integration. At least six separate sectors or administrative structures constitute the "system" serving children with psychological problems: the mental health sector; education; child welfare, including foster care and adoptive services; substance abuse; general health; and juvenile justice. These sectors are administratively and fiscally segregated in most states and localities. Consequently, one, two, all, or none of these sectors may provide services to a child with mental health needs. What dictates whether a child will receive services within one sector or another has nothing to do with the child's mental health needs. Instead, a host of familial (e.g., impact on caregiver, insurance status), community (e.g., availability, accessibility), and personal factors (e.g., trust, attributions) create an uneven, asymmetrical, and uncoordinated patchwork of service options for children with mental health problems. There has been criticism of the fragmentation of the mental health system for over 25 years, since the landmark report *Unclaimed Children: The Failure of Public Responsibility to Children and Adolescents in Need of Mental Health Services* (Knitzer, 1982); yet fragmentation exists.

In addition to the fragmentation, the sectors themselves are asymmetrical in that each offers a range of programs with varying levels of restrictiveness and no consistent standards for access or discharge. For example, within the specialty mental health sector, one can find inpatient settings, such as hospitals; residential settings, such as residential treatment programs; and partial hospitals and day treatment programs. There are also a variety of outpatient services, including psychotherapy, medication therapies, and case management services. Similarly, the child welfare sector offers and pays for residential treatments; therapeutic foster care; day treatments; outpatient services, such as psychotherapy; and crisis services. Schools offer a range of settings as well, including residential treatment; day programs, sometimes attached to hospital programs; and group or individual counseling, basically equivalent structurally to outpatient services. Some studies

have focused on the impact of integrative or coordinated care models on children's clinical outcomes. However, these studies (Bickman, 1996) have found that coordination in itself does not lead to improved outcomes.

JUVENILE JUSTICE

Mental health problems and behavioral and social dysfunction are highly prevalent among youngsters in the juvenile justice system (Skowyra & Cocozza, 2006). Perhaps because youth antisocial and delinquent behaviors have been matters of such significant concern in society for so many years, the evidence base on interventions for such behavior is particularly extensive (United States Public Health Service, 2001). Relevant interventions focus, for example, on anger management, social skills, and systematic problem solving in situations that often lead to aggression and adjustments in the social systems that impinge on the young person (e.g., changing peer associations, identifying an adult mentor). Unfortunately, many youngsters do not have access to sufficient intervention to prevent their entry into the juvenile justice system. Moreover, once they have entered that system, many youths, in many states, may find that the emphasis on incarceration outweighs the emphasis on intervention and support for change. Public attitudes, combined with budget constraints, may severely limit access to evidence-based assessment and evidence-based treatments. Another factor limiting access to evidence-based practice is that juvenile justice personnel often lack opportunities to learn about evidence-based assessments and treatments (Wasserman et al., 2003).

Public attitudes, combined with budget constraints, may severely limit access to evidence-based assessment and evidence-based treatments.

CHILD PROTECTION

Child maltreatment in various forms—encompassing both neglect and abuse—is evident in all regions of the country, necessitating child protective service systems in every state. Children and families embedded within these systems are often caught up in massive bureaucracies involving mandated reporters, case managers, foster care placement, and an array of complex regulations and policies. What may sometimes be lost in all the complexity is attention to the trauma the children have experienced, both as a part of the identified maltreatment or in connection to subsequent changes in the children's living situation—such as out-of-home placement and separation from siblings. Evidence-based assessment methods exist for identification of problems and disorders that warrant clinical attention, and evidence-based treatments exist for some of the most common problems and disorders (see, e.g., Cohen, Manarino, & Deblinger, 2006). However, because child protection systems often operate rather separately from mental health systems, awareness of these assessment and treatment methods may be limited. In addition, the personnel responsible for child protection may have training relevant to their primary work but relatively little exposure to evidence-based assessments or treatments.

SUBSTANCE ABUSE

Alcohol and drug abuse in children and adolescents often co-occurs with mental health problems, and the existence of two separate "systems" poses a significant challenge for children, adolescents, and their families. Although many school and community programs have examined evidence-based programs to prevent the development of substance abuse, evidence-based treatment programs for children or adolescents with co-occurring disorders are still rare. We recognize as well that substance use may be more prevalent in certain subgroups of youth and that the approaches necessary (e.g., for GLBT youth) may differ from more "traditional" treatment models (Russell, 2006). The existence of two separate systems also makes delivery of those programs that do exist extremely challenging (Copello & Orford, 2002). However, some promising family based approaches offer adolescent substance abusers greater likelihood of treatment success (Liddle, 2004).

summary

Thus far, this report has highlighted key assumptions of practice and the developmental needs of children and adolescents practitioners need to consider when delivering EBP. Further, we have introduced the multiple systems within which children and adolescents exist—school, health care, and mental health systems, for example—and addressed the mental health needs of youth and their families within these systems. We now move to an overview of the evidence base upon which evidence-based practice can draw within these various systems.

OVERVIEW OF THE SCIENTIFIC EVIDENCE: ASSESSMENT AND INTERVENTION

A large and ever-expanding scientific literature documents the existence of two major elements of evidence-based practice: psychometrically sound assessments and empirically supported interventions. Sound assessment is required for accurate identification of children's problems and disorders, for ongoing monitoring of children's response to interventions, and for evaluation of the outcomes of intervention once termination has occurred. Empirically supported interventions are required if practitioners are to draw on clinical care procedures that have track records—i.e., procedures shown to ameliorate problems or diagnoses or to otherwise bolster children's adaptation or well-being.

evidence base on psychometrically sound assessments

The long history of research on assessment has generated an extensive collection of measures for informing, guiding, and evaluating the effects of prevention and intervention for children (see Cone, 2001 and Meyer et al., 2001 for reviews). At the beginning of care, an assessment identifies problems and diagnoses to ensure that the practitioner knows what the focus of treatment needs to be (e.g., screening, diagnostic measures). Using empirically sound assessment approaches at this early stage can make it possible to properly match the child's condition to the appropriate intervention. In addition, assessment should identify each youngster's strengths, as these are the resources upon which intervention can build. Assessment should also encompass environmental and system factors that are so often critical to successful intervention outcomes as can be observed in many prevention and intervention programs. For example, practitioners can enhance intervention planning for an individual child by learning the antecedents and consequences of a particular problem behavior if it occurs in the presence of one parent but not the other, or that a problem behavior is followed by parental attention (which may inadvertently reward the child for unwanted behavior). Further, some particularly successful prevention and intervention programs involve understanding and modifying system factors such as characteristics and behavior of the immediate family; extended family; neighbors; school personnel; cultural, social, and religious communities; and even juvenile justice personnel in relation to needed services.

Once intervention has begun, psychometrically sound assessment at regular intervals (e.g., each treatment session, weekly) can gauge the child's response to the intervention, inform supervision, guide adjustments in treatment strategy, and guide decisions about how long treatment needs to continue. After treatment ends, posttreatment assessment will gauge the overall impact of care. For these purposes, measures of symptoms, disorders, problems, and real-life functioning (e.g., at home, at school, with peers) are relevant, and reliance on multiple informants (e.g., children, parents, teachers, peers) can be extremely helpful.

A number of books and handbooks [see Hersen, 2004; intellectual and neuropsychological assessment

(Goldstein & Beers, 2004), personality assessment (Hilsenroth & Segal, 2004), and behavioral assessment (Haynes & Heiby, 2004); learning disabilities (Fletcher et al., 2007)] contain lists of such measures, together with their psychometric characteristics and previous applications (see also Cone, 2001 for a review of tools for evaluation of practice). Conceptual guidelines for evaluation of prevention programs such as SEL have been presented (e.g., Elias et al., 1997). In addition, a special issue of *Journal of Clinical Child and Adolescent Psychology* (see Hunsley & Mash, 2007; Mash & Hunsley, 2005) has provided very thoughtful reviews of the measurement literature and research in the field. Another set of reviews, focused on evidence-based assessment in pediatric psychology, is forthcoming in *Journal of Pediatric Psychology* and provides reviews of measures and approaches for assessment of pain (Cohen et al., in press), adjustment (Holmbeck et al., in press), families (Alderfer et al., in press), adherence to medical treatment (Quittner, Modi, Lemanek, Levers-Landis, & Rapoff, in press), stress and coping (Blount et al., in press), and cognitive assessments specific to children with medical conditions (Campbell, Brown, Cavanagh, Vess, & Segall, in press).

evidence base on empirically supported interventions

Research over several decades has documented the beneficial effects of a broad range of interventions for children and adolescents. In addition, the array of empirically supported interventions includes prevention programs to reduce the likelihood of youth problems and disorders and treatment programs to ameliorate youth problems and disorders that have already emerged. Research has used at least two broad approaches to review the evidence and identify beneficial interventions. One is systematic narrative review, sometimes carried out by task forces, with panels of experts reviewing individual clinical trials to identify the interventions that pass standards of acceptability and effectiveness (Cooper, 1998). Another approach is meta-analysis, in which findings are pooled and their effects averaged across multiple studies through the use of effect size values; these are usually calculated as the postintervention difference between the intervention group and control group, divided by the standard deviation of the outcome measure used. Effect sizes convey the magnitude of intervention impact. Meta-analysis has been applied to both group RCT studies (Glass, McGaw, & Smith, 1981) and single-case research design studies (Busk & Serlin, 1992). Single-case designs (sometimes referred to as time-series designs) involve repeated assessment over time with various design features structured to rule out threats to validity. These experiments typically involve one or a small number of participants with baseline and treatment conditions compared within and/or between participants (Kazdin, 1998).

As a general guideline in RCT studies (following Cohen, 1988), an effect size (ES) value of 0.20 is a commonly used benchmark for a "small" effect, 0.50 for "medium," and 0.80 for "large." Currently, there is no counterpart to these ES benchmarks in single-case design; these metrics may be forthcoming in the near future with several research groups addressing the issue. Nevertheless, the meaning and importance of a specific effect size value may depend on the context and topic. For example, even "small" effects may have genuine public health impact if they concern an outcome or risk factor that is very prevalent (e.g., parental divorce) or very sinister in its implications (e.g., suicide attempts or HIV infection).

BENEFITS OF PREVENTION PROGRAMS

Several narrative reviews and meta-analyses have shown that prevention programs for young people can produce significant benefit by reducing rates of later social, behavioral, academic, and psychological problems. A cost analysis by Aos and colleagues (2001) found significant cost savings through implementation of these prevention programs. Researchers have designed some of the specific programs to promote a broad array of positive outcomes; these are sometimes called health promotion or positive youth development programs. In one example, Lonczak, Abbott, Hawkins, Kosterman, and Catalano (2002) used teacher training, parenting classes, and child social skills training to better the odds of positive outcomes among elementary school students in high-crime areas. Follow-up assessment over the subsequent 11 years showed reduced rates of risky sexual behavior, pregnancy, and delinquency, and importantly, higher levels of school achievement among youths who participated in the program versus those who did not. Other programs focus on universal prevention in an entire population (e.g., an entire school). In one example, the Olweus (1994) "whole school program" markedly reduced bullying, vandalism, fighting, and theft in schools by improving school recess supervision, establishing anti-bullying school rules, and arranging meetings with bullies, victims, and parents of both.

Still other programs employ selective prevention, targeting groups at especially high risk of unwanted outcomes. A well-known example is the Nurse Home Visitation Project (Olds et al., 1998) designed specifically for low-income women experiencing their first pregnancy who were younger than 19 or unmarried. Through multiple home visits, nurses worked with the expectant mothers to promote healthy behavior during pregnancy and the child's early

years, build competency in child care, link mother and child to services and social supports, and support the mother's personal development. The program has shown benefits that include reduced rates of substance use, antisocial behavior, and child maltreatment effects documented over 15 years after birth. In a fourth category of preventive intervention, *indicated prevention*, the focus is on youngsters who already show some evidence of the target problem. In one example, the Montreal Prevention Experiment, Tremblay, Pagani-Kurtz, Masse, Vitaro, and Pihl (1995) identified inner-city kindergarten boys who already showed significant disruptive behavior and provided the boys with school-based social skills training and their parents with home-based parent training. This indicated prevention program led to better school performance and reduced delinquency over the subsequent 5 years.

Summary reviews and meta-analyses of programs like these generally show beneficial effects. For example, one meta-analysis of 177 universal prevention studies found significant mean effects ranging from 0.24 to 0.93 (Durlak & Wells, 1997). In a review of 130 indicated prevention studies, Durlak and Wells (1998) found mean effects to be in the 0.50s. Several meta-analytic reviews have focused on the prevention of specific problems. For example, meta-analyses of programs to prevent child abuse (Davis & Gidycz, 2000), to reduce harmful effects of parental divorce (Lee, Picard, & Blain, 1994), and to prevent drug abuse (Tobler & Stratton, 1997; but see Ennett, Tobler, Ringwalt, & Flewelling [1994] on the apparent ineffectiveness of the popular Drug Abuse Resistance Education [DARE] program for school children) have found beneficial effects. Other meta-analyses have generated evidence of the effectiveness of school-based interventions in preventing substance use and school dropout (Wilson, Gottfredson, & Najaka, 2001) and that prevention programs combining preschool intervention with family support showed effects on delinquency and antisocial behavior as long as 8 to 12 years after the intervention (Yoshikawa, 1995; see other relevant reviews by Fletcher et al., 2007, and by Bear & Minke, 2006). The What Works Clearinghouse (www.whatworks.ed.gov) provides ongoing reviews of various academic prevention and intervention programs in education (see p. 26 for other Web sites that feature evidence-based prevention programs).

BENEFITS OF TREATMENT PROGRAMS

The body of evidence on treatment programs includes at least 1,500 clinical trials (Durlak, Wells, Cotton, & Johnson, 1995; Kazdin, 2000). Several hundred of these have met criteria for inclusion in various narrative reviews and meta-analyses. A special issue of the *Journal of Clinical Child and Adolescent Psychology* (Silverman & Hinshaw, 2008) provides 10 particularly recent reviews of the evidence on treatments for child and adolescent problems and disorders. The special issue encompasses treatments for early autism (Rogers & Vismara, 2008), eating problems and disorders (Keel & Haedt, 2008), depression (David-Ferdon & Kaslow, 2008), phobic and anxiety disorders (Silverman, Pina, & Viswesvaran, 2008), obsessive-compulsive disorder (Barrett, Farrell, Pina, Peris, & Piacentini, 2008), exposure to traumatic events (Silverman, Ortiz et al., 2008), ADHD (Pelham & Fabiano, 2008), disruptive behavior (Eyberg, Nelson, & Boggs, 2008), and substance abuse (Waldron & Turner, 2008), as well as the review and meta-analysis of treatments for ethnic minority youths noted previously (Huey & Polo, 2008). In general, the take-home message of most of the reviews and meta-analyses has been this: structured, empirically tested treatment programs can have beneficial effects with children and their parents.

Many of the treatment programs include individual therapy with children. An example is the Coping Cat protocol, through which children with social phobia, separation anxiety disorder, or generalized anxiety disorder learn to identify and alter their unrealistic fearful thoughts and to try the actions they have been too fearful to take, such as starting a conversation, speaking up in class, or even attending school (e.g., Kendall et al., 1997). Numerous reports indicate positive outcomes associated with this intervention. Other empirically tested programs—particularly for conduct problems and other externalizing behavior—address child problems primarily by working with parents. An example is the Incredible Years program, which has led to improved child behavior in numerous clinical trials and in multiple countries: Therapists use video illustrations and carefully structured discussions with parent groups to build parental skills in nurturing a positive parent-child relationship, giving clear instructions, using attention and praise to encourage appropriate prosocial child behavior, and responding appropriately (e.g., with proper use of time-out) when children misbehave.

Other programs focus intervention on multiple levels of children's social ecology. Almost certainly, the most thoroughly tested of these is multisystemic therapy (MST; Henggeler, Schoenwald, Borduin, Rowland, & Cunningham, 1998), most often used to address delinquent, antisocial behavior in youngsters who have already been arrested, often multiple times. In MST, therapists work to produce changes in the youths themselves (e.g., improved anger management, better decision-making skills), family members (e.g., closer parental monitoring of the youth, better behavior

management skills), social relationships (e.g., ending contact with delinquent peers, finding productive alternatives such as learning a job skill), and others in the youth's social world (e.g., arranging for regular contact among school personnel, probation officer, and parents). Considerable evidence suggests that MST has produced striking reductions in re-arrest rates, and with methods that appear less costly than incarceration and other juvenile justice alternatives (see Henggeler et al., 1998). As the findings illustrate, evidence-based treatments can improve functioning in youngsters and their families, reduce the risk to others in society, and, in some cases, even reduce the cost of care.

Meta-analyses focused on these and many other tested treatments have found that the treatments, collectively, produce substantial beneficial effects (Casey & Berman, 1985; Kazdin, Bass, Ayers, & Rodgers, 1990; Weisz, Weiss, Alicke, & Klotz, 1987; Weisz, Weiss, Han, Granger, & Morton, 1995). To describe the benefit in quantitative terms, we note that average effect sizes in the various child-focused meta-analyses have ranged from medium (about .50) to large (about .80). This is about the same range of effects reported for adult psychotherapy (e.g., Shapiro & Shapiro, 1982; Smith & Glass, 1977). Two other child meta-analytic results help clarify the nature of the effects: (a) Effects measured immediately after treatment are quite similar to effects measured at follow-up assessments, which average 5-6 months after treatment termination, suggesting that effects hold up well over typical follow-up time frames, and (b) effect sizes for the problems targeted in treatment tend to be higher than effect sizes for related problems that were not the focus of treatment (Weisz et al., 1995), suggesting that these therapies are not merely producing broad nonspecific effects, but instead have a rather precise impact on the primary focus of therapy.

reviews of other treatments

Some reviewers and meta-analysts have focused on more narrowly circumscribed questions. For example, meta-analyses have reported substantial effects of cognitive behavioral therapy on impulsivity and on treatments used to get youngsters ready for medical and dental procedures. A diverse collection of focused meta-analyses (cited and discussed in Weisz, 2004) points to positive effects of multiple treatments for rather diverse problems (for further review of the evidence base on child treatments, see Kazdin & Weisz, 2003; Weisz, 2004). Other information on what scientific research has shown about treatment effects with children is located on an APA Division 53, Society of Clinical Child and Adolescent Psychology, Web site at www.effectivechildtherapy.com.

In terms of interventions for children experiencing academic disabilities, learning disabilities in particular, Fletcher et al. (2007) reviewed evidence-based programs for reading disabilities (word recognition, fluency, and comprehension), mathematics disabilities, and written expression disabilities. Everson and Weinstein (2006) and the What Works Clearinghouse site as referenced above also contain reviews of academic interventions and instructional practices in school settings.

A series of 11 papers published in the *Journal of Pediatric Psychology* from 1999-2001, and subsequently updated by Spirito and Kazak (2006), reviewed treatments for children with a range of chronic pediatric illnesses. The series covered pain (headaches (Holden, Deichmann & Levy, 1999), recurrent abdominal pain (Janicke & Finney, 1999), procedural pain (Powers, 1999), disease-related pain (Walco, Sterling, Conte, & Engel, 1999), sleep disorders (Mindell, 1999), adherence to medical treatment (Lemanek, Kamps, & Chung, 2001), feeding problems (Kerwin, 1999), obesity (Jelalian & Saelens, 1999), encopresis (McGrath, Mellon, & Murphy, 2000), enuresis (Mellon & McGrath, 2000), and treatment of symptoms related to common chronic illnesses (McQuaid & Nassau, 1999). Chen, Cole, and Kato (2004) subsequently published a review of sickle cell disease pain and adherence. In general the findings support a range of approaches for a diversity of pediatric conditions and for treatment approaches that integrate modalities and approaches. There are also consistencies in the recognition of the difficulties of conducting studies of EBP in pediatric populations, due to low base rates of medical conditions and practical considerations in the integration of behavioral care in pediatric settings (Spirito & Kazak, 2006).

In sum, there is a rich evidence base of sound assessment and intervention strategies tailored to particular conditions, contexts, and needs. This continually evolving literature provides the practitioner with additional resources to integrate evidence-based practice in clinical care with children and adolescents and their families. The clinician, however, must perform the difficult task of considering the evidence base, the youth's and family's characteristics, needs, and capabilities, as treatment is being initiated. We propose that a particular orientation to providing evidence-based practice will assist the clinician in this process.

AN EVIDENCE-BASED ORIENTATION TO PRACTICE

Central to an evidence-based orientation to clinical practice is a scientifically minded approach. This approach is characterized by knowledge and skills in applying psychological science, including models of etiology and change (e.g., Walker's (1999) conceptualization of the role of psychosocial factors in the course of childhood recurrent abdominal pain; acceptance and commitment therapy's emphasis on acceptance of personal reactions and action on valued directions in the effort to improve psychological functioning, Hayes, Strosahl, & Wilson, 2003), as well as a constant process of observation and inquiry. Evidence gathered throughout this process guides subsequent practice activities. The scientifically minded approach reflects a commitment to the ideals espoused in the scientist-practitioner model of clinical training (McFall, 1991; Raimy, 1950; Thompson & Super, 1964) and emphasizes the importance of bringing a scientific attitude and knowledge base to clinical practice (Stricker & Trierweiler, 1995). It recognizes the value of local observations and local solutions to clinical problems.

The three primary and reciprocal elements of an evidence-based clinical practice are assessment, intervention, and ongoing monitoring (see Figure 2 on page 39), conducted in a scientifically minded manner and informed by clinical expertise (e.g., judgment, decision making, interpersonal expertise). As noted earlier, attention to developmental processes and contexts of care is critical when working with children and adolescents. Children represent "moving targets" because they are ever-changing and rapidly developing. To be effective, clinical service delivery must be sensitive to these processes. Further, development occurs in different contexts, and attention to contextual factors is essential. Clinicians deliver services across multiple contexts of care (e.g., community mental health centers, private practices, schools, hospitals).

assessment, intervention, and monitoring

As noted in the previous section, EBP with children and adolescents emphasizes assessment procedures that are reliable and valid, with attention to developmental level, culture, and context. The preferred procedures have "treatment utility" (Hayes et al.,1987) in that they are consistent with and assess factors central to the clinician's working model of the child, the child's circumstances, and the therapeutic process necessary for change. Assessment results guide diagnosis, intervention planning, and outcome evaluation (e.g., see special issue of *Journal of Clinical Child and Adolescent Psychology* on evidence-based assessment, Vol. 34(3)). For prevention programming, assessment data shed light on those skill deficits or risk factors in need of attention.

EBP intervention includes, but is not limited to, those treatment programs that randomized controlled trials established as empirically supported. The clinician may consider multiple types of research evidence, including individual case studies, qualitative research, single-case experiments, public health and ethnographic research, and process-outcome studies. While a certain intervention

The evidence-based practitioner engages in constant observation and inquiry, and ongoing monitoring of therapeutic outcome and process is an essential part of clinical activities

program may have a strong evidence base, it may not be helpful to a particular child if she or her parents do not have the prerequisite abilities needed for the protocol. Factors like personal beliefs and values may affect understanding, acceptance, and follow-through with an intervention. Informed by consideration of these factors, the clinician determines whether to use an established treatment program, components of existing treatments, and/or other intervention strategies deemed relevant. When no established treatment exists for a particular condition, the use of assessment and monitoring data facilitates an idiographic approach to evidence-based intervention. Clinically effective intervention requires maintenance of gains. Protracted spacing between visits, booster sessions, and scheduled phone calls and reminders for follow-up appointments may be useful strategies for maintenance promotion.

The evidence-based practitioner engages in constant observation and inquiry, and ongoing monitoring of therapeutic outcome and process is an essential part of clinical activities (e.g., Chorpita, Bernstein, Daleiden, & the Research Network on Youth Mental Health, 2008; Lutz et al., 2006). Data gathered in an ongoing manner allows for a more informed and dynamic process of care. Client or participant input and feedback play important roles in ensuring that this process is a collaborative one. Monitoring outcomes increases the clinician's understanding of the child's condition, sheds light on factors that need attention, and assists in tailoring treatment efforts. As such, these data facilitate the process of making efficacious intervention strategies truly effective in the real world. They are also helpful for assessing possible adverse effects of the services provided. The use of monitoring strategies is a minimal requirement for characterizing a clinical practice as evidence-based.

common factors

Research has also supported the relevance of common factors to treatment of adults (e.g., Norcross, 2002) and children (e.g., Shirk & Karver, 2003). In child and adolescent practice, three important variables are alliance, engagement, and treatment retention. A number of findings suggest that therapeutic alliance between therapist and child, and between therapist and caregiver, may be related to effectiveness (e.g., Kazdin, 2002; Shirk & Karver, 2003). Barriers to treatment engagement include individual and family characteristics, logistics (e.g., transportation), and skepticism about those individuals or centers providing care (Greeno et al., 2002; Kazdin, Holland, & Crawley, 1997; McKay & Bannon, 2004). Efforts to alleviate concerns, align expectations about treatment, and provide support for individuals and families to receive treatment can enhance treatment engagement. For example, programs to increase participation in clinical care (Breland-Noble, Bell, & Nicolas, 2006; McKay & Bannon, 2004) and prevention programs with children and families (Coatsworth, Duncan, Pantin, & Szapocznik, 2006; Szapocznik, Lopez, Prado, Schwartz, & Pantin, 2006) have proven successful in engaging families traditionally seen as underserved populations. The common factors in these programs are efforts to reach out, normalize treatment, and provide a rationale for engaging in treatment while considering the important contextual variables of each individual or family unit.

A significant barrier to receiving services is the fact that nearly 40 to 60% of individuals who enter outpatient treatment do not stay in treatment for longer than

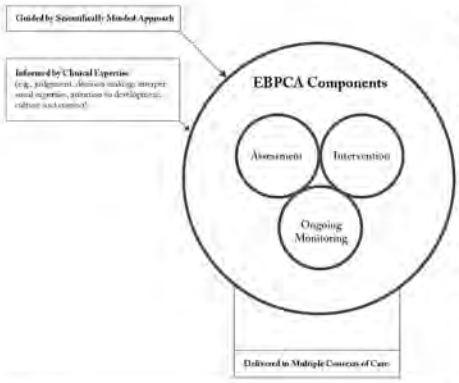

FIGURE 2: *Three primary and reciprocal elements of an evidence-based clinical practice*

a few sessions (Harpaz-Rotem, Leslie, & Rosenheck, 2004; Kazdin & Mazurick, 1994). Factors that contribute to treatment retention include individual and family characteristics, satisfaction with treatment, and therapeutic alliances (Hawley & Weisz, 2005; Weisz, Jensen Doss, & Hawley, 2005). Further, variables such as access to treatment and timely response to the initiation of treatment also factor into retention (Hoagwood, 2005; Werba, Eyberg, Boggs, & Algina, 2006). Once an individual or family is engaged in treatment, efforts to promote retention should focus on responsiveness to the family's needs, close inspection of the alliances developed during treatment, and assessment of satisfaction and progress in a systematic fashion (see McKay & Bannon, 2004).

A significant barrier to receiving services is the fact that nearly 40 to 60% of individuals who enter outpatient treatment do not stay in treatment for longer than a few sessions

summary

An evidence-based orientation to practice is scientifically minded and guided by clinical expertise. However, even when services are provided in the manner described, barriers to positive outcomes may exist, including chronic and severe child psychopathology, parental psychological difficulties, needs of siblings, and familial inability to access or utilize services. Competencies in areas such as case formulation; treatment planning; implementation of treatment; monitoring; formation of therapeutic alliances; and understanding of individual, cultural, and contextual influences (APA Presidential Task Force on Evidence-Based Practice, 2006) may help address such barriers. Clinical expertise is necessary for making flexible decisions about the nature and amount of service needed and the integration of evidence-based strategies from related disciplines. For example, the family receiving parent management training to treat attention deficits and impulsivity related to attention-deficit/hyperactivity disorder will likely have the child treated with stimulant medications as well. Practitioners may need to consider thoughtful integration of treatment strategies—psychosocial, pharmacological, and other—for the most positive outcomes.

IMPLEMENTATION AND DISSEMINATION

As noted above, practitioners, policymakers, and researchers are strenuously questioning the implicit assumption that practices defined as efficacious in academic studies are readily translatable to routine practice (Drake et al., 2001; Goldman et al., 2001; Schoenwald & Hoagwood, 2001; Tanenbaum, 2003). The well-documented differences between the conditions of research and typical practice (Burns, 1999; Burns, Hoagwood, & Mrazek, 1999; Hoagwood, Hibbs, Brent, & Jensen, 1995; Hoagwood et al., 2001; Jensen, Hoagwood, & Petti, 1996; Jensen, Hoagwood, & Trickett, 1999; Schoenwald & Hoagwood, 2001; Weisz, 2000a, b, c; Weisz, Weiss, & Donenberg, 1992) imply that interventions developed through efficacy trials may need adaptation to fit into typical services, and, likewise, that service contexts may need to adapt to new exigencies necessitated by the introduction of new therapies, interventions, or practices. In fact, the existence of scientific evidence in support of an intervention has little bearing on the question of whether it can be adopted (Gonzales, Ringeisen, & Chambers, 2002; Greer, 1994; Panzano, Roth, & Crane-Ross, 2002; Tanenbaum, 2003).

Several studies have now demonstrated that the quality of usual care is at best uneven (Bickman 1996; Weisz et al., 1995; Weisz, 2004; Weisz et al., 2005b; Zima et al., 2005) and at worst harmful (U.S. Public Health Service, 2001). The momentum to move new and tested practices into real-world settings has created both challenges and opportunities. Some of the challenges include the acceptance of EBP by providers, administrators, families, and other stakeholders; the effect of the adoption of EBP on caseloads or supervisory practices; and the integration of EBP into existing organizational and management structures. Studies examining the clinical efficacy of interventions (Drake, Latimer, Leff, McHugo, & Burns, 2004; Goldman et al., 2001; Schoenwald & Hoagwood, 2001; Weisz & Hawley, 1998) rarely addressed these issues. These questions are critical because they affect the degree to which the integration of new technologies can occur (Greer, 1994; Rosenheck, 2001) and whether it will occur.

Prompted in part by recognition of these challenges, a series of major federal, state, and local policies launched in recent years has created unprecedented opportunities for partnerships among researchers, practitioners, and policymakers. For example, system-wide reforms are under way in at least 44 states (National Association of State Mental Health Program Directors (NASMHPD), 2005; Yaunacci, Rivard, & Ganju, 2005), and numerous federal agencies, including National Institute of Mental Health (NIMH), National Institute on Drug Abuse (NIDA), National Institute on Alcohol Abuse and Alcoholism (NIAAA), Substance Abuse and Mental Heath Services Administration

(SAMHSA), and Department of Education (DOE)], have redirected funding priorities to incentivize the adoption of EBP. At least a dozen states are actively implementing EBP for children and families, and program leaders in the states have created a unique consortium to share evaluation and implementation lessons as they learn them (Burns & Hoagwood, 2004; Burns et al., 2008). All of these initiatives are focusing on the uptake of EBP into public mental health systems. Federal activities include SAMHSA's EBP Toolkit Project and, for children, the *Implementation Resource Guide* (Burns et al., 2008); SAMHSA's Science to Service Initiatives; the NASMHPD Evidence-Based Practice Initiative for Children and Adolescents; NIMH's program announcement on dissemination and implementation; and jointly issued program announcements from both NIMH and SAMHSA.

Though empirical testing of implementation or dissemination strategies for children's mental health is lacking, there are several relevant strategies, frameworks, and guiding principles emerging in the literature that can help guide the efforts of those seeking to disseminate EBP and promote its adoption into large systems.

In addition, national family support, education, and advocacy organizations, such as the National Alliance for the Mentally Ill (NAMI), have recently issued a new guide for families named *Choosing the Right Treatment: What Families Need to Know About Evidence-Based Practices* (Gruttadaro, Burns, Duckworth, & Crudo, 2007). A guide for family advisors working across multiple systems in children's mental health to support quality services has also recently been published (Jensen & Hoagwood, 2008). The attention to EBP forecasts increased emphasis by family based organizations on the uptake and dissemination of research-supported and quality practices. Other examples include results of a national survey of family advocacy organizations. In a project funded by the MacArthur Foundation Network on Youth Mental Health Research and the Robert Wood Johnson Foundation, a national survey of 226 family advocacy, support, and education organizations (FASEOs) was undertaken (Hoagwood et al., 2008). Directors across 38 states identified factors influencing advocacy decisions about EBP uptake for children and family and described the structure and funding of their organizations. The survey found that directors of family based organizations believe that improvement of mental health services for children requires attention to screening and appropriate diagnostic assessments and use of effective clinical practices, in addition to service availability and quality of the therapeutic relationship. These findings hold promise for the alignment of family advocacy interests with research, policy, and practice in promotion of EBP in children's mental health.

In addition to federal, state, and family advocacy attention to these issues, other initiatives are under way to improve understanding of effective uptake of EBP for children. Annie E. Casey's Blue Sky Project (Chambers, Ringeisen, & Hickman, 2005) is examining training and linkage models for connecting three specific EBPs targeted at youth with disruptive or antisocial behavior problems (multisystemic therapy (MST), functional family therapy (FFT), and multidimensional treatment foster care). The MacArthur Foundation has established a research network on youth mental health (J. R. Weisz, PhD, primary investigator—see www.childsteps.org) focused on identifying strategies for effective use of treatments (for anxiety, depression, and conduct problems) in such everyday care settings as community mental health clinics and schools. The William T. Grant Foundation recently funded the development of a monograph on implementation studies (Fixsen, Naoom, Blasé, Friedman, & Wallace, 2005).

Though empirical testing of implementation or dissemination strategies for children's mental health is lacking, there are several relevant strategies, frameworks, and guiding principles emerging in the literature that can help guide the efforts of those seeking to disseminate EBP and promote its adoption into large systems. For example, Rosenheck (2001) has proposed four strategies for translating EBP into practice: (a) construction of leadership coalitions, (b) linkage to widely endorsed goals and values, (c) development of communities of practice, and (d) measurement of implementation fidelity and outcomes. In addition, new strategies are emerging with respect to the dynamic interplay among factors affecting innovation uptake. Fixsen et al. (2005) described a conceptual framework to guide implementation of well-defined programs or practices based on an extensive review. The framework differentiates between "source" of innovation (e.g., the developer of a best practice), "destination" (e.g., practitioner or organization), a "communications link" (e.g., one or more purveyors), and "feedback mechanisms" that occur and are acted upon.

Finally, several processes are core to the implementation of technological innovations such as EBP in public mental

health systems (Glisson, 2002). These include, first, that implementation is a social process as much as a technical one; second, that implementation must attend to multiple layers of social context (including the practitioner, provider organization, and community); and third, that success is determined by the fit between the new technology and the social context. A model called ARC (availability, responsiveness, and continuity) has used these assumptions for facilitating introduction of new technologies, such as empirically supported treatments, into usual community practice settings (Glisson & Schoenwald, 2005). ARC has been experimentally examined in studies involving casework teams, and the model has been found to reduce staff turnover and improve organizational climate (Glisson, Dukes, & Green, 2006).

The attention by federal and state agencies, family advocacy organizations, and foundations to dissemination of EBP has created a zeitgeist wherein researchers, practitioners (i.e., clinicians, supervisors), families, and policymakers are partnering in unique ways to create social contexts for these changes.

challenges to implementation and dissemination

A number of macro (e.g., systemic) and micro (e.g., individual, such as clinician, supervisor, administrator, family) factors hamper implementation of EBP. In addition to the lack of integrative conceptual models described above, other issues include inconsistent definitions for the major constructs; the role of families in EBP; methodological, measurement, and data analytic challenges; insufficient training and consultation models; and system fragmentation. These obstacles create complexities for individuals or organizations wishing to adopt or use evidence-based practice. This becomes apparent when intervention developers—individuals and organizations that are not affiliated with the development and testing of a particular model—design strategies to take that model to scale (Torrey et al., 2001, 2002). Although several groups of intervention developers have produced multilevel approaches to the problem of taking an effective model to scale (Schoenwald, Halliday-Boykins, & Henggeler, 2003), the methods to do so have been largely idiosyncratic and informed as much by field experience as by theory or research on implementation processes.

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comorbidity and complexity of children in treatment

Implementation and dissemination of evidence-based treatments is complicated by the fact that children in treatment often present with multiple co-occurring problems and disorders (Angold et al., 1999), and, by contrast, most evidence-based treatments are designed for single conditions, or groups of closely related conditions (e.g., a cluster of anxiety disorders with partially overlapping symptoms). Various kinds of comorbidity may either undermine or enhance the effects of treatment on the primary problem targeted in treatment (see Curry et al., 2006; Hinshaw, 2007; Jensen et al., 2007). In addition, in any treatment episode, those problems not targeted by the evidence-based treatment in use may persist, continuing to cause difficulty. More broadly, many children in treatment are embedded within complex life circumstances that may include poverty, abuse or neglect, unstable living or custody arrangements, or neighborhood violence, any of which may require attention in therapy or case management outside therapy and for most of which no evidence-based treatment exists.

multiple definitions

The proliferation of new terms to describe the range of processes and outcomes associated with implementation and dissemination activities has led to confusion. Recently, federal interest in closing the research-to-practice gap has led to attempts to standardize the definitions of key terms relevant to implementation and dissemination. For instance, the Centers for Disease Control (CDC), the National Institutes of Health (NIH), and SAMHSA are generally using a standardized and similar set of working definitions (see Appendix: Definitions).

family participation and activation as treatment partners

Improving delivery of effective clinical services to children requires attention to families and their service needs as well (de Arellano et al., 2005; Melnyk, Small, & Cargo, 2004). Yet the evidence base on types of supportive, educational, or related services that improve family functioning is limited. In a research review of studies on family based interventions and processes of family involvement for children with a broad range of health or mental health problems, Hoagwood (2005) identified 41 studies that met methodological criteria

for inclusion and encompassed three distinct categories: (a) families as recipients of interventions (e.g., family education, support, engagement, empowerment), (b) families as cotherapists, and (c) studies of the processes of involvement (e.g., therapeutic alliance, engagement, empowerment, expectancies, choice). The review found that too few experimental studies exist to conclude decisively that family based services improve youth clinical outcomes. However, rigorous examination demonstrated improvements in other types of outcomes, such as retention in services, knowledge about mental health issues, self-efficacy, and improved family interactions. One of the key conclusions was that linkage of family based supportive services to delivery of evidence-based clinical services for youth was likely to amplify the impact of those services and improve outcomes for both youth and families.

One of the key conclusions was that linkage of family based supportive services to delivery of evidence-based clinical services for youth was likely to amplify the impact of those services and improve outcomes for both youth and families.

methodological, measurement, and analytic challenges

Those seeking to implement new clinical service models in their systems face numerous methodological, measurement, and analytic challenges. These include (a) the lack of reliable or valid methods for determining the preparedness of providers, agencies, regions, or specific stakeholder groups in adopting or sustaining new EBP technologies; (b) the lack of metrics or measures for determining the efficiency or effectiveness of implementation efforts; (c) the lack of adequate measures for assessing the fidelity of implementation efforts at multiple levels (families/youth, clinicians, supervisors, administrators, policymakers); (d) the problems of using data collected within real-world service systems for research purposes, often compromised by missing elements due to random and/or nonrandom factors, as well as observer biases; and (e) the nonideal nature of service organization and delivery, such that rigorous control of potential confounds or even knowledge of potential sources of bias are increasingly difficult.

In some instances, e.g., (a) and (b) above, the absence of integrative theoretical models exacerbates the lack of methods to assess preparedness for and sustainability of EBP; or, for assessing EBP implementation efficiency/effectiveness, the absence of appropriate tests to contrast, compete, or augment different approaches. In other problem areas, such as (c) above, methods to address such constructs do exist, but generally are used only at smaller scale. In some instances (d and e above), at least partial solutions (e.g., specific analytic approaches such as mixed-effects regression, propensity score methods, etc.) are available, but not widely known or disseminated within data analysis/policy settings. From a policy perspective, this is very problematic, as substantial analytic and interpretative problems in costly trials result from noncompliance, treatment switching, variable attendance, and differential attrition/dropout (Little & Rubin, 2000). In the child arena, for example, some evidence shows that these factors vary as a function of cultural or ethnicity variables (McCabe, 2002); failing to assess and account for such factors in the analytic models is likely to obscure genuine understanding (Kazdin & Mazurick, 1994).

Increasingly sophisticated research designs, assessment methods, data capture techniques, and analytic approaches are becoming more common in services research studies. However, unlike the challenges facing investigators operating within a single location or on a relatively small scale, investigators at a systems level almost always encounter particular research design and analytic challenges resulting from the nested nature of children/families within clinicians, clinicians within supervisors and clinics, clinics within provider organizations, and provider organizations within geographic regions. In the research design and data analytic steps, as well as the steps of EBP deployment, investigators must consider and take into account such potential sources of covariation (and potential bias). Thus, without methods for identifying and assessing (and intervening with) ongoing implementation fidelity problems, such as those within a particular clinic (and all of its nested clinicians and families), interpreting the resultant data from large-scale projects can be difficult, regardless of the sophistication of initial design or statistical methods.

In addition, the same potential sources of bias that operate at smaller scales, e.g., attrition (perhaps due to lack of EBP "preparedness" or self-selection factors at the family, clinician, or clinic level), adherence/fidelity to EBP methods/procedures, and incomplete or missing data for both random and nonrandom reasons, complicate the ability to examine EBP. At a larger scale, these factors take on added urgency, given the clustering (and likely magnification) of these potential sources of error/bias and the increasing difficulties

of controlling for such biases by either prospective design or post hoc analytic methods.

Fortunately, there has been recent progress in observational study methods that deal with issues such as examining treatment efficacy in light of biases due to unbalanced comparison groups (Rosenbaum, 2002). These new developments are just starting to find their way into the mainstream of mental health services research in longitudinal studies. However, to account for within subject and/or within-clinic correlation, repeated-measures, longitudinal studies that use rigorous designs and analyses need to incorporate these newer statistical and analytic approaches (e.g., observational study methods such as propensity score and instrumental variable approaches for adjusting for overt bias and sensitivity analyses and tests for hidden bias) (Gibbons, 2000). Given the potential for hidden sources of bias, magnification of error, loss of precision of estimates, and the huge policy and financial investments at stake, especially for system-wide scaling of services, a need exists for data analysts and academic collaborators to understand and apply these newer statistical methods.

training and consultation issues

Training and consultation issues range from the fact that EBP training is unavailable—or when available, uses ineffective training models, such as half-day workshops at professional meetings with no substantial follow-up or support (Grimshaw et al., 2001); manualization of current psychotherapy models varies widely (Chorpita, 2003); families often will not attend the 16 to 20 sessions needed to complete many of the models (Armbruster & Kazdin, 1994; Kazdin, 2004b; McKay & Bannon, 2004); and new clinical practices do not take into account organizational or systems variables characterizing the practice environments (Hoagwood, Burns, & Weisz, 2002; Weisz & Addis, 2006; Weisz, Hawley & Doss, 2004).

In addition, at least one state is systematically examining the impact of family engagement and empowerment as a way of improving the uptake of EBP and improving retention and treatment completion (Burns et al., 2008).

system fragmentation

In 1982, the Mental Health Commission established under the Carter Administration and the landmark *Unlaimed Children* (1982) report noted the fragmentation of the children's mental health service. Recent panels convened by the Institute of Medicine and reports such as *Crossing the Quality Chasm* (Institute of Medicine, 2001) have continued to point to fragmentation as a major impediment to health care quality improvement. While examples of coordinated efforts across these sectors exist, funded, for example, by SAMHSA's Center for Mental Health Services Comprehensive Community Mental Health Services for Children and Their Families grant program, structural impediments to sustaining coordinated efforts are formidable.

While some studies have focused on the impact of integrative or coordinated care models on children's clinical outcomes, these studies (Bickman, 1996) have found that coordination in itself does not lead to improved outcomes. A coordinated delivery model can affect access to and the restrictiveness of services used; however, it does not affect service outcomes.

The fragmentation of the children's mental health system negatively affects the development of effective implementation and dissemination models and strategies. Identifying consistent metrics with real-life referents to track change in processes, fidelity, engagement, or any core implementation processes is difficult because each system is different. Strengthening the science base requires the ability to identify, measure, track, and monitor processes and outcomes for multiple stakeholders (families/children, clinicians, supervisors, directors, payers, policymakers) across each of these systems. This would be a difficult undertaking in a simple system, and the asymmetry of the current contexts of care and the cultural, geographic, and economic diversity of the populations these mental health systems are intended to serve make it much more complex.

promising approaches

The EBP movement is beginning to recognize and examine issues related to organizational, clinical, and monitoring supports and how to embed these into systems. For example, the MacArthur Foundation Youth Research Network (Weisz, PI) is examining a range of social and contextual strategies for improving the implementation of EBP in child clinics (Weisz & Addis, 2006). Some states (Hawaii, New York, California) are embarked on state-wide research projects to examine specific strategies for improving large, system-wide dissemination of specific empirically based practices (CBT for trauma, depression; treatment foster care, etc.) (Burns & Hoagwood, 2004). In addition, at least one state is systematically examining the impact of family engagement and empowerment as a way of improving the

uptake of EBP and improving retention and treatment completion (Burns et al., 2008).

The development of a policy research base regarding state oversight of mental health service system transformation and implementation of EBP has begun. There have been some encouraging first steps. In child and adolescent mental health services, published descriptions are emerging from Hawaii (Daleiden et al., 2006), Ohio (Julian, 2006; Panzano & Roth, 2006), and New York (Zazzali et al., 2008). Because state efforts to implement one or more EBP require oversight of constellations of "idiosyncratic, complex microsystems" (Drake, Becker, Goldman, & Martinez, 2006; p. 304), they are necessarily complex and unique. Many state efforts oversee comprehensive training, supervisory, or regulatory activities to implement a range of EBPs across the developmental continuum, making them all the more complicated (Chambers et al., 2005). Thus, at the current stage of development of this policy research base, describing and characterizing approaches undertaken by different states is an important endeavor.

Research studies examining the effectiveness of interventions and incorporating the examination of core factors likely to affect their uptake may strengthen the development of this new science on implementation and dissemination.

In addition, research is proposing new models of intervention development to help accelerate the application of research findings to routine practice. For example, the deployment-focused model of Weisz (2004) suggests that development of new treatments should take into account those context variables (such as characteristics of the practice setting) that are essential to the ultimate acceptability of new services; accordingly, the model recommends that the bulk of treatment development and testing take place not under laboratory conditions but in the treatment contexts, and with the kinds of clients and clinicians for whom the treatments are ultimately intended. In addition, researchers are examining alternatives to a top-down model of EBP implementation (Daleiden & Chorpita, 2005; Garland, Plemmons, & Koontz, 2006; Hodges & Wotring, 2004; Southam-Gerow et al., 2008). These approaches are creating learning communities with typical practice settings, encouraging these settings to become empirically driven centers for both delivering services and examining the impact of routine practice on outcomes. Work in such settings is quite compatible with new approaches to treatment, such as modular treatment protocols, which provide clinicians with increased flexibility in the use of empirically guided intervention strategies (see, e.g., Chorpita, 2007; Chorpita, Daleiden, & Weisz, 2005). Such normalization of research-based approaches to practice can demystify the scientific enterprise and facilitate the constant re-evaluation, refinement, and improvement of services. This approach also encourages the construction of locally relevant evidence and creates a context for empiricism within routine service settings, leading ultimately, one hopes, to improvements in quality.

Research studies examining the effectiveness of interventions and incorporating the examination of core factors likely to affect their uptake may strengthen the development of this new science on implementation and dissemination. Translation studies focused on incentives and policies that support adoption, organizational and structural supports, fiscal incentives and disincentives, systematic monitoring, clinical decision-supports, strategies to improve training and consultation, and engagement techniques are among the most important studies likely to strengthen implementation and dissemination of evidence-based practices for children and adolescents.

TRAINING AND SUPERVISION

There are many implications of EBP for training and supervision. In this report, we focus primarily on the training and supervision needs relevant to psychology. However, training and supervision must be broader in their scope, to include all those who work with children in distress and their families.

psychology training

EBP values scientific mindedness in the selection and application of treatments and in the exercise of clinical judgment. To adequately prepare psychologists to engage in EBP, educational efforts in graduate training will have to ensure that students have

1. a firm foundation in philosophy of science and an appreciation of the definition of science from different theoretical and disciplinary perspectives;
2. an understanding of and appreciation for current dominant views about science, how the valued methodologies derived from these views are culturally and historically situated, and the inherent strengths, biases, and limitations of these views;
3. an understanding of varied forms and levels of evidence, the use and suitability of certain types of evidence in developing treatments (e.g., as derived from qualitative and quantitative methods), and an appreciation for the knowledge that different types and levels of evidence can contribute in the process of scientific inquiry; and
4. an understanding of the knowledge about EBP currently available, the essential practice and contextual aspects necessary to effectively implement an intervention in a particular setting or community, and the strengths and limitations (e.g., characteristics of patients and ecologies for which the treatment is intended) of EBP.

For example, some have argued that "method over theory" has driven treatment outcome research (e.g., Bernal & Scharrón-del-Río, 2001; Slife, Wiggins, & Graham, 2005; Sue, 2003). Others have argued that randomized clinical trials (RCTs) have ignored the important role of the psychologist-practitioner and the subjective experiences of the patient (e.g., Elliot, 1998; Seligman, 1995; Wampold, 2004). Examples of clinical practice that integrate EBP with the relationship and context orientation of clinical practice include, but are not limited to, the disciplined inquiry model (Peterson, 1991) and the local clinical scientist model (Stricker & Trierweiler, 1995). These and similar models can provide the basis for training students to be scientifically minded practitioners and/or practice-oriented researchers. Training in psychology should address not only empirical models (e.g., use of experimental designs, random clinical trials, and meta-analyses of experimental studies), but other models for gathering evidence as well.

Because EBP extends to diverse contexts and delivery systems and attends to aspects of access, engagement, treatment process, and retention, students will have to develop specific skills in these areas of practice and appreciate that optimal application of their expertise—whether in research or practice—occurs only in collaboration with the participants in a study

or the patients in the office, clinic, school, or community. EBP encourages student researchers to develop specific skills and competencies in order to enlist and integrate study participants' values, beliefs, and views or patients (broadly defined) into the theories under development and the prevention/intervention programs under examination. Student practitioners will develop specific skills and competencies in order to understand and appreciate a patient's (broadly defined) values, beliefs, and views, and integrate them into the application of a particular prevention/intervention program. To be prepared to engage in EBP, students must understand and appreciate the varied and complex characteristics of the target populations, the varied treatment contexts, and the delivery systems of psychological services. This task includes, but is not limited to, being able to implement a prevention or intervention program with specific patient populations in specific communities, being able to attend to structural and procedural aspects in order to facilitate access to care, responding to individual and cultural diversity in the efforts and techniques used to increase patient engagement and retention, promoting culturally sensitive responsiveness in the administrative and organizational systems involved in service delivery, and establishing collaborative relationships with the communities of targeted patient populations.

The authors' framework for supervision included didactic instruction, exposure-based training under supervision, self-change projects in specific treatments, and competency-based training in specific EBP.

In addition to these considerations, research has advanced various issues related to graduate training specifically for psychological services for children and adolescents. The training model advanced by Roberts et al. (1998) included 11 integrated aspects of training with recommendations for topics, justification, and implementation suggestions. Although advanced prior to the major thrust of the EBP movement, the model's recommendations are in concert with the focus of this report and the reliance on psychological science to justify applications. For example, the authors recommended that coursework integrate a critical examination of research on the effectiveness of various interventions. They also stressed the importance of including a focus in graduate training programs and internships on systems and policy issues. A major aspect of EBP is the use of clinical training (that includes a scientific orientation and a reliance on scientific evidence) to improve not only individual practice, but also the systems and organizations through which treatment are delivered.

Subsequent attention has focused on graduate training in several specialty areas relevant to psychological practice with children and adolescents. Building on the work of Roberts et al. (1998), Spirito and colleagues (2003) produced a *Society of Pediatric Psychology Task Force Report* with recommendations for the ideal type of training for pediatric psychologists. The authors emphasized evidence-based interventions in coursework. Most recently, Kratochwill (2007) addressed specific training challenges for EBP for the profession of school psychology, identifying challenges in four domains: (a) integrating the EBP knowledge base in the curriculum, (b) expanding models of research training, (c) expanding training in prevention science, and (d) expanding problem-solving consultation and school contextual issues and advancing specific recommendations for graduate training in each of these areas.

supervision

Supervision is a critical facet of the education and training of psychologists and covers a broad range of target areas, including practicum, internship, postdoctoral training, and practicing professionals. All specialty areas of child and adolescent practice require supervision, and all will need to address supervision of EBP. Models and definition of supervision vary widely, and research on various aspects of supervision is still developing. *The Handbook of Psychotherapy Supervision* (Watkins, 1997) addressed a broad spectrum of models and research agendas relevant to EBP. In particular, Kratochwill, Lepage, and McGivern (1997) outlined issues in child and adolescent psychotherapy supervision, including a theoretical framework for supervision, methodologies for training and supervision, and components for the supervision process for EBP. The authors outlined a supervision framework relevant to EBP supervision, including cognitive focus (e.g., knowledge), therapy skills (assessment and treatment implementation procedural skills), and affective skills (e.g., managing emotions during the therapy process). The authors' framework for supervision included didactic instruction, exposure-based training under supervision, self-change projects in specific treatments, and competency-based training in specific EBP. Work in this area needs refinement and extension beyond psychotherapy, including prevention and system intervention models.

Another volume, *Clinical Supervision: A Competency-Based Approach* (Falender & Shafranske, 2004), uses a science-informed process of supervision that delineates the competencies required for good practice and is geared toward mental health professionals who currently provide supervision in academic, training, and treatment settings, as well as to students and beginning practitioners studying supervision research and theory. An edited volume, *Helping Others Help Children: Clinical Supervision of Child Psychotherapy* (Neill, 2006), presents a cross-section of supervision practices in child psychotherapy, including some of the most promising new child therapies.

These and other supervisory models or approaches to supervision have yet to be studied in terms of their outcomes for the supervisee and their relationship to client outcome. Research is currently very limited in evidence-based supervision, an important component of evidence-based practice. There is some evidence that supervision is a limiting factor in the fidelity of EBP, thereby becoming an ethical issue (Baer, Ball, Campbell, Miele, Schoener, & Tracy, 2006). The complexity of the supervision process has been noted in the implementation of MST as it is transported to field settings (Henggeler, Schoenwald, Liao, Letourneau, & Edwards, 2002). The APA Division 43 (Family Psychology) task force outlined some important supervision issues in family intervention as well as the barriers that are likely to emerge in the supervision relationship (Sexton et al., 2007).

RECOMMENDATIONS

This report highlights evidence-based practice as an essential mechanism for addressing the needs of children and adolescents with mental health problems and optimal promoting of health and development. The task force recognizes the importance of broad-based, culturally responsive, and multidisciplinary initiatives to enhance the care provided to children and adolescents. The task force recommends that the following steps be undertaken by the American Psychological Association to promote the agenda described in our report. The recommendations are organized into three categories: Research and Dissemination, Education and Training, and Practice and Policy. They are focused primarily on the activities of psychologists. However, the task force is aware that the recommendations in this report are broad and potentially far-reaching. In order to be successful, they will likely require the development of a strategic plan to further refine priorities and establish mechanisms to initiate and evaluate their impact. We realize that this strategic plan will involve consideration of further input from APA divisions, relationship to current and future organizational priorities, budgetary issues, and relationship to other mental health and educational organizations and initiatives.

research and dissemination

Consistent underfunding of children's mental health services and significant disparities in research funding have created a vacuum for the very issues most relevant to improving mental health care systems and children's outcomes. This set of recommendations addresses the serious gaps in knowledge about how to increase the extent of research pertinent to children's mental health and to rapidly translate research findings on effective care for children, adolescents, and their families into improved delivery systems. The task force recommends that APA take a leadership role in redressing these disparities by:

1. Advocating for increased research funding to develop and disseminate EBP for children and adolescents in multiple settings (e.g., schools, homes, community-based services). Increased research funding is especially needed for underserved children and adolescents (e.g., GLBT youth, those from culturally diverse populations, underserved communities, those experiencing health disparities) and should target development and testing of

education & training

To increase the use of EBP for children and adolescents and their families, professional education and training efforts must squarely align with EBP principles. This alignment requires a focus on population health management and a public health approach to education and training of psychologists. These activities must involve partnership between groups of health and behavioral health professionals. Public education to ensure an informed public, aware of treatment choices and options, is also imperative. APA's initiative and leadership will be essential to assure needed progress. The task force recommends that APA:

1. Develop an interdisciplinary Web-based training initiative on core competencies of EBP in collaboration with other key disciplines (e.g., social work, education, pediatrics, psychiatry).
2. Advocate for the inclusion of EBP for children and adolescents in graduate and postgraduate training and internship programs for psychologists with criteria that specify (a) how training programs

practice and policy

A series of steps are necessary to ensure the translation of EBP into clinical practice, service delivery, and policy. Current national and state policies and practices are not aligned with EBP delivery. In fact, numerous directives, legislative regulations, and fiscal policies either directly contradict or inadvertently interfere with EBP delivery. APA must take vigorous action to advocate for policies that will support rational delivery systems and practices that support effective training, practice, and evaluation of EBP. To this end, the task force recommends that APA enlist all child-oriented divisions to work collaboratively with APA's Government Relations Office (GRO) to:

1. Identify appropriate funding levels for EBP implementation that reflect reimbursement rates, financing structures, and third-party payment rates that are appropriate to the use of EBP for children and adolescents. The funding levels need to ensure adequate coverage for the costs of EBP implementation that may differ from adults (e.g., inclusion of families, coverage for multiple provider consultations, treatment of parents, school consultation).

implementation strategies to support large scale system uptake of EBP. Longitudinal research methodologies are necessary to fully address these outcomes.

2. Establishing a multidisciplinary ongoing coalition with relevant APA divisions, federal agencies, and other relevant organizations, including those representing major stakeholder groups to provide guidance for RFP development that will inform research on the development and dissemination of EBP.

3. Establishing a multi-year, cross-discipline initiative on dissemination of child and adolescent EBP that will: (a) identify how APA can make available training tools, educational materials, and Web-based supports to assist clinicians in using EBP; (b) identify new training opportunities; and (c) provide Web-based information systems to support the use of these tools to support practices in a range of settings and for culturally diverse populations.

4. Advocating for the development and funding of (a) electronic dissemination of EBP training on assessment, prevention, and treatment practices; and (b) electronic tracking delivery and monitoring systems to assess progress across a range of settings and populations.

5. Advocating for funding for the development of brief and valid assessment measures for implementation fidelity to EBP across a range of settings and populations.

6. Developing an electronic repository on nonsignificant or null findings from screening, assessment, and intervention research on EBP for children and adolescents.

7. Encouraging funders and journal editors to require researchers and authors to specify the range and limits of generalizability in proposed and completed EBP studies, to solicit manuscripts that focus on the translation of research into practice, and to address practice or policy implications of research findings in simple, policy friendly language.

include EBP in coursework and practica, (b) the expertise of program faculty in EBP, (c) how EBP is evaluated in self-study processes, and (d) inclusion of EBP as criteria for APA program accreditation and how cultural and individual differences are addressed.

3. Encourage training programs to develop and implement specialized training on EBP for children and adolescents for clinical faculty supervising graduate students and interns and to implement standards requiring such training for these persons, which includes the context of diverse cultural and individual differences.

4. Utilize Continuing Education (CE) mechanisms to promote the dissemination of EBP programs to front-line professionals by linking the approval of APA CE program providers to inclusion of CE programs focused on EBP. CE programs on any clinical practice should include disclosure of scientific support for that practice to CE participants.

5. Foster support for a cross-disciplinary, culturally diverse perspective on EBP for children and adolescents by convening or supporting educational training summits on EBP consisting of culturally diverse proponents across disciplines within an international framework to encourage attention to comparative approaches.

6. Develop and maintain an easily accessible Web-based interactive system to enable state psychological associations, state directors of children's mental health services, universities, relevant agencies, practitioners, youth, and families to obtain as appropriate protocols, manuals, assessment instruments, and information about implementation strategies to improve knowledge about and consistency in the use of EBP across a variety of settings.

2. Collaborate with major national family based advocacy groups to develop and disseminate research-informed EBP for children and adolescent policy briefs relevant to the needs of family advocacy organizations for their policy efforts.

3. Advocate for policies that promote development of and access to EBP with children and families. In addition, there is particular need for more and stronger EBP bases for priority populations (including ethnic minority children, transition-age youth, children and adolescents with severe or comorbid conditions, children in child welfare, juvenile justice, and primary-care systems, those with substance abuse and disabilities, those in homeless shelters, and those experiencing significant health disparities).

4. Advocate for the elimination of barriers (including benefit restrictions) to EBP for children and adolescents in the private sector and at the federal and state legislative, regulatory, and policy initiatives. For example, eliminate Medicaid restrictions and standardize billing and reporting requirements for EBP delivery to reduce the variable reporting burden.

5. Advocate for funding to establish a cross disciplinary, multi-agency task force on innovative health care system delivery for EBP for children and adolescents. The goal is to examine the fiscal, regulatory, and structural barriers to the establishment of regional mental health care collaboratives on EBP for children and adolescents. These collaboratives would (a) coordinate mental health care regionally across specialty areas and integrate it with primary care practices, (b) specify a core set of training, assessment, prevention, and intervention services necessary for comprehensive EBP delivery, and (c) identify a set of administrative, monitoring, and reimbursement structures including electronic data monitoring systems for implementing regionalized collaboratives.

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Federal interest in closing the research-to-practice gap has led to attempts to standardize the definitions of key terms relevant to implementation and dissemination. For instance, the Centers for Disease Control (CDC), the National Institutes of Health (NIH), and the Substance Abuse and Mental Health Services Administration (SAMHSA) are generally using these working definitions.

from the CDC

Translation research characterizes the sequence of events (i.e., process) in which a proven scientific discovery (i.e., evidence-based public health intervention) is successfully institutionalized (i.e., seamlessly integrated into established practice and policy). Translation research is composed of many complex components that include specialized fields of study. Specifically, translation research is composed of dissemination research, implementation research, and diffusion research.

Dissemination research is the systematic study of how the targeted distribution of information and intervention materials to a specific public health audience can be successfully executed so that increased spread of knowledge about the evidence-based public health interventions achieves greater use and impact of the intervention.

Implementation research is the systematic study of how a specific set of activities and designed strategies are used to successfully integrate an evidence-based public health intervention within specific settings (e.g., primary care clinic, community center, school).

Diffusion research is the systematic study of the factors necessary for successful adoption by stakeholders and the targeted population of an evidence-based intervention that results in widespread use (e.g., state or national level) and specifically includes the uptake of new practices or the penetration of broad-scale recommendations through dissemination and implementation efforts, marketing, laws and regulations, systems-research, and policies.

Because evidence-based interventions are a key component of translation research, the following definitions are generally used to differentiate types of studies:

Intervention is an intentional action (singular or constellation) designed for an individual, a community, or a region that alters a behavior, reduces risk, or improves outcome. Interventions can be a medical or behavioral therapy, modification to the natural or built environment, including engineering controls, public heath policy, public health program, health communication, or public health law.

Efficacy refers to the intervention's ability to do more good than harm among the target population in an ideal setting (e.g., randomized clinical control trial or community-level trial).

Effectiveness refers to the intervention's ability to do more good than harm for the target population in a real-world setting.

Evidence based means that the intervention has undergone sufficient scientific evaluation to be proven to be efficacious or effective (e.g., intervention is considered valid or "proven" because it is strongly linked to desirable outcome).

Often the following terms are used interchangeably: *evidence-based, proven, effective, valid, or sufficient scientific evaluation*

Other key terms widely used in the field of implementation and dissemination include the following:

Adaptation refers to the modifications of the intervention itself or the necessary alterations in the supporting infrastructure.

Adoption refers to the uptake of the desired intervention into the target population or uptake by the implementers.

Fidelity refers to "the adherence of actual treatment delivery to the protocol originally developed" (Mowbray et al., 2003) or "the degree program developers implement programs as intended by the developers" (Sussman et al., 2006).

Outcomes and *impacts* are the end results of public health interventions that include effects that people experience and care about, such as change in the ability to function, improved health, quality of life, satisfaction, or cost.

Scalability describes the adoption of an intervention resulting in its wider usage that retains or improves its effectiveness, affordability, and sustainability.

Sustainability is achieved when the evidence-based intervention is routinely executed. Long-term sustainability can be dependent upon funding availability and policies that support a functional infrastructure that maintains fidelity of the evidence-based intervention (e.g., training, laws, and reimbursement for services).

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AMERICAN BAR ASSOCIATION

Governmental Affairs Office
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(202) 662-1760
FAX: (202) 662-1762

January 15, 2008

Dear Representative:

I write on behalf of the American Bar Association (ABA), to express our strong support for H.R. 3846, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education (Youth PROMISE) Act introduced by Rep. Robert "Bobby" Scott (D-VA). The ABA is the world's largest voluntary professional organization, with a membership of over 400,000 lawyers, judges and law students worldwide. The ABA continuously works to improve the American system of justice and to advance the rule of law in the world. We support H.R. 3846 because it will effectively address youth violence and help thousands of youth to stay away from gangs and the criminal justice system and to become productive members of our communities.

The ABA believes that the Youth PROMISE Act takes the right approach to reducing gang violence. It focuses on assisting states and communities to undertake and implement comprehensive, evidence-based strategies to prevent and reduce youth violence while helping at-risk youth avoid gang activity and become productive members of their communities. Several of the other bills that address gang violence introduced in the 110th Congress would federalize ordinary street crime that should be handled at the state level and provide for enhanced penalties that we strongly oppose, such as mandatory minimum sentences or life without parole. Rather than focusing resources on bringing more youth into the juvenile and criminal justice systems, the Youth PROMISE Act is based on supporting community-based efforts to prevent youth from entering the justice system through implementation of evidence-based methods proven to reduce youth violence and delinquency.

The Youth PROMISE Act targets resources toward communities encountering increased youth gang and crime risks in order to enable those communities to begin to address their significant unmet needs for evidenced-based prevention and intervention investments. The Act will support each such community develop and implement a comprehensive plan for evidence-based prevention and intervention strategies targeted at young people and their families through a local council that includes the critical community components needed to prevent and reduce youth crime. It will support efforts by community councils made up of law enforcement, community-based organizations, schools, faith organizations, and health, social service, and mental health providers to make our communities safer, reduce victimization, and help at-risk young people to lead law-abiding and healthy lives, free from gang and criminal involvement.

The youth prevention strategies under the Youth PROMISE Act include programs proven to reduce the likelihood of a young person joining a gang and/or committing a delinquent act, including: early childhood education; home visiting for parent training; youth development after-

school efforts; mentoring; mental health services; substance abuse prevention services, and effective approaches to keeping youth in school. The intervention strategies include targeted funding based upon each community's needs assessment and a subsequent strategic youth crime and gang intervention plan – from a broad array of programs proven to reduce the likelihood of a young offender's recidivism, including evidence-based risk-analysis-focused assessments, as well as proven-effective individual and family therapeutic interventions, community re-entry activities, witness protection, youth victim witness assistance, and other services.

The Youth PROMISE Act also provides for training, hiring and support of "Youth Oriented Policing" officers to implement strategic activities to minimize youth crime and victimization and reduce the long-term involvement of juveniles in the juvenile and criminal justice systems. The bill establishes a Center for Youth Oriented Policing which would be responsible for identification, development and dissemination to law enforcement agencies best practices for Youth Oriented Policing techniques and technologies. Research shows that youth oriented policing is much more effective in working with youth and reducing recidivism than other, non-youth oriented law enforcement approaches.

Additionally, the proposed Act provides for thorough evaluation, including analyses of the cost-savings to our society yielded by investing in prevention and intervention rather than in after-the-fact prosecution and incarceration. After decades of increasing reliance on incarceration, there are currently 2.2 million people in federal and states jails and prisons in the United States – more than any other nation – and, according to the most recent Bureau of Justice Statistics, with costs annually equaling $65 billion. The Act will sustain investment in evidence-based prevention and intervention practices by authorizing $2.3 billion per year over five years. The Youth PROMISE Act's savings from investments and prevention and intervention programs will be reinvested in promising evidence-based programs aimed at reducing entry into the criminal justice system and reducing our outsized jail and prison population.

We urge you to support and cosponsor this important legislation. The Youth PROMISE Act is a critically important proposal that will keep young people out of the criminal justice system. We urge you to cosponsor H.R. 3846 and look forward to working with you to enact the Youth PROMISE Act.

Sincerely,

Denise A. Cardman

Denise A. Cardman
Acting Director

NCLR
NATIONAL COUNCIL OF LA RAZA
Janet Murguia, President

National Office
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1126 16th Street, N.W.
Washington, DC 20036
Phone: 202.785.1670
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December 10, 2007

Support for the "Youth PROMISE Act" (H.R. 3846)

Dear Representative:

On behalf of the National Council of La Raza (NCLR), the largest national Latino civil rights and advocacy organization in the U.S., I write on an issue of great importance to the Latino community. As you are aware, the prevalence of gang violence in the Latino community is on the rise with our families suffering the consequences as the victims of both violence and excessive law enforcement. While many of the crimes committed by gangs are despicable and reprehensible – and must be punished to the fullest extent of the law – the punishment must fit the crime. For this reason, NCLR strongly supports Representative Robert "Bobby" Scott's (D-VA) "Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act)," H.R. 3846, and we hope you will consider cosponsoring this legislation.

At the same time, NCLR is in strong opposition to any gang legislation that is over-inclusive of youth who may be perceived to be in a gang, or which contains any enhanced penalties such as mandatory minimums or life without the possibility of parole. These policies exacerbate the problem of gang violence in our communities by failing to address the root causes of the problem. Furthermore, overreliance on incarceration as a one-size-fits-all solution is out of step with what research and law enforcement have found to reduce gang violence.

NCLR believes that the "Youth PROMISE Act" takes the right approach to reducing gang violence. It focuses on evidence-based prevention and intervention proven to reduce the risk of youth involvement in gangs and violence. This legislation has three noteworthy elements:

First, the "Youth PROMISE Act" dedicates resources to communities facing an increased risk of crime and gang activity to enable them to begin to address significant unmet needs. One such way is through a local council that includes law enforcement; community-based organizations; schools; faith organizations; and health, social service, and mental health providers – to develop and implement a comprehensive plan for evidence-based prevention and intervention strategies. These strategies will make our communities safer, reduce victimization, and help at-risk young people lead law-abiding and healthy lives, free from gang and other criminal involvement.

Second, the "Youth PROMISE Act" establishes a National Center for Proven Practices Research that will evaluate and analyze the effectiveness of evidence-based prevention and intervention strategies. It will also explore the savings yielded to society by investing in such programming, as opposed to the more costly ineffective prosecution and incarceration. These savings from investments in prevention and intervention programs will be reinvested into these efforts.

Third, the "Youth PROMISE Act" recognizes the importance of a specialized police force and the hiring and training of Youth Oriented Policing (YOPS) officers to respond to juvenile delinquency and criminal street gang activity. Finally, the "Youth PROMISE Act" provides additional improvements for youth victim and witness protection programs.

The approach of the "Youth PROMISE Act" makes sense. It comports with the research on prevention, intervention, and adolescent brain development and yields overall savings to the community according to both financial and life quality measures. The Act will sustain investment in evidence-based prevention and intervention practices by authorizing just more than $2.3 billion per year over five years.

Please consider becoming a cosponsor of the "Youth PROMISE Act" H.R. 3846, a smart-on-crime bill. If you have questions, please contact me or my staff Angela Arboleda, Director of Civil Rights and Criminal Justice Policy, at aarboleda@nclr.org or (202) 776-1789.

Thank you for your consideration.

Sincerely,

Janet Murguía

Janet Murguía
President and CEO

NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES
est. 1937

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March 31, 2009

Honorable Robert C. Scott
United States House of Representatives
1201 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Scott:

Please accept our appreciation, once again, for joining the leadership of the National Council of Juvenile and Family Court Judges (NCJFCJ) during our U.S. House of Representatives briefing on February 26, 2009. Your passion and understanding of youth involved and in the juvenile justice system is a welcomed position.

After the briefing, we had opportunity to discuss the Youth PROMISE Act with members of your staff and we believe it contains those elements that best support our judicial philosophy. I am pleased to inform you that during a meeting of the NCJFCJ Board of Trustees in Orlando, Florida on March 14-15, 2009, the trustees voted in favor of officially supporting the Youth PROMISE Act.

On behalf of the National Council of Juvenile and Family Court Judges, thank you for your work on behalf of this nation's children and families.

Best personal regards,

Patricia A. Macias

Patricia A. Macias
President, National Council of Juvenile and Family Court Judges
Presiding District Court Judge
El Paso, Texas

PAM/sg

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The Honorable Harry M. Reid
528 Hart Senate Office Building
Washington, DC 20510

The Honorable Patrick J. Leahy
433 Russell Senate Office Building
Washington, DC 20510

Dear Majority Leader Reid and Chairman Leahy,

Over 15,000 members of ColorOfChange.org have spoken out in support of Sen. Bob Casey's Youth PROMISE Act (S. 435), which would give communities funding to implement strategies proven to keep kids out of gangs and rehabilitate young people who may have made mistakes.

It concerns me that Sen. Dianne Feinstein is attempting to hotline her own bill, the Gang Abatement and Prevention Act (S. 132), despite the concerns of advocates who point out that the gang suppression strategies she champions are both expensive and empirically ineffective. Moreover, the loose definitions of gangs and gang activity practically guarantee that youth of color will continue to be disproportionately targeted by enforcement efforts. Presently, they are 15 times more likely to be prosecuted for gang crimes despite the fact that White youth make up 40% of gang members. There is a strong chance that Sen. Feinstein's bill would exacerbate that disturbing reality.

There is wide support for the methods endorsed by the Youth PROMISE Act and ample evidence of their effectiveness. I believe that the competing approaches to solving one of our country's difficult problems should be subject to an open debate on their relative merits, not rushed through the process as Sen. Feinstein is attempting.

Below you will find the text of the petition that 15,181 of our members signed in support of the Youth PROMISE Act:

Dear Majority Leader Reid and Chairman Leahy,

I am writing to ask that you support HR 1064 and its companion bill, S 435.

The Youth PROMISE Act acknowledges what we all know: given engaging ways to spend their time and positive, consistent mentors, young people will turn away from the dangerous activities that land them in jail and opt instead for healthy, law-abiding lives.

Incarcerating young people strengthens existing gang affiliations and teaches them how to be better criminals. The nation has more than enough laws that criminalize gang activity. H.R. 1064 and S. 435 offer effective ways to deal with youth gang violence, crime and delinquency. They also involve the larger community in keeping teens on the right track. Young people of color and low-income young people desperately need this support.

Please actively support the Youth PROMISE Act. The future of our communities and the health of our country depend on it.

Sincerely,

The Undersigned

We urge you to treat this with all due seriousness and urgency. Thank you for your time. I would appreciate a response from your office and can be reached at 510-444-0144 or via email at james@colorofchange.org.

Respectfully,

James Rucker
Executive Director
ColorOfChange.org

February 26, 2009

Dear Representative:

RE: ACLU Supports H.R. 1064, the Youth PROMISE Act

AMERICAN CIVIL LIBERTIES UNION

OFFICERS AND DIRECTORS

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million activists and members and 53 affiliates nationwide, we urge you to cosponsor the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education ("Youth PROMISE") Act, recently introduced by Representatives Robert Scott (D-VA) and Michael Castle (R-DE). This bipartisan legislation seeks to address youth violence by providing resources to communities to pursue comprehensive, evidence-based prevention and intervention strategies to decrease juvenile delinquency and criminal street gang activity.

The Youth PROMISE Act is unique among legislative proposals in Congress aimed at curbing youth violence. Rather than federalizing ordinary street crime that is best handled at the state level, the Youth PROMISE Act builds upon evidence-based practices proven to reduce rates of violence and delinquency among at-risk youth in communities across the country. Instead of funneling more young people into the juvenile and adult criminal justice systems at great cost, H.R. 1064 proactively focuses on prevention practices that will not only address the underlying root causes of youth violence and gang activity, but also yield impressive cost-savings in the amount of federal and state money spent on incarceration. A 2008 research brief from a racial justice institute at Harvard Law School supports just such an approach, stating that "federal dollars would most judiciously be spent on preventive measures shown to lead vulnerable children away from gang activity and into constructive activity."[1]

Pursuing cost effective, proactive, community-centered efforts that seek to engage young people before they become involved in a cycle of violence and a costly justice system is particularly important given the current state of the economy and budget shortfalls. The most recent Bureau of Justice Statistics figures indicate that annual spending on costs associated with corrections,

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[1] Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, *No More Children Left Behind Bars: A Briefing on Youth Gang Violence and Juvenile Justice* (March 6, 2008), available at http://www.charleshamiltonhouston.org/Publications/Item.aspx?id=100012

including incarceration, total nearly $69 billion in this country.[2] Additionally, a 2008 report by the non-partisan Pew Center on the States showed that, for the first time in U.S. history, more than one in every 100 adults in America was either in prison or jail.[3] This level of resources devoted to incarceration and the sheer size of our prison population is simply not sustainable. By directing targeted resources towards those communities facing the greatest risk of crime and gang activity, the Youth PROMISE Act will begin to address significant unmet needs and, in the process, prevent crimes from occurring in the first place. This simple goal can be shared by every member of Congress.

Under the Youth PROMISE Act, communities facing the most serious gang, delinquency and crime challenges will work at the local level through Promise Coordinating Councils (PCCs). These councils will include a broad array of representatives from law enforcement, community organizations, schools, health, social services, and mental health providers. The PCCs will be tasked with developing comprehensive local plans to support young people and their families, while making their communities safer, reducing rates of victimization and helping at-risk youth lead law-abiding and healthy lives, free of gangs, delinquency and violence.

The legislation also provides for thorough evaluation, including analyses of the cost-savings to society yielded by investing in prevention and intervention rather than far more costly, after-the-fact prosecution and incarceration. The research in this area is promising. A 2008 research study from Penn State University showed a significant return on the investment of grant funding by the Pennsylvania Commission on Crime and Delinquency into prevention and mentoring programs for at-risk youth. The Penn State study indicated that the state received a return of $317 million dollars on $60 million in investment grants given to several proven programs.[4] The Youth PROMISE Act's savings from investments in prevention programs will be reinvested in promising, evidence-based programs in an effort to reduce the alarmingly large prison population in this country by building upon what we know works.

Perhaps most importantly, the Scott legislation takes important steps towards breaking the vicious "school-to-prison pipeline," where children, overwhelmingly children of color, in elementary, middle and high schools are pushed out of the classroom and into the juvenile and eventually adult criminal justice systems. As the Charles Hamilton Houston Institute report *No More Children Left Behind Bars* states –

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[2] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Direct expenditures by criminal justice function, 1982-2006, available at http://www.ojp.usdoj.gov/bjs/glance/tables/exptyptab.htm

[3] Pew Center on the States, Public Safety Performance Project, *One in 100: Behind Bars in America 2008* (February 28, 2008), available at http://www.pewcenteronthestates.org/report_detail.aspx?id=35904

[4] Jones, Damon, Brian Bumbarger, Mark Greenberg, Peter Greenwood & Sandee Kyler, The Prevention Research Center for the Promotion of Human Development, The Pennsylvania State University, *The Economic Return on PCCD's Investment in Research-based Programs: A Cost-Benefit Assessment of Delinquency Prevention in Pennsylvania* (March 2008), available at http://prevention.psu.edu/pubs/docs/PCCD_Report2.pdf

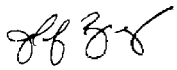
> Given the uneven distribution of education and job opportunities and the strong link between race and poverty in the United States as well as the lingering, well-documented racial bias within the criminal justice system, the victims of expanded punitive approaches to youth "gangs" will be disproportionately children and teens of color living in neighborhoods of concentrated disadvantage. Such approaches will likely exacerbate the huge racial disparities within our juvenile justice system.[5]

With its focus on evidence-based prevention and intervention approaches to youth violence reduction, H.R. 1064 recognizes the importance of keeping young people, particularly those from neighborhoods of "concentrated disadvantage," out of the criminal justice system and in school in order to lead productive, fulfilling lives.

The Youth PROMISE Act (H.R. 1064) gets it right with respect to crime and violence prevention and intervention, and will yield important savings to affected communities, both financially and in overall quality of life. We are pleased to support H.R. 1064 and urge you to co-sponsor and support this critically important legislation. If you have any questions about the ACLU's position on H.R. 1064, please feel free to contact Jennifer Bellamy, Legislative Counsel, at (202) 715-0828 or jbellamy@dcaclu.org.

Sincerely,

Caroline Fredrickson
Director, Washington Legislative Office



Jennifer Bellamy
Legislative Counsel

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[5] Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, *No More Children Left Behind Bars: A Briefing on Youth Gang Violence and Juvenile Crime Prevention* (March 6, 2008), available at http://www.charleshamiltonhouston.org/Publications/item.aspx?id=100012

AN OFFER THEY CAN'T REFUSE: RACIAL DISPARITY IN JUVENILE JUSTICE AND DELIBERATE INDIFFERENCE MEET ALTERNATIVES THAT WORK*

Edgar Cahn and Cynthia Robbins*****

INTRODUCTION

While young people of all races commit delinquent acts, some are provided treatment while others are detained and incarcerated. Once incarcerated, these youth begin their descent on a slippery slope; they lack an equal opportunity to gather evidence and prepare their cases. Furthermore, they will be effectively deprived of the opportunity and the resources to develop the educational and employment skills necessary to progress to productive adult lives. It is well documented that juveniles of color are more likely than their white counterparts to be arrested,[1] referred to juvenile court rather than to diversion programs, charged, waived to adult court, detained pre-trial, and locked up at disposition.[2] What

* This article is a preliminary draft offered for solicitation of comments prior to its final publication. Please forward any contribution to yeswecan@aol.com and crobdc@gmail.com. The authors extend our heartfelt appreciation for the substantive contributions, editorial insights, and feedback from our colleagues: Perry Moriearty, Clinical Professor of Law, University of Minnesota Law School; Mark Soler, Executive Director, Center for Children's Law and Policy; Professors Thomas Mack, William McLain and Joseph Tulman, UDC David A. Clarke School of Law; Helen Frazer, Public Services Director, Library of the UDC David A. Clarke School of Law; and Christine Gray, Executive Director, TimeBanks USA. We are particularly indebted to Joy Aceves-Amaya, law student, UDC David A. Clarke School of Law, for her steadfast and painstaking editorial support.

** Distinguished Professor of Law, UDC David A. Clarke School of Law; Co-Founder and Co-Dean, Antioch School of Law; Co-Founder, OEO Legal Services Program; Founder, TimeBanks USA, and its predecessor, Time Dollar Institute; Distinguished Visitor, London School of Economics; Ph.D., Yale University; J.D., Yale Law School; B.A., Swarthmore College.

*** Consultant, Nonprofit Organizational Development, Philanthropy and Education; Former Executive Director, See Forever/Maya Angelou School; Former Staff Attorney and Board Chair, District of Columbia Public Defender Service; Former Senior Program Officer, Eugene and Agnes E. Meyer Foundation; Founding Director, Public Counsel's Urban Recovery Legal Assistance; Board Member, Phelps Stokes Fund; Co-Founder, East Palo Alto Community Law Project; J.D., Stanford Law School; A.B., Harvard University.

1 We use the term "youth of color" throughout this article primarily to refer to African-American and Latino youth. The Office of Juvenile Justice and Delinquency Prevention ("OJJDP") defines minority populations youth of color as African Americans, American Indians, Asians, Pacific Islanders, and Hispanics. OJJDP Substantive Requirements for Grant Programs, 28 C.F.R. § 31.303(j)(6) (2009).

2 NAT'L COUNCIL ON CRIME AND DELINQUENCY, AND JUSTICE FOR SOME: DIFFERENTIAL TREATMENT OF YOUTH OF COLOR IN THE JUSTICE SYSTEM 3 (2007) [hereinafter AND JUSTICE FOR SOME]. From 2002 to 2004, African Americans comprised: 16% of all youth; 28% of juvenile arrests; 30% of referrals to juvenile court; 37% of the detained population; 34% of youth formally processed by the juvenile court; 30% of adjudicated youth; 35% of youth judicially waived to criminal court; 38% of youth in residential placement; and 58% of youth admitted to state adult prison. *Id.* Over the

recent studies have shown, however, is that these disparate outcomes are not solely the product of race neutral factors. Multi-regression research that controls for other causal variables has revealed a statistically significant "race effect" on decision-making at multiple points in juvenile justice courts and administrations across the nation. There is incontrovertible evidence that race bias affects critical decisions leading to detention or confinement. The consequences of this disparate treatment can be devastating to juveniles of color and any community aspiring to make good on the guarantee of equal justice.[3]

Efforts to address these disparities have thus far produced little more than a "multi-million dollar cottage industry whose primary activity is to restate the problem of disparities, in essence, endlessly adoring the question of what to do about disproportionate minority contact ("DMC"), but never reaching an answer."[4] In 1992 and again in 2002, in its reauthorization of the Juvenile Justice & Delinquency Prevention Act ("JJDPA" or "the Act"), Congress made clear that it was concerned about DMC and elevated a mandate to address it to a core requirement of the Act. The Office of Juvenile Justice and Delinquency Protection ("OJJDP") has launched a technical assistance website and database and funneled millions of dollars to states to study and reform their local juvenile jus-

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last thirty years, multiple studies have shown that disproportionate minority contact ("DMC") afflicts nearly every processing point in nearly every juvenile justice system in the country. Perry Moriearty, *Combating the Color-Coded Confinement of Kids: An Equal Protection Remedy*, 32 N.Y.U. REV. L. & SOC. CHANGE 285, 310 (2008). From the mid-1980s to 1995, the number of white youth in detention decreased while the number of minorities in detention increased until minorities represented the greater part of detained young people. BARRY HOLMAN ET AL., JUSTICE POLICY INST., DANGERS OF DETENTION: THE IMPACT OF INCARCERATING YOUTH IN DETENTION AND OTHER SECURE FACILITIES 12 (2006) [hereinafter DANGERS OF DETENTION].

3 Michael J. Leiber, *Disproportionate Minority Confinement of Youth: An Analysis of State and Federal Efforts to Address the Issue*, 48(1) CRIME & DELINQUENCY 11-14, app. d (2002) (noting that 32 of 46 studies conducted by 40 different states reported "race effects," defined as "the presence of a statistically significant race relationship with a case outcome that remains once controls for legal factors have been considered"); Carl E. Pope et al., *Disproportionate Minority Confinement: A Review of the Research Literature from 1989 Through 2001*, OJJDP BULL. 5, http://ojjdp.ncjrs.org/dmc/pdf/dmc89_01.pdf (noting that 25 of 34 studies reviewed reported "race effects" in the processing of youth). By 1997, in thirty states – representing 83% of the national population – minority youth comprised the majority of youth in detention. DANGERS OF DETENTION, *supra* note 2, at 12. Even in states with minuscule ethnic and racial minority populations, more than 50% of the youth detained were minorities. *Id.* Additionally, a study by the OJJDP found that in 49 states the numbers of detained minority youth exceeded their proportion of the nation's population. *Id.*

4 JAMES BELL ET AL., W. HAYWOOD BURNS INST., ADORATION OF THE QUESTION 15 (2008). The Juvenile Justice and Delinquency Prevention Act ("JJDPA") originally provided that "DMC" was an acronym for "Disproportionate Minority Confinement," which occurs when the percentage of minority youth confined in juvenile justice system facilities exceeds their proportion in the general population. 42 U.S.C. § 5633(a)(22) (1988). In 2002, Congress expanded the concept of DMC to include any point of "contact" with the juvenile justice system at which minority youth are overrepresented. *See* 42 U.S.C. § 5633(a)(22) (2006). The acronym "DMC" now commonly refers to "Disproportionate Minority Contact." *Id.*

tice systems.[5] There have been numerous conferences, meetings, and studies. States have added DMC specialist staff positions. And yet, despite this long-term and substantial investment of governmental resources, the bottom line is that there has been virtually no reduction in DMC in most jurisdictions.

For decades, despite the persuasive data documenting DMC, the requirement for injured parties to prove discriminatory intent set forth in *Washington v. Davis*[6] and *Village of Arlington Heights v. Metropolitan Housing Development Corp.*,[7] then reaffirmed by *McCleskey v. Kemp*,[8] has thwarted efforts to dismantle structural racism stemming from the systematic practices and policies of governmental agencies. When it comes to a municipality or an agency, intent to discriminate is virtually impossible to prove.[9] However, in *City of Canton v. Harris*, the Supreme Court provided one explicit test that results in a finding of municipal intent and liability.[10] Intent can be inferred when government policymakers decide among alternatives to follow an injurious course of action, demonstrating a "deliberate indifference" to rights protected by the United States Constitution and federal laws.[11]

This Article applies the Supreme Court's "deliberate indifference" test in a new context – enforcement of equal protection rights – to address the problem of disproportionate minority contact in the juvenile justice system.[12] The juvenile justice system continues to subject youth of color to the high risks of injury from decisions regarding detention and confinement that manifest a racial bias.[13]

5 *See* Development Services Group, Inc., http://www.dsgonline.com/index.html##p (last visited Mar. 10, 2009) [hereinafter DSG Website].

6 Washington v. Davis, 426 U.S. 229 (1976).

7 Vill. of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252, 265 (1977) ("Our decision last Term in *Washington v. Davis* made it clear that official action will not be held unconstitutional solely because it results in a racially disproportionate impact. Disproportionate impact is not irrelevant, but it is not the sole touchstone of an invidious racial discrimination."). Proof of racially discriminatory intent or purpose is required to show a violation of the Equal Protection Clause. *Id.*

8 McCleskey v. Kemp, 481 U.S. 279 (1987).

9 William N. Eskridge, Jr., *Some Effects of Identity-Based Social Movements on Constitutional Law in the Twentieth Century*, 100 MICH. L. REV. 2062, 2107 (2002); Serena A. Hoy, *Interpreting Equal Protection: Congress, the Courts and the Civil Rights Acts*, 16 J. L. & POL. 381, 417 (2000); Charles Lawrence, *The Id, the Ego and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317, 355 (1987).

10 City of Canton v. Harris, 489 U.S. 378 (1989) (finding that a failure to provide training for police officers in the use of deadly force was reckless or grossly negligent because it could be anticipated with substantial certainty that the lack of training would deprive persons' of their constitutional rights).

11 *Id.*; Pembaur v. Cincinnati, 475 U.S. 469 (1986); Oklahoma City v. Tuttle, 471 U.S. 808 (1985).

12 Although we developed this analysis in the juvenile justice context, our proposed strategy might also be applicable in other contexts, such as child welfare and special education.

13 Administration of juvenile justice varies by jurisdiction in regard to the number of players, their respective roles and who bears decision-making authority for such aspects as diversion, charging and detention. These varied players include, among others: police officers, prosecutors, probation

These decisions demonstrate "deliberate indifference" when decision-makers are on formal notice of preferable, less costly and less injurious alternatives. This pattern of practices, if maintained, violates constitutional rights and gives rise to a valid claim for damages and injunctive relief.[14]

This Article also proposes a system change strategy that envisions the use of litigation as the last step and last resort. We urge tactical reliance upon the use of other forums and processes to engage officials and enlist public support for these more efficacious approaches. To establish the requisite "deliberate indifference" in the juvenile justice context, we posit the need for a process to put officials on formal notice that:

(1) the present system results in documented disproportionate minority contact that violates the United States Constitution if the requisite discriminatory intent or purpose is shown;
(2) this disparity cannot be accounted for by purely racially neutral factors;[15]
(3) injuries flow from this disparity, specifically from the disproportionately high detention rate for youth of color;[16] and
(4) highly effective, replicated, and less costly alternatives would substantially reduce disproportionate minority contact and these methods

departments, court social services departments, youth services departments, and schools. Accordingly, system change strategies must be tailored to reflect the readiness, resources and roles in each particular jurisdiction under review. This article is designed to set in motion the dynamics necessary to effectuate system change by providing a strategy to overcome the historic "discriminatory intent" barrier to successful litigation.

14 42 U.S.C. § 1983 provides:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

15 We make this assertion because youth who are white and commit the same offenses as youths of color are treated differently and alternatives known to officials have been more frequently utilized for white youth. These available alternatives are more effective and less expensive than present practice. These alternatives have been formally recognized and recommended by authoritative sources.

16 Although DMC manifests at all key milestones of the juvenile process, this article focuses on the decision points that result in confinement. Particularly, detention decisions prior to adjudication because this is pivotal to the eventual outcomes for any juvenile who finds him or herself behind bars. "More than fifteen years of experience suggests that changing practices and procedures to bring greater rationality to the use of juvenile detention could be an important component in efforts to reduce disparity." CENTER FOR JUVENILE JUSTICE REFORM, UNDERSTANDING RACIAL AND ETHNIC DISPARITY IN CHILD WELFARE AND JUVENILE JUSTICE: A COMPENDIUM, 29 (2009); *see also* Moriearty, *supra* note 2, at 291 (2008).

> have been made known to official decision-makers and have not been utilized.

When official decision-makers had formal notice of alternatives that are less costly and yield significant, sustained effects that have been replicated or have earned designation as promising or exemplary, the failure to use these alternatives represents "intentional disregard" of injury to the fundamental constitutional rights for youth of color in the juvenile justice system.[17]

Officials have an obligation to make use of knowledge where existing practices have a disproportionately injurious impact on youth of color. Part I of this Article provides a truncated summary of the extent to which DMC pervades the juvenile justice system and violates a youth's constitutional right to equal protection; it thereby gives dimension to the scale of the injury inflicted. Excessive use of detention may also give rise to a Due Process claim that is equally injurious to all youth – white as well as youth of color.[18] However, the central purpose of this Article is to propose a way to meet the "intent" requirement under the Equal Protection Clause by providing a structured opportunity for officials to choose cost-effective alternatives that would reduce DMC instead of options that are ineffective and racially biased.

Part II analyzes how using "deliberate indifference" as the gravamen of a complaint under 42 U.S.C. § 1983 addresses the intent requirement that has operated as a barrier to relief in the past. Part III describes the extensive body of knowledge which has emerged over the past fifteen years that, if used, would save vast amounts of money, reduce DMC, and mitigate its most injurious manifestation – the use of detention and confinement of minority youth. It also describes two highly successful alternatives to secure confinement with which the authors have experience that illustrate how readily beneficial and cost effective system change could be initiated.

Part IV discusses how courts deal with public interest litigation designed to effect system change. Instead of limiting the search for proof of intent to past actions and practice, we propose to extend the focus to include present and future actions taken following a proffer of alternatives. Thus, the relevant officials in the

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17 ROBIN L. DAHLBERG, ACLU RACIAL JUSTICE PROJECT, LOCKING UP OUR CHILDREN: THE SECURE DETENTION OF MASSACHUSETTS YOUTH AFTER ARRAIGNMENT AND BEFORE ADJUDICATION (2008). "In 2006, it cost Massachusetts taxpayers approximately $15,000 to detain a child for 16 days (the average length of stay) in one of DYS's facilities. At the same time, it costs less than $1500 to provide a child who was permitted to remain at home with 6 to 8 weeks of supervision to ensure that he returned to court and didn't re-offend." *Id.*

18 The Supreme Court has severely circumscribed the liberty interest of juveniles. *See* Schall v. Martin, 467 U.S. 253, 263 (1984) (noting that children are assumed to be subject to control of their parents and that if parental control falters, "the juvenile's liberty interest may be subordinated to the state's *parens patriae* interest in preserving and promoting welfare of the child") (quoting Santosky v. Kramer, 455 U.S. 745, 766 (1982)). Accordingly, we have focused exclusively on the violation of Equal Protection rather than on denial of Due Process.

juvenile justice system need to be given a prospective choice to use alternatives to detention that have proven to be effective, including initial diversion. If these officials persist in continuing a present practice, they will have manifested the requisite "deliberate indifference."

I. WHAT COLOR IS JUVENILE JUSTICE?

Since the turn of the last century, a separate system of juvenile justice has developed in the United States that is expressly designed to serve the "best interests of the child" and to rehabilitate any young person who has erred in judgment and conduct.[19] It should not matter what color young people are if they misbehave or commit acts that would be crimes if they were adults. All too often, however, the color of a young person's skin defines the experience he or she will have in the juvenile justice system. A cascading series of decisions throughout the juvenile justice process can determine whether resources are spent on rehabilitation, as called for and supported by the JJDPA,[20] or whether a single bad act places a youth on a path that will irrevocably delimit his future as a life journey down the "cradle to prison" pipeline.[21]

A. *Equal Justice is the Casualty of Disproportionate Minority Contact*

[F]airly viewed, pretrial detention of a juvenile gives rise to injuries comparable to those associated with the imprisonment of an adult.[22]

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19 The first separate juvenile court was created by the Illinois Juvenile Court Act of 1899. In response to the Reformist Movement of the late nineteenth century, the Illinois legislature created a rehabilitative system for adjudication of youth under the age of sixteen in order to separate juveniles from the social stigma and procedural formalities associated with the adult criminal process. Robert E. Shepherd, Jr., *The Juvenile Court at 100 Years: A Look Back*, *in* 4 JUV. JUST. J. 2 (1999), *available at* http://www.ncjrs.gov/html/ojjdp/jjjournal1299/2.html. Because the guiding principle for creation of the first juvenile court was "[a] child should be treated as a child," it was unacceptable that children under sixteen would be prosecuted and incarcerated in prisons "before they knew what crime was." Ann Reyes Robbins, *Troubled Children and Children in Trouble: Redefining the Role of the Juvenile Court in the Lives of Children*, 41 U. MICH. J. L. REFORM 243 (2007).

20 42 U.S.C. §§ 5601–5784 (2002). The purpose of the JJDPA is to support state and local programs to prevent juvenile involvement in delinquent behavior, promote public safety by encouraging juvenile accountability, and to provide technical assistance and information on programs to combat juvenile delinqnency. *See id.*

21 THE CHILDREN'S DEFENSE FUND, AMERICA'S CRADLE TO PRISON PIPELINE 5 (2007), *available at* http://www.childrensdefense.org/child-research-data-publications/data/cradle-prison-pipeline-report-2007-full-highres.html. In 2007, The Children's Defense Fund launched an initiative, the Cradle to Prison Pipeline Campaign, to address and interrupt this apparent pipeline for young people, particularly low income youth of color. *Id.* The organization's vision calls for a paradigm shift in the juvenile system's current focus of punishment and incarceration to one focused on investment, prevention, and intervention in the lives of all young people. *Id.*

22 *Schall*, 467 U.S. at 291 (Marshall J., dissenting).

Removing young people from their communities and dropping them into secure detention halts their development while causing many long-term injurious consequences that amount to anything but rehabilitation. Too often, youth of color get locked up; they are much like the fossilized insect frozen in petrified amber, stuck. Recent brain development research indicates that mature decision-making capacity may not develop until the age of twenty, or even later in some instances.[23] Many young people who have been incarcerated and returned to the community become unable to break out of behaviors that they might have outgrown as adults.[24]

Adolescent antics are a predictable developmental by-product of youth.[25] As teenagers mature they grow less inclined to act out. This is particularly true when youth live in the community with access to support from family or surrogate supervision, wrap-around and enrichment programming, mentors, role models, school, and employers.[26] Most youth desist from delinquent behavior once they have achieved educational and employment milestones.[27] Detention often arrests a youth's developmental process and propels him in a different direction, as evidenced by recidivism rates of 50% to 80% for youth who have been incarcerated.[28] Adolescents are very suggestible, seeking a sense of belonging, confidence, and competency. When incarcerated in close proximity to other delinquent youth, this environment promotes the development of antisocial behav-

23 Elizabeth Cauffman et al., *(Im)maturity of Judgment in Adolescence: Why Adolescents May Be Less Culpable Than Adults*, 18 BEHAV. SCI. & L. 741, 756 (2000).

24 *Id.* at 7 (noting that incarceration interrupts and delays a youth's normal pattern of discontinuing delinquent behavior as they mature due to its effect on community, education, and employment engagements).

25 U.S. DEP'T OF HEALTH & HUMAN SERV., YOUTH VIOLENCE: A REPORT OF THE SURGEON GENERAL, ch. 3 (2000), *available at* http://www.surgeongeneral.gov/library/youthviolence/. As many as one-third of youth exhibit delinquent behaviors; however, most will naturally "age out" of such actions as they attain maturity. DANGERS OF DETENTION, *supra* note 2, at 6. "According to Dr. Delbert Elliott, former President of the American Society of Criminology and head of the Center for the Study of the Prevention of Violence, although the rate of delinquent behavior appears high, the rate at which the criminal behavior ceases is also high." *Id.*

26 DANGERS OF DETENTION, *supra* note 2, at 6.

27 *Id.* Studies show that youth able to establish a relationship with a partner or mentor, as well as obtain employment, correlates with the ability of youthful offenders to cease delinquent behavior. *Id.*

28 According to the Annie E. Casey Foundation,

> In fact, recidivism studies routinely show that 50 to 80 percent of youth released from juvenile correctional facilities are rearrested within 2 to 3 years – even those who were not serious offenders prior to their commitment. Half or more of all released youth are later re-incarcerated in juvenile or adult correctional facilities. Meanwhile, correctional confinement typically costs $200 to $300 per youth per day, far more than even the most intensive home- and community-based treatment models.

ANNIE E. CASEY FOUND., 2008 KIDS COUNT ESSAY: A ROAD MAP FOR JUVENILE JUSTICE REFORM 9 (2008) [hereinafter ROAD MAP FOR JUVENILE JUSTICE].

ior among teenagers seeking both competency in illicit behavior and acceptance by their peers.[29]

In 2006, the Department of Justice reported that 96,655 juveniles were incarcerated in youth detention centers.[30] African American youth constitute 16% of U.S. youth but 38% of the youth in detention.[31] In many states, the disparity is even greater.[32] Minorities are more likely than whites to be formally charged in juvenile court and to be sentenced to out-of-home placement, even when referred for the same offense.[33]

Today, Latin, Native, Asian, Pacific Islanders, and African Americans are 35% of the U.S. youth population, yet comprise 65% of all youth who are securely detained pre-adjudication.[34] Youth of color are four times more likely to be arrested for a drug trafficking offense,[35] even though white teens self-reported experiences of using and selling drugs at rates greater than African American teens.[36] The length of incarceration compounds both the disparity and the injury inflicted; on average, African American and Latino juveniles are confined, respectively, 61 and 112 days longer than white youth.[37] Additionally, minorities account for more than 58% of youth admitted to state adult prisons.[38]

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29 Thomas J. Dishion, et al., *When Interventions Harm: Peer Groups and Problem Behavior*, 54 AM. PSYCHOLOGIST 755-64 (Sept. 1999).

30 HOWARD N. SNYDER ET AL., NAT'L CTR. FOR JUVENILE JUSTICE, JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT 211 (2006).

31 *Id.* at 2.

32 *Id.* at 213.

33 AND JUSTICE FOR SOME, *supra* note 2, at 2.

34 Eleanor Hynton Hoytt et al., *Reducing Racial Disparities in Juvenile Detention*, *in* 8 ANNIE E. CASEY FOUND. PATHWAYS TO JUVENILE DETENTION REFORM 18 (2001).

35 SNYDER, *supra* note 30, at 211. In 2003, 79% of the youth incarcerated for drug trafficking offenses were minorities, compared to 21% for white youth. *Id.* During this period, 73% of adjudicated drug offense cases involved a white youth; white youth comprised 58% of the offenders receiving out-of-home placements and 75% of those receiving formal probation. *Id.* Contrastingly, 25% of adjudicated drug offense cases involved an African American youth; African American youth comprised 40% of the offenders receiving out-of-home placements and 22% of those receiving formal probation. *Id.*

36 Carl McCurley et al., *Co-Occurrence of Substance Use Behaviors in Youth*, OJJDP JUV. JUST. BULL. 4 (Nov. 2008), http://www.ncjrs.gov/pdffiles1/ojjdp/219239.pdf. The 1997 Longitudinal Survey of Youth indicates that white and Hispanic youth were "more likely than African American youth to report . . . substance-related behavior (twenty-nine, twenty-six, and nineteen percent, respectively)." *Id.* Additionally, "whites and Hispanics were more likely than African Americans to report drinking alcohol [and] whites were more likely than African Americans to report either marijuana use or selling drugs." *Id.*

37 Alex R. Piquero, *Disproportionate Minority Contact*, 18 FUTURE OF CHILD. 59, 62 (Fall 2008), *available at* http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/41/92/3a.pdf.

38 *Id.* at 63.

The systematic failure of many state and local authorities to collect data by race stymies efforts to fully document, explain, and address disproportionality.[39] Nonetheless, the information that does exist strongly suggests that racial bias accounts for disproportionate treatment at each stage of the juvenile justice process and that its consequences are severe in regard to decisions concerning juvenile incarceration.

B. *Collateral Consequences of Confinement*

Incarcerated youth typically do not receive the education nor the healthcare that would have been available to them had they been sent home under supervision. Correctional systems have been the dumping ground for children with mental health, substance abuse, family-related, and behavioral problems – along with those suffering undiagnosed and untreated developmental disabilities.[40] Studies estimate that as many as 70% of incarcerated youth have diagnosable mental health problems.[41]

The legal collateral consequences that result from juvenile incarceration have been dubbed "invisible punishment" by Jeremy Travis, former Director of the National Institute of Justice.[42] These consequences increasingly and disproportionately harm the life options for youth of color.[43] For anyone convicted of a felony drug offense, collateral consequences include lifetime bans on the receipt of federal benefits, such as food stamps and other types of public assistance.[44] For anyone convicted of a drug related offense or activity, collateral consequences include denial of public housing and student loans.[45] Disproportionately high rates of conviction and incarceration of juveniles of color for drug related offenses drastically diminishes their ability to participate in their communities after

39 DAHLBERG, *supra* note 17, at 5.

40 Joseph J. Cocozzo & Kathleeen Skowyra, *Youth with Mental Health Disorders: Issues and Emerging Responses*, 7 JUV. JUST. J. 3, 4-5 (April 2000), http://www.ncjrs.gov/html/ojjdp/jjjnl_2000_4/youth.html.

41 James Austin et al., *Alternatives to the Secure Detention and Confinement o f Juvenile Offenders*, OJJDP JUV. JUST. BULL. 2 (Sept. 2005), http://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf. "Between 50 and 70 percent of incarcerated youth have a diagnosable mental illness and up to 19 percent may be suicidal, yet timely treatment is difficult to access in crowded facilities." *Id. See also* Linda A. Teplin, *Assessing Alcohol, Drug, and Mental Disorders in Juvenile Detainees*, OJJDP FACT SHEET (Jan. 2001), http://www.ncjrs.gov/pdffiles1/ojjdp/fs200102.pdf.

42 *See* JEREMY TRAVIS, INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT (Marc Mauer et al. eds. 2002).

43 Marc Mauer, *Invisible Punishment: Block Housing, Education, Voting*, FOCUS MAG., May/June 2003, at 3, 4.

44 Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 115, 110 Stat. 2180 (1996).

45 Quality Housing and Work Responsibility Act of 1998, Pub. L. 105-276, § 576 (1998) (current version at 42 U.S.C. § 13661 (2006)); Higher Education Act, 20 U.S.C. § 1091(r)(1) (2006).

they are released.[46] Confinement in juvenile facilities represents a significant separation from the communities to which these youth return. Substantial obstacles must be overcome upon release from confinement, such as re-entry to public schools, obtaining marketable skills, and finding employment opportunities.[47]

II. DELIBERATE INDIFFERENCE: REFRAMING DISPROPORTIONATE MINORITY CONTACT FOR A § 1983 COMPLAINT

The JJDPA is designed to provide the necessary resources, leadership and coordination to develop and conduct effective programs to: prevent delinquency; divert juveniles from the traditional juvenile justice system; and provide critically needed alternatives to the institutionalization of youth.[48] The JJDPA also provides states with the funds and expertise they need to meet these goals.[49] Four core protections of the Act are explicit: (1) deinstitutionalizing status offenders; (2) separating juvenile and adult offenders in secure confinement; (3) eliminating the practice of detaining or confining juveniles in adult jails and lockups; and (4) addressing the disproportionately large number of minority youth who come into contact with the juvenile justice system.

Earlier court decisions have found an implicit private right of action in three of these JJDPA protections – not jailing status offenders, separating adult and juvenile offenders and ceasing to confine juveniles in adult jails.[50] However, the policy mandate to address the DMC simply means that the states must submit a plan that addresses DMC. The JJDPA does not set numerical standards nor require states to adopt measures known to be effective. Such requirements could be added through amendments or through the regulations governing state plan requirements.[51] To be enforceable, however, an express private right of action is

46 Dep't of Hous. & Urban Dev. v. Rucker, 535 U.S. 125 (2002) (holding that federal Anti-Drug Abuse Act required lease terms that gave local public housing authorities the discretion to terminate the lease of a tenant when a member of the household or a guest engaged in drug-related activity, regardless of whether tenant knew, or should have known, of the drug-related activity); *see also* DANGERS OF DETENTION, *supra* note 2, at 7.

47 Tamara A. Steckler, *Litigating Racism: Exposing Injustice In Juvenile Prosecutions*, 60 RUTGERS L. REV. 245, 258 (2007).

48 Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5602(b) (2000).

49 Cruz v. Collazo, No. 77-83084, 1979 U.S. Dist. LEXIS 8941, at *13 (D.P.R. Oct. 26, 1979).

50 Hendrickson v. Griggs, 672 F. Supp. 1126, 1134 (N.D. Iowa 1987).

51 On March 24, 2009, Senator Patrick Leahy introduced the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009. Press Release, Office of Senator Leahy, Leahy Introduces Juvenile Justice Reauthorization Bill (Mar. 24, 2009), http://leahy.senate.gov/press/200903/032409b.html. This Act will strengthen provisions related to the disproportionate minority contact core requirement by providing additional direction for states and localities on how to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system. *Id.* In addition, state juvenile justice system plans must provide alternatives to detention that include diversion to home-based detention or community-based services for youth in need of treatment for mental health, substance abuse, or co-occurring disorders. *Id.* States must also include plans to: re-

likely to be necessary in light of two Supreme Court decisions: *Alexander v. Sandoval*[52] and *Gonzaga University v. Doe*.[53] While an action in mandamus might lie to secure effective enforcement, it is not likely to succeed until Congress amends the JJDPA provisions governing core DMC measures in a manner that makes the requirements, consequences and enforcement processes far more specific. At present, all a state must show is that it is investigating the DMC problem.

This Article proposes that the community of people concerned about juvenile justice and reducing DMC need not and should not wait idly, hoping the next Congressional re-authorization mandates more effective enforcement.[54] Historically, federal agencies have been extremely reluctant to withhold funds from states even in the face of egregious violations. These agencies regard funding cut-offs as the equivalent of using a nuclear bomb and, in excessive deference to federalism, are often leery of acting. It is possible that this reluctance also is being reinforced by JJDPA grantee assertions that federal funding is essential to the viability of both the law enforcement apparatus and the preservation of law and order, such as it is; therefore the grantor cannot risk withholding federal funds to enforce any prohibition against DMC. Being tough on crime has political appeal. Given the state of the economy, those administering the JJDPA could be held responsible for any increase in crime if they cut back on resources as a penalty for failure to reduce DMC in the juvenile justice system. Despite what is known by many – that waiver of juveniles to adult court ultimately increases the likelihood of recidivism – we have not heard the last of slogans like "adult time for adult crime."

Failure to address DMC sets the stage for an equal protection action under § 1983. Because of the nature of such a claim, liability will ensue if, and only if, the parties injured by a state action that produces DMC can prove that the disparity resulted from an intent to discriminate.

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duce the number of children housed in secure detention facilities who are awaiting placement in residential treatment programs; encourage inclusion of family members in the design and delivery of juvenile delinquency prevention and treatment services – particularly, post-placement; and use community-based services for addressing needs of at-risk youth and those who have come into contact with the juvenile justice system. *Id.*

52 Alexander v. Sandoval, 532 U.S. 275 (2001).

53 Gonzaga Univ. v. Doe, 536 U.S. 273 (2002).

54 FEDERAL ADVISORY COMMITTEE ON JUVENILE JUSTICE, ANNUAL REPORT 2008 xvi-xvii, 20-24 (2008), *available at* http://www.facjj.org/annualreports/ed_08-FACJJ%20Annual%20Report%2008.pdf. Reasonable people can disagree as to whether fund cut-offs would trigger the needed changes. The Federal Advisory Committee on Juvenile Justice has recommended expansion of the Edward Byrne Memorial Justice Assistance Grant Program, promotion of community wide collaboration, creation of funding incentives to pool funds from multiple federal programs, and interdisciplinary teams to develop cross-training models, legal models, technical assistance and emergency services for children who are in both the juvenile justice and child welfare systems. *Id.*

A. *Intentional Indifference is an Interference with Constitutional Rights: A Different Approach for Remedy Under § 1983*

While numerous threshold requirements must be met to initiate a § 1983 action, there are two primary cases that have made it more difficult to prove intent when bringing an action based on disparate impact. In *Washington v Davis*, the Supreme Court held that a mere showing of disparate racial impact of a facially race neutral policy or practice is not sufficient.[55] The Court later raised the hurdle for plaintiffs in *McCleskey v. Kemp*, where the petitioner presented what continues to be one of the most comprehensive multi-regression studies ever conducted on the impact of race in sentencing.[56] However, even such a well-documented, statistically significant and discriminatory pattern was insufficient to support an inference that any of the decision-makers in *McCleskey* acted with discriminatory purpose.[57] McCleskey hoped to prove that administration of the death penalty was racially discriminatory and, accordingly, his death sentence violated the Constitution. The Court reasoned that what other juries had done in sentencing defendants to death did not prove that the jury in McCleskey's case had discriminated against him on the basis of race.[58] According to the Court, the probability of a discriminatory motive was insufficient to prove actual discrimination by one particular jury. The Court further observed that any number of other factors might have accounted for the *McCleskey* verdict and that the uniqueness of every jury forestalled inferring motive in a particular instance from a statistical pattern of disparity.[59]

The *McCleskey* defense can be anticipated in response to a cause of action brought by any particular juvenile in detention who alleges racial discrimination in the decision to confine him or her in a secure facility. The circumstances of the juvenile justice process, however, can be distinguished from *McCleskey* due to the repetitive experience and policy influence of the juvenile justice decision-makers.

B. *Addressing the Requirement of Intent*

Washington and *McCleskey* stand for the governing precedent that a showing of disparate impact alone will not suffice. When it comes to a municipality or an agency, actual intent to discriminate is necessary but virtually impossible to prove – even where DMC exists, some non-discriminatory public purpose justification for the policy or action can usually be found in an individual case. The Supreme

55 *Washington*, 426 U.S. at 245 (holding that the plaintiff must prove that the discriminatory impact was the result of a specific racially discriminatory intent).

56 *McCleskey*, 481 U.S. at 286-91.

57 *Id.* at 293.

58 *Id.* at 295-96.

59 *Id.* at 293-300.

Court has, however, provided one explicit test which, if met, results in liability: when "deliberate indifference" has been shown to rights protected by the Constitution and federal laws. Under such circumstances, "execution of the government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the Constitutional injury, that the government, as an entity, is responsible under § 1983."[60]

In *City of Canton v. Harris*,[61] the Supreme Court determined that a local government could be held liable for the inadequate training of its police officers. Justice White wrote:

> We hold today that the inadequacy of police training may serve as the basis for § 1983 liability only where the failure to train amounts to deliberate indifference to the rights of persons with whom the police come into contact. This rule is most consistent with our admonition . . . that a municipality can be liable under §1983 only where its policies are the "moving force [behind] the constitutional violation." Only where a municipality's failure to train its employees in a relevant respect evidences a "deliberate indifference" to the rights of its inhabitants can such a shortcoming be properly thought of as a city "policy or custom" that is actionable under §1983. As Justice Brennan's opinion in *Pembaur v. Cincinnati,* put it: "[M]unicipal liability under §1983 attaches where – and only where – a deliberate choice to follow a course of action is made from among various alternatives" by city policymakers. Only where a failure to train reflects a "deliberate" or "conscious" choice by a municipality-a "policy" as defined by our prior cases-can a city be liable for such a failure under §1983.[62]

This holding's essence is that liability can be based on constructive intent as inferred from actual knowledge of predictable injury and the subsequent rejection or disregard of known alternatives that would have averted that injury.[63] Intent can be inferred when a constitutional injury was substantially certain to result and the decision-maker chose to continue a course of action that perpetuated a pattern tainted by racial bias when alternatives were known and available that would

60 Monell v. Dep't of Soc. Serv., 436 U.S. 658, 694 (1978).

61 *City of Canton*, 489 U.S. at 388.

62 *Id.* (citations omitted).

63 *See, e.g.*, Walker v. City of New York, 974 F.2d 293, 297 (2d Cir. 1992). In *Walker*, the Second Circuit articulated three criteria for constructive intent: (1) the policy maker must know "to a moral certainty" that his other employees will confront a particular situation; (2) "the situation either presents the employee with a difficult choice of the sort that training or supervision will make less difficult or . . . there is a history of employees mishandling the situation; and (3) the wrong choice by the employee frequently causes constitutional deprivation. *Id. See also* SHELDON H. NAHMOD, CIVIL RIGHTS AND CIVIL LIBERTIES LITIGATION: THE LAW OF SECTION 1983 6-190 (4th ed. 1997, 2007).

have averted the injury.[64] Moreover, an "objective obviousness" standard is employed to identify the threshold for holding a government entity responsible for deliberate indifference to the constitutional rights committed by its inadequately trained agents.[65] The *City of Canton* Court's deliberate indifference inquiry into liability focused on obviousness, or constructive notice, an objective standard for inferring intent.

In the juvenile justice context, we propose to use this same standard to redress violations of the Equal Protection Clause. Our theory is that government policies and practices subject a juvenile of color to the infliction of sanctions that are far greater and more punitive than if the same offense had been committed by a white youth. Sanctions on account of race include: deprivation of liberty; developmental injury; deprived access to special education and other wrap-around services that are available to non-detained youth; an increased likelihood of personal injury; intensification of established risk factors; restricted ability to find witnesses or secure probation; and a higher probability of recidivism.[66] To prove "deliberate indifference" for purposes of a §1983 claim, the plaintiff must demonstrate: (1) injury to a right protected by the Constitution or federal law; (2) that the injury was relatively certain to occur; and (3) that the government's course of action was one selected from among various alternatives.[67] Use of an alternative to detention will eliminate the injury that comes from a racially biased detention decision.

C. *"Deliberate Indifference" Stems from a Duty to Use Knowledge*

The origin of the juvenile justice system fundamentally relies on the intent to provide for the welfare of the youth in its ambit, with rehabilitation being the primary goal. The JJDPA promotes seeking the least restrictive alternative and

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64 A similar standard for "deliberate indifference" was invoked in an Eighth Amendment case involving cruel and unusual punishment. *See* Farmer v. Brennan, 511 U.S. 825 (1994). In *Farmer*, Justice Souter, writing for a unanimous court, defined the term deliberate indifference in the context of criminal confinement as "the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference." *Id.* at 980.

65 Collins v. City of Harker Heights, 503 U.S. 115, 124 (1992).

66 Nancy Rodriguez, A Multilevel Analysis of Juvenile Court Processes: The Importance of Community Characteristics 25 (June 30, 2008) (unpublished manuscript, on file with the National Institute of Justice), *available at* http://www.ncjrs.gov/pdffiles1/nij/grants/223465.pdf.

> [J]uveniles who were informally processed were less likely to reoffend post age 17 in urban jurisdictions. Models with the detention outcome as a predictor of recidivism reveal that juveniles who were detained were more likely to recidivate post age 17 in both urban and rural counties . . . . [J]uveniles who were removed from the home at disposition were more likely to reoffend post age 17. This effect was significant in both the urban and rural jurisdictions.

Id.

67 SWORD AND SHIELD: A PRACTICAL APPROACH TO SECTION 1983 LITIGATION 209-247 (Mary Massoron Ross et al. eds., 3rd ed. 2007).

specifically anticipates detention only for those youth who pose either significant risks of flight and failure to return to court, or risk of endangerment to themselves or to public safety.[68] Estimates of the number of youth for whom detention is warranted range from five to twenty percent. A combination of procedures has been proven to dramatically reduce the average daily population in secure detention without increased risk to public safety. These include the use of objective risk screening instruments,[69] diversion from the system altogether, expedited case processing, and rigorously designed alternatives to detention. In fact, several states committed to reducing DMC were also able to reduce juvenile crime and recidivism.[70] Every state receives funding expressly dedicated to providing access to the knowledge and technical assistance needed to reduce DMC; the strategy outlined in this Article provides a way to ensure that states do reduce DMC.

Every youth, irrespective of race, is entitled to a level of care that honors the purpose of the JJDPA by limiting juvenile confinement to only the situations in which it is truly required. Equal protection of the law means that the risk of injury from failure to use knowledge should not be compounded by race-biased decision making. Therefore, the injured parties must serve formal notice on the relevant government officials that the current practices result in a continuing injury. This notice should be coupled with a presentation of effective and cost efficient alternatives to confinement. Refusal to utilize these alternatives would constitute an intentional disregard of foreseeable injury and an infringement of constitutionally protected rights.

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68 Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5603(19)(A) (2002); Austin, *supra* note 41, at 1.

69 Austin, *supra* note 41, at 6, 8.

> The key attributes of objective classification and risk assessment instruments are: [1] They employ an objective scoring process; [2] They use items that can be easily and reliably measured meaning the results are consistent both across staff and over time as they relate to individual staff members; and [3] They are statistically associated with future criminal behavior, so that the system can accurately identify offenders with different risk levels.
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> . . . .
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> The factors to be considered in objective detention risk assessments can be separated into four categories: [1] Number and severity of the current charges; [2] Earlier arrest and juvenile court records; [3] History of success or failure while under community supervision . . . ; and [4] Other 'stability' factors associated with court appearances and reoffending (*e.g.*, age, school attendance, education level, drug/alcohol use, family structure).

Id.

70 The Annie E. Casey Foundation Juvenile Detention Alternatives Initiative, "is one of the most effective, influential, and widespread juvenile justice reform initiatives" "after more than a decade of innovation and replication." Juvenile Detention Alternatives Initiative, Annie E. Casey Foundation, http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx (last visited Mar. 16, 2009) [hereinafter AECF Detention Alternatives Website]; ELIZABETH DRAKE, WASH. STATE INSTIT. FOR PUB. POLICY, EVIDENCE-BASED JUVENILE OFFENDER PROGRAMS: PROGRAM DESCRIPTION, QUALITY ASSURANCE, AND COST (June 2007), http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf.

The OJJDP, through its partnership with Development Services Group, Inc., has gone to extraordinary lengths to make available knowledge about model programs and DMC reduction.[71] For the past fifteen years, the Annie E. Casey Foundation has implemented its Juvenile Detention Alternatives Initiative ("JDAI") in nearly one hundred locations throughout twenty-two states and the District of Columbia.[72] We submit that the requisite proof of available alternatives is provided by the extensive documentation of model programs by the OJJDP coupled with the extensive research on effective alternatives conducted by the Colorado Blueprints Project, the Washington State Institute for Public Policy, and the nationally respected Annie E. Casey JDAI.[73] These resources, developed over the past two decades, demonstrate efforts to create alternatives to confinement that are effective and less costly than the prevailing practice.

The "deliberate indifference" strategy puts officials on formal notice of the impact of current policies and practices and documents effective alternative remedies. After receiving formal notice, the continuance of a current practice represents an informed and deliberate choice to continue inflicting injury in lieu of available alternatives that are authoritatively regarded as more effective and less costly. If the responsible officials conduct business as usual, there is ample basis for alleging and proving "deliberate indifference" or "intentional disregard." Litigation could commence only after juvenile justice officials in the jurisdiction have been put on notice of the injury flowing from their present juvenile confinement practices and of the availability of validated and affordable alternatives.

In the private sector, continuing to employ a prevailing practice while disregarding knowledge of more efficacious and cost effective alternative interventions would give rise to a claim of professional malpractice or gross negligence.[74] Admittedly, addressing DMC involves attacking a problem that stems from multiple factors embedded in every aspect of life – *e.g.*, economic, social, educational, cultural, geographic, and historical.[75] This is precisely why courts once were likely to shy away from the issue altogether. But, after more than twenty years of skirt-

71 DSG Website, *supra* note 5. Both OJJDP's Model Programs Guide and DMC Reduction Database are easily accessible from the home page.

72 AECF Detention Alternatives Website, *supra* note 70.

73 *Id.*; Center for the Study and Prevention of Violence at the University of Colorado, Blueprints for the Prevention of Violence, http://www.colorado.edu/cspv/blueprints/index.html (last visited April 27, 2009); Washington State Institute for Public Policy, http://www.wsipp.wa.gov/ (last visited April 27, 2009).

74 An obligation to keep abreast and make use of knowledge is commonplace in medical malpractice claims, product safety claims (most notably those involving asbestos), and where a fiduciary obligation is involved. *See, e.g.*, Borel v. Fiberboard Paper Prod. Co., 493 F.2d 1076 (5th Cir. 1973); Feldman v. Lederle Labs, 479 A.2d 374, 386 (N.J. 1984).

75 OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, DISPROPORTIONATE MINORITY CONTACT TECHNICAL ASSISTANCE MANUAL (2006). Specific reference is made to this difficulty in the Introduction. Lesson 2 states, "Many factors contribute to DMC at different juvenile justice system contact points, and a multipronged intervention is necessary to reduce DMC." *Id.*

ing the issue because of its "complexity," there is a growing body of knowledge in regard to available, effective, and affordable remedies. This knowledge can no longer be dismissed or ignored. In the context of long-standing injurious disparity, the right to equal protection gives rise to an obligation to use knowledge of what works.

A showing of actual knowledge of injury coupled with rejection of proposed changes to provide a cost effective remedial strategy would be sufficient to defeat a motion to dismiss for failure to state a cause of action.[76] Doubtless, defendants would reply with a description of the efforts they have been making, the complexity of the problem and the need to come up with a comprehensive solution. Our focus on detention is something that can be implemented right away – and every youth of color kept out of detention represents a reduction in disproportionate minority contact.

The detention situation parallels the disparity addressed by the Supreme Court in *Castenada v Partida.*[77] *Castenada* involved a claim of discrimination based on a grand jury selection process where Spanish names comprised 50% of the list from which the grand jurors were selected. "Three of the five jury commissioners, five of the grand jurors who returned the indictment, seven of the petit jurors, the judge presiding at the trial, and the Sheriff who served notice on the grand jurors to appear had Spanish surnames."[78] Nonetheless, the Supreme Court held that the plaintiff had established a discrimination claim by presenting evidence that over an eleven-year period, only 39% of persons summoned for grand jury service were Mexican American when the county's population was 79.1% Mexican American. In short, the Court found that this disparity coupled with a selection procedure susceptible to abuse was sufficient to make a *prima facie* case of intentional discrimination. When the burden of proof shifted, the State failed to rebut this *prima facie* presumption, despite the racially neutral qualifications for grand jurors and the fact that Mexican Americans held a "governing majority" in the county's elected offices.

Similar to *Castenada*, the criteria for a determination of whether to detain a juvenile offender are purportedly neutral on their face but the ultimate decision making process is discretionary and susceptible to abuse. There is also a multi-year disproportion in the detention of juveniles of color. The availability of alternatives proven to radically reduce the use of detention through diversion, risk

76 FED. R. CIV. P. 12(b)(6).

77 Castenada v. Partida, 430 U.S. 482 (1977). The issues then become: what acts constitute a rejection of these alternatives, what constitutes a good faith effort to make use of available knowledge, and what action over what period of time constitutes merely dilatory tactics? Getting beyond the "intent" barrier to those questions would lay the foundation for defining meaningful indicators of progress in reducing DMC. A significant reduction in the numbers of those detained would be a primary measure.

78 *Id.* at 484.

assessment instruments, and community-based wrap-around services supports the assertion that youth of color have been denied Equal Protection if the system elects to continue business as usual.

Abusive use of detention by juvenile justice systems is peculiarly ironic. On one hand, the system was established to safeguard the best interests of the juvenile by imposing a duty on officials to care for the juveniles over whom the system has jurisdiction. On the other hand, these officials default on their duty when they know of efficacious, less costly alternatives and allow infliction of injury by racially biased confinement decisions.

D. *Addressing the Requirement of Causation*

Commentators have noted that without causation, "negligent or even grossly negligent training would not give rise to a §1983 municipal liability claim."[79] A successful plaintiff must therefore be able to demonstrate a sufficiently close causal connection between the deliberately indifferent training and the deprivation of the plaintiff's federally protected right.

Even upon finding "intentional disregard" or interference with fundamental rights, the reasoning of the Supreme Court in *McCleskey v. Kemp* would appear to impose a further requirement: not only must race be a factor in the disparities generated by the system, but race must be shown to have been a causal factor present in each particular case.[80] Admittedly, some youth ought to be confined securely. However, experts observe that far more young people than can be justified by safety concerns are in secure confinement across the country. Furthermore, each youth has a right to counsel and the opportunity to demonstrate that detention is not appropriate or necessary in his or her individual case. Therefore, a defendant could contend that there is no causal relationship in any individual case between the injury caused by racially biased decisions to incarcerate and the failure to use knowledge about alternatives.

Professor Perry Moriearty, in a recent law review Article, argued that the refusal of the Court in *McCleskey* to infer the operation of a racial motive in a specific capital case should not apply to the detention of juveniles:

> In every critical respect Juvenile Court pretrial detention decisions in many jurisdictions are analogous to the jury *venire* decision at issue in *Castaneda* . . . and are distinguishable from the capital sentencing decision at issue in *McCleskey*. . . .By the *McCleskey* Court's own reasoning, then, an equal protection challenge to the discriminatory pretrial detention of youth of color in the juvenile justice system should be analyzed under the *Castenada* three-pronged inquiry: a claimant would create an inference of discrimina-

79 SWORD AND SHIELD, supra note 67, at 33-34.

80 *See* Moriearty, *supra* note 2, at 323 (discussing how race falls outside the rationale in *McCleskey v. Kemp*).

> tory intent if she could demonstrate that she was a member of a historically disadvantaged class that has been overrepresented in the population of juveniles detained by the judge or probation officer in question over a significant amount of time.[81]

Unlike a jury verdict, a decision to detain a juvenile is made by professionals who can be required to explain the rational basis underlying their decision. As Professor Moriearty points out, "the nature of juvenile detention decisions, in many jurisdictions, places them squarely within the contours of the type of administrative decisions for which, according to Justice Powell, evidence of disparate impact alone may be sufficient to create an inference of discriminatory intent."[82]

In juvenile cases, as distinguished from jury verdicts, the decision-makers are professionally trained, the criteria are ostensibly prescribed by statute, and actors can be called upon to explain the racial disparities produced by their confinement decisions.[83] A sufficient causal relation between intentional disregard and the injury flowing from detention can be proven where the disparities are known, where a "race effect" is present, and where a choice has been made to maintain the existing system even after alternatives that would reduce that disparity have been formally presented to and rejected by the relevant juvenile justice administrators.

We suggest, as a tactical matter, that the issue of whether race was a factor in any specific confinement decision is best eliminated by a class action lawsuit that seeks prospective relief from continuation of a practice that fails to make secure confinement the choice of last resort – *i.e.*, a choice made only after all other alternatives have been exhausted.[84] Such a tactic is imperative given the well-documented absence of effective counsel in a vast number of juvenile cases and the inability of a juvenile respondent to make the case needed to challenge a widespread practice of unnecessary detention.[85]

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81 *Id.* at 331-32.

82 *Id.* at 329.

83 *Id.* at 291.

84 Carter v. Doyle, 95 F. Supp. 2d 851 (N.D Ill. 2000) (finding that the class action did not become moot even though final judgment was entered against the juvenile finding him to be delinquent).

85 ROAD MAP FOR JUVENILE JUSTICE, *supra* note 28, at 8-9. "Just 24 percent of youth confined in 2003 were adjudicated for violent felonies, whereas more than 45 percent were guilty only of status offenses; probation violations; misdemeanors; or low-level felonies unrelated to violence, weapons or drug trafficking." *Id.*

III. WHAT WE KNOW ABOUT ALTERNATIVES TO DETENTION

First, it should be acknowledged that no alternative to detention can totally eliminate recidivism.[86] This makes secure confinement appealing to decision-makers. On its face, detention gives the appearance of protection for the public and, in theory, presents an opportunity to provide rehabilitative treatment for the youth. However, this overall sense of public safety belies the evidence now available: unnecessarily excessive juvenile detention begets crime. Crowded facilities result in increased institutional violence.[87] Youth detained for long periods of time usually do not have the opportunity to further their education, nor are treatment programs in detention facilities designed to address substance abuse or a history of physical or sexual abuse.[88] Even more disturbingly, consistent research findings indicate that detention actually increases recidivism. These findings show that secure detention makes it more, not less, likely that a youth will commit additional crime – though there may be a delay factor built in.[89] In other words, confinement exacts more than a temporary deprivation of liberty. It imposes the heightened prospect of future crimes on society when the youth is ultimately released. Moreover, by halting the youth's development, confinement increases the likelihood that the youth will become a drain on society instead of a producer of wealth and well-being.

There is a growing national consensus, expressly reflected in the JJDPA, that secure detention should be used as "an option of last resort only for serious, violent and chronic offenders, and for those who repeatedly fail to appear for scheduled court dates."[90] Only a small fraction of youth confined in juvenile facilities have histories that warrant confinement.[91] Extensive research coupled with

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86 Austin, *supra* note 41, at 1. The word "detention" refers to two distinct practices: secure pre-adjudication detention and secure confinement post adjudication.

> Secure detention refers to the holding of youth, upon arrest, in a juvenile detention facility (*e.g.*, juvenile hall) for two main purposes: to ensure the youth appears for all court hearings and to protect the community from future offending. In contrast, secure confinement refers to youth who have been adjudicated delinquent and are committed to the custody of correctional facilities for periods generally ranging from a few months to several years.

Id.

87 MELISSA SICKMUND, OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, 2000 JUVENILE RESIDENTIAL FACILITY CENSUS: SELECTED FINDINGS 1 (2002); Paul Florsheim et al., *An Interpersonal-Developmental Perspective on Juvenile Justice Systems*, 10 J. L. & FAM. STUD. 147 (2007).

88 Austin, *supra* note 41, at 2.

89 *Id.* at 2-3. Research on traditional confinement in large training schools found recidivism rates ranging from 50 to 70% of previously confined youth who were rearrested within one or two years after release. *See also* ROAD MAP FOR JUVENILE JUSTICE, *supra* note 28, at 9.

90 Austin, *supra* note 41, at 1; Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5633(a)(9)(L) (i) (2002).

91 ROAD MAP FOR JUVENILE JUSTICE, *supra* note 28, at 19. In the 1990s, only 14% of the 50,000 youth detained in 28 states committed a serious violent offense. *Id.* Prior to 2005, only 17% of confined youth in the District of Columbia were serious violent offenders. *Id.*

cost-benefit analyses support the need for a policy shift for all youth – regardless of race. This research acquires even greater weight in the context of disproportionate minority contact and supports but one conclusion: Except when truly exceptional circumstances clearly warrant confinement, divert youth before he or she enters the system by providing alternatives to detention that place the youth in the community with access to services – preferably in his or her own household with access to family.[92]

A. *The Cost and Effect of Alternatives to Secure Detention and Confinement*

This Article does not purport to provide an exhaustive review of the full range of alternatives to detention that have been tested, replicated, and evaluated. It will suffice to provide a brief overview of the extensive work and research undertaken in this field over at least two decades, along with some of the findings that have emerged and the materials that have been produced.

The short survey begins with the Office of Juvenile Justice and Delinquency Prevention ("OJJDP"), which three years ago issued a Juvenile Justice Bulletin ("the Bulletin") that "promotes reducing the court's reliance on detention and confinement through administrative reforms and special program initiatives informed by an objective assessment of a youth's risk level."[93] OJJDP has identified model programmatic responses available for every element of the process that contributes to DMC and offers a web-based directory to assist states in developing initiatives to reduce DMC.[94] The Bulletin describes alternatives to detention with an extensive bibliography,[95] and includes sample "Risk Assessment Instruments" used by several jurisdictions to provide an objective basis for determining whether or not detention is warranted.[96] It also provides a concise description (with contact information) of a continuum of alternatives coupled with evaluation data for each approach. The alternatives include: diversion, su-

92 DANGERS OF DETENTION, *supra* note 2, at 8. Diversion programs – often restricted to first-time offenders facing charges for non-violent offenses – are designed to divert the youngster from the bowels of the juvenile delinquency system and its attendant path to facilities for incarceration. For example, young people placed in San Francisco's Detention Diversion Advocacy Program have approximately half the recidivism rate of juveniles ordered to detention or funneled elsewhere through the juvenile justice system. This result is indicative of a governmental apparatus intent on meting out punishment rather than pursuing the rehabilitative solutions for which juvenile courts were established.

93 Austin, *supra* note 41, at 1. Detention is confinement or incarceration of a juvenile in a secure facility before an adjudicatory finding of involvement. There is also evidence of disproportionate minority contact in the rate of confinement of juveniles of color in secure facilities after the juvenile has been found to be involved in a delinquent act - akin to the court finding an adult defendant guilty of a crime.

94 DSG Website, *supra* note 5 (both OJJDP's Model Programs Guide and DMC Reduction Database are easily accessible from the website's home page).

95 Austin, *supra* note 41, at 24-29.

96 *Id.* at 29.

pervised release, home detention, electronic monitoring, intensive supervision, day and evening reporting centers, skills training programs, residential programs such as foster homes, and programs for runaway youth.[97] The Bulletin, along with extensive materials provided by the Annie E. Casey Juvenile Detention Alternatives Initiative ("JDAI") project, attests to the mushrooming body of knowledge about promising strategies to reduce detention and confinement.[98]

The development of objective screening criteria and risk assessment instruments first made it possible to limit the use of detention to high risk cases. Several case processing reforms have expedited the flow so that youth are not unnecessarily held in detention pending initial hearing or arraignment – *e.g.*, new police referral procedures, 24-hour intake, fast tracking hearings, case expediters, and increased automation. During the past few decades there has also been extensive development, experimentation, refinement, and utilization of alternatives to detention pending an adjudicatory hearing. Finally, due to a major investment in cost-benefit analysis and evaluation, the body of knowledge regarding the cost-effectiveness of various juvenile rehabilitation strategies continues to expand.

B. *Private Philanthropy Funded Expansion of Alternatives to Juvenile Incarceration*

Much of the knowledge about alternatives to incarceration stems from foundation-funded initiatives that have overtly reduced the use of detention and spurred a derivative reduction in DMC. Through participation in the Casey Foundation-funded JDAI, Multnomah County, Oregon became "the first jurisdiction to produce substantial reduction in racial disparity within its juvenile justice system."[99] The Casey Foundation's 2008 Report notes that "[w]hen Multnomah began JDAI in the mid 1990s, youth of color were 30% more likely than white youth to be detained following a delinquency arrest."[100] Because no other viable location existed, County law enforcement officials brought almost 1400 youth charged with non-detainable offenses to the detention center.[101]

In Multnomah County, juvenile justice reform began when the County's Department of Community Justice and Police, with assistance from a non-profit agency, established a Juvenile Reception Center where caseworkers, rather than court or probation personnel, reunited the youth with their families and referred them to appropriate services.[102] By 2000, detention reforms and persistent leadership had reduced the detention to 22% of all youth, regardless of race.[103] The

97 *Id.* at 13-20.
98 *See, e.g.*, AECF Detention Alternatives Website, *supra* note 70.
99 ROAD MAP FOR JUVENILE JUSTICE, *supra* note 28, at 24.
100 *Id.*
101 *Id.*
102 *Id.*
103 *Id.*

progress was no accident. By reviewing system data, local leaders identified decision points where racial disparities were prominent. They found that when structural bias or exercises of discretion "placed youth of color at a disadvantage, the leaders made [systemic] changes."[104] As a result, detention was reduced for all youth and, even more relevant to this Article, disproportionate minority contact had effectively been eliminated.

From 1996 to 2006, using the JDAI model, Cook County (Chicago), Illinois reduced the youth committed to confinement by 500 per year and to residential treatment centers by more than 400 – the greatest reductions were among African American youth.[105] A similar trend was documented in Santa Cruz County, California where reforms reduced the average number of Latino youth in detention by more than 50% from 1996 to 2007.[106]

C. *Assessing Effectiveness*

During the past thirty years, a variety of community-based models have emerged. Those designated as "evidence-based" include Multi-Systemic Therapy, Functional Family Therapy, and Multidimensional Treatment Foster Care. Although these models remain relatively small-scale pilot projects in otherwise unreformed systems, they nevertheless provide rock-solid evidence of more effective, less expensive, consistently successful alternatives to incarceration.[107]

On a larger scale, extensive reviews and evaluations of wrap-around services and intensive case management initiatives have documented positive results in many jurisdictions.[108] Such wrap-around programs are neighborhood-based, customized to each community, make use of lay advocates, and are invariably shaped by individual, family and local contexts. For these reasons, the controlled randomized trials ("CRT") needed for the designation "evidence-based" have not been conducted.[109] While there is an increasing institutional, and even a policy, bias towards formal CRT with control groups and random assignment, other

104 ROAD MAP FOR JUVENILE JUSTICE, *supra* note 28, at 24.

105 *Id.* at 3.

106 *Id.* at 8.

107 DSG Website, *supra* note 5. OJJDP's Model Programs Guide rates the effectiveness of a variety of programs using the following designations: "promising," "effective," and "exemplary." Programs are evaluated according to four factors: conceptual framework of the program; program fidelity; evaluation design; and, empirical evidence demonstrating the prevention or reduction of problem behavior, the reduction of risk factors related to problem behavior, or the enhancement of protective factors related to problem behavior.

108 OJJDP's Model Program Guide, http://www.dsgonline.com/mpg2.5/wraparound_prevention.htm (last visited Apr. 29, 2009). The guide documents the success of wraparound case management services and programs.

109 We propose that juvenile justice administrators should not limit their options for demonstrably effective programs solely to those that bear the "evidenced-based" designation. Youth Courts and other wraparound programs work and they have been shown to have significant and sustained positive outcomes in more than one site. The juvenile justice field needs to promote constant innova-

evaluation methodologies proffer significant advances for reliable information and knowledge.[110] For more than two decades, these "non-evidence-based" programs have consistently shown major reductions in recidivism. This accomplishment earned them a designation of Model Programs by the OJJDP.

We have personal experience with two effective alternatives to detention: The Time Dollar Youth Court ("T-D Youth Court") diversion program, authorized by the Superior Court of the District of Columbia, and the Youth Advocate Program ("YAP"), a community-based program of wraparound services. Both programs have proved highly successful in furthering youth development and reducing recidivism. Both efforts incorporate a "co-production" framework,[111] in which the "consumers" of human service programs and interventions – the youth themselves – are enlisted as co-workers and "co-producers" of the transformation desired.[112] These two programs incorporate a set of core principles that we believe offer an even more enduring and transformative approach to address delinquent conduct than the "evidence-based" programs now receiving authoritative endorsement.[113]

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tion and should promote constant innovation. Community based learning and social entrepreneurship reflects "common sense" responses to the needs of young people.

110 Michael Quinn Patton, *sup wit eval ext?*, 120 NEW DIRECTIONS FOR EVALUATION 101, 114 (2008). Michael Patton, a former president of the American Evaluation Association, supports appropriateness not CRT as "the gold standard" of evaluation. *Id.* He describes the need to counter "inflexible institutional biases toward specific methodologies such as experimental designs" and notes that this is the standard affirmed by the American Evaluation Association, the European Evaluation Society, and the Network of Networks on Impact Evaluation. *Id.*

111 *See* EDGAR CAHN, NO MORE THROW-AWAY PEOPLE: THE CO-PRODUCTION IMPERATIVE (2d ed. 2004); EDGAR CAHN, PRICELESS MONEY: BANKING TIME FOR CHANGING TIMES (2007); NEW ECONOMICS FOUND., THE NEW WEALTH OF TIME: HOW TIMEBANKING HELPS PEOPLE BUILD BETTER PUBLIC SERVICES (2007); PHELPS-STOKES FUND, COMING HOME: AN ASSET-BASED APPROACH TO TRANSFORMING SELF & COMMUNITY - VOL. 1 CO-PRODUCTION AT WORK (2008).

112 Co-Production is premised on the conviction that efforts to address major social problems prove most effective when they enlist and engage the target population as contributors and co-producers. It is an approach to system change and social welfare that focuses on the idea that the traditional beneficiaries of social programs: clients, recipients, consumers, and at-risk populations can "co-produce" outcomes that address issues as diverse as eldercare, childcare, juvenile justice, education, community development, health, self-sufficiency, and opportunity.

113 Those core principles are:

(1) An Asset Perspective: We must build on strengths because one cannot build on weaknesses; every human being has capacities of potential use and value to others;
(2) Valuing Real Work: We must honor real work: caring labor, civic labor, social justice labor, and lifelong learning – rewards for contribution must enhance one's quality of life;
(3) Reciprocity - or Pay It Forward: Giving back empowers the recipient so that receiving help is not regarded as charity and does not create dependency;
(4) Community: Building a social infrastructure of help, support, companionship, and trust is essential: and,
(5) Respect: The voices of those who are most disenfranchised need to be amplified and respected.

See also Edgar S. Cahn, *Co-Producing Justice: The New Imperative*, 5 UDC/DCSL L. REV. 105 (2000).

In 2008, T-D Youth Court jurors heard 888 cases for offenses such as simple assault, possession with intent to distribute marijuana, and disorderly conduct. Recidivism rates during the first six months after referral to T-D Youth Court were a mere 6% and twelve months after referral recidivism had risen only to 11%. Both the six-month and one-year recidivism rates are far below the prevailing 33-35% rate for the comparison group. The estimated nationwide cost of Youth Court programs is $458 per respondent compared to probation costs estimated at $1,635 per youth and juvenile justice processing cost estimates ranging between $21,000 and $84,000 per case.[114]

For the past thirty years, YAP has operated a community-based wraparound program that now reaches sixteen states and works annually with approximately 10,000 youth who would have otherwise been in secure confinement.[115] YAP has been extraordinarily successful with chronic juvenile offenders by hiring and training community members to function as advocates who work to strengthen the family and build an informal support network for the young person.[116] One of YAP's sites, the Tarrant County Advocate Program-North (TCAP) underwent extensive review and earned official characterization as a "successful intensive probation program."[117]

TCAP uses paid mentors and advocates who link the youth with community-based services. Programs include "counseling, job training, subsidized youth employment, vocational training, anger management classes, tutoring, community service restitution projects, character development courses, and parent education classes."[118] In 2002, TCAP served over 500 youth and their families – nearly 400 families completed the entire program.[119] OJJDP reported that "[o]f these youth, 96 percent were successfully maintained in the community or were diverted from out-of-home placement or commitment to the Texas Youth Commission."[120]

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114 SARAH S. PEARSON & SONIA JURICH, AM. YOUTH POLICY FORUM, YOUTH COURT: A COMMUNITY SOLUTION FOR EMBRACING AT-RISK YOUTH 16 (2005).

115 Youth Advocate Programs, Inc. Home Page, http://www.yapinc.org (last visited Mar. 10, 2009).

116 DSG Website, *supra* note 5. The Model Programs Guide contains many such indications of improvements and accomplishments by programs in multiple jurisdictions.

117 Austin, *supra* note 41, at 19; RONALD B. REA ET AL., FINAL EVALUATION REPORT OF THE HARRIS COUNTY YOUTH ADVOCATE PROGRAM (YAP) (2003). Perhaps the most important finding is that young offenders can be served in their home communities and neighborhoods by members of their communities who are recruited, provided with a limited amount of pre-service training, and supervised by professional staff in providing direct services to the youth and their families. The program model can be operated at about one-half of the cost of residential contract services and achieves a success rate that compares favorable with the more expensive residential service. Based on an analysis of the closed cases, the YAP is realizing successful outcomes for approximately 80% of the clients enrolled in their program.

118 *Id.*

119 *Id.*

120 *Id.*

We cite these programs because they exemplify the growth in knowledge over the past several decades. Indeed, they embody a new approach to juvenile justice which takes strength-based youth development quite literally. These programs regard juvenile offenders as neighborhood assets who can be enlisted to contribute to rebuilding the quality of life in a community – all the while radically reducing disproportionate minority contact.

D. *The Question of Cost-Benefit*

Besides effectiveness, cost is the other major factor that public officials bear in mind in when choosing a course of action for youthful offenders. Ongoing studies of the cost of secure detention versus the cost of alternatives to detention consistently show that alternatives to detention are far less expensive than keeping a youth in secure detention.[121] As one commentator writes, "[w]hile states spend millions of dollars on detention centers, the community-based programs are held together by a fair amount of gum, tape, and baling wire."[122] For example, "Texas spends $57,000 a year incarcerating each minor."[123] Other jurisdictions average between $32,000 and $65,000 annually per minor, with far higher average costs reflected in the highest cost-of-living regions. By comparison, most community-based, wrap-around programs boast annual costs considerably less than $20,000 per youth, with many as low as $13,000."[124]

The cost-benefit of an investment in community-based alternatives becomes far greater in light of the 50% recidivism rate for young people within two years of release from secure confinement. The Washington State Institute for Public Policy ("WSIPP"), at the direction of its state legislature, conducted extensive research that assessed the effectiveness of prevention and early intervention programs that reduced at-risk behaviors for youth and identified specific research-proven programs that resulted in a positive cost-benefit analysis.[125] WSIPP developed criteria designed to ensure quality implementation and program fidelity of

121 COAL. FOR JUVENILE JUSTICE, ANNUAL REPORT 2003: UNLOCKING THE FUTURE 23 (2003). The Coalition provides the following comparative data: New York City, secure confinement at $358 per day and alternative to detention at $16-24 per day; Cook County (Chicago), secure detention at $115 per day and an alternative to detention at $33 per day; Multnomah County (Portland, OR), secure detention at $180-200 per day and an alternative to detention at $30-50 per day; Tarrant County (Dallas/Ft. Worth), secure detention at $121 per day, an intensive advocacy program at $30-35 per day, and electronic monitoring at $3.50-3.75 per day. *Id.*

122 David L. Marcus, *Communities Helping Kids*, THE AMERICAN PROSPECT, Aug.14, 2005, http://www.prospect.org/cs/articles?article=communities_helping_kids.

123 *Id.*

124 DANGERS OF DETENTION, *supra* note 2, at 10-11.

125 ROBERT BARNOSKY, WASH. STATE INST. FOR PUB. POLICY, EVALUATION OF WASHINGTON'S 1996 JUVENILE COURT PROGRAM (EARLY INTERVENTION PROGRAM) FOR HIGH-RISK, FIRST-TIME OFFENDERS: FINAL REPORT (Apr. 2003), http://www.wsipp.wa.gov/rptfiles/EIPfinal.pdf.

research-proven programs in the state.[126] Cost-benefit studies of those programs produced some startling figures, ranging from a benefit of $31,243 for each dollar spent to a *negative* value of $12,478 of the Scared Straight program, after subtracting costs.[127] The legislature also directed WSIPP to develop recommendations for potential state legislation that will encourage local governments to invest in prevention and early intervention programs by reimbursing a portion of the savings from the local program accrued to the state.[128]

IV. Institutional Capacity: Courts and Systems Reform

Our hope is that prior to litigation, concerned juvenile justice advocates will employ a "notice forum" to put officials on formal notice of the extent to which youth of color have disproportionate contact with juvenile justice systems. By design, a notice forum will demonstrate the injury that flows from both the "race effect" in the juvenile justice process and the resulting unnecessary detention and confinement of youth of color. A notice forum will also provide evidence of the availability of cost-efficient, officially recommended, and demonstrably effective alternatives to confinement. Successful notice forums will either obviate the need for litigation or provide the record necessary to prove intentional disregard.

Emerging research demonstrates the savings derived from use of diversion and alternatives to detention. Such a cost-benefit analysis is important because the officials who administer the juvenile justice system are likely to plead "system poverty," particularly in the current economic environment.[129] Government officials are obligated to seek the most cost-effective strategies to meet their policy objectives, especially when less costly strategies produce a much higher rate of long and short-term success while preventing a constitutionally prohibited injury. Often, following a formal hearing where notice of effective alternatives is provided, officials choose to resist system change by maintaining business as usual, or going through the motions of a response by announcing a plan that is clearly inadequate to end racial bias.[130] There needs to be pressure to reduce the use of

126 Wash. Rev. Code Ann. § 13.40.530 (LexisNexis 2009).

127 Elizabeth Drake, Wash. State Inst. for Pub. Policy, Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost (June 2007), http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf.

128 Robert Barnosky, Wash. State Inst. for Pub. Policy, The Community Juvenile Accountability Act: Research-Proven Interventions for the Juvenile Courts (Jan.1999), http://www.wsipp.wa.gov/rptfiles/CJAA_Research.pdf. The result of this mandate was the Community Juvenile Accountability Act. Wash. Rev. Code Ann. § 13.40.510 (LexisNexis 2009).

129 AECF Detention Alternatives Website, *supra* note 70; Drake, *supra* note 127.

130 Interview with Bart Lubow, Dir. of Programs for High Risk Youth & Their Families, Annie E. Casey Found., in Baltimore, MD (Jan. 22, 2009). Mr. Lubow reported that the Georgia legislature responded by appropriating millions of dollars for programs that would provide 500 slots as alternatives to detention. *Id.* The programs were launched and all the slots filled; however, the numbers of juveniles placed in criminal institutions was not reduced. *Id.*

detention, not only by offering alternatives to juvenile detention, but also by limiting the number of available secure confinement slots.

It will take strategic litigation planning, akin to Charles Houston's work in plotting the road to *Brown v. Board of Education*,[131] to pick the best litigants within a jurisdiction where there is a clear violation. The OJJDP monitors violations of the JJDPA, and there is no shortage of cases.[132] Given the plethora of data filed with the federal government, county level analyses should focus on examples where two juveniles in a same socio-economic class committed the same offense, but the youth of color was diverted, while white youth was sent home. Once such evidence is obtained, the issue becomes securing a remedy that compels officials to use knowledge of what works. Assuming that liability is established under the theory of deliberate indifference, the next hurdle will be getting judges to oversee system change in prisons and secure confinement facilities – a problem of ancient vintage.[133] This obstacle is not insurmountable; there is now a substantial body of case law dealing with "public law litigation" and ongoing judicial supervision of systemic reform. These cases involve public services provided by schools, hospitals, mental health systems, prisons, police and housing authorities.[134]

Initially, judicial intervention was characterized by what has been called a "command-and-control" orientation. Court orders took the form of comprehensive regimes of "fixed and specific rules that prescribed the inputs and operating procedures of the institutions they regulated."[135] Commentators have identified three characteristics that typify this "command and control" approach: (1) "an effort to anticipate and express all the key directives needed to induce compliance in a single, comprehensive, and hard-to-change decree"; (2) "assessment of compliance in terms of the defendant's conformity to detailed prescriptions of conduct in the decree"; and (3) "a strong directive role for the court or a special master in the formulation of remedial norms." In short, the "command-and-control" approach mandates certain actions for the defendant and monitors compli-

131 Brown v. Bd. of Educ., 347 U.S. 483 (1954). For an in-depth discussion of Houston's legal strategy, *see* RICHARD KLUGER, SIMPLE JUSTICE 508-40 (1977).

132 Mead Gruver, Some States Disregard Juvenile Justice Law, ABC NEWS, Feb. 8, 2009, http://abcnews.go.com/US/wireStory?id=6831314.

133 Bernard Shaw, *Preface* to SYDNEY WEBB ET AL., ENGLISH PRISONS UNDER LOCAL GOVERNMENT, at viii (Cass 1963) (1922) ("Judges speud their lives in consigning their fellow creatures to prison; and when some whisper reaches them that prisons are horribly cruel and destructive places, and that no creature fit to live should be sent there, they only remark calmly that prisons are not meant to be comfortable; which is no doubt the consideration that reconciled Pontius Pilate to the practice of crucifixion.").

134 *See* Abram Chayes, *The Role of the Judge in Public Law Litigation*, 89 HARV. L. REV. 1281 (1976); Note, *Implementation Problems in Institutional Reform Litigation*, 91 HARV. L. REV. 428 (1977).

135 Charles F. Sabel & William H. Simon, *Destablization Rights: How Public Law Litigation Succeeds*, 117 HARV. L. REV. 1015, 1018 (2004).

ance. Substantial concerns emerged regarding the judicial competence to oversee operation of complex, executive branch institutions when confronted with opposing armies of experts arrayed by plaintiffs and defendants.[136] Courts initially embraced three guiding principles: (1) the response must be one chosen from professionally approved strategies;[137] (2) implementation must commit sufficient resources to carry out the chosen strategy effectively and responsibly;[138] and (3) performance will be judged on the outcome. Implicit in this arrangement is the notion that if the strategy chosen fails to produce the anticipated outcome, then the strategy must be changed.[139]

Over several decades, courts learned the limitations of "command-and-control" orders that froze the parties' adversarial roles and lacked the flexibility or capacity to address new factors, such as unintended consequences or sabotage by front line administrators. As a result, system change methodology has shifted away from the "command-and-control" approach. More recently, commentators have characterized system change judges as employing a "catalyst" approach,[140] engaging in an "experimentalist" approach,[141] or creating "destabilization rights" which opened the door to stakeholders in an ongoing participatory process.[142]

136 In the context of responding to egregious cases of educational failure, courts have articulated various definitions for what is considered a "sound and effective professional practice." *See, e.g.*, Castenada v. Pickard, 648 F.2d 989 (5th Cir. 1981) (sound educational theory or legitimate experimental strategy); U.S. v. Texas, 506 F. Supp. 405, 420 (E.D. Tex. 1981) (defendant's program must be an "equally effective alternative" to that sought by plaintiffs); Martin Luther King Jr. Elementary Sch. Children v. Ann Arbor Sch. Dist. Bd., 473 F. Supp. 1371 (E.D. Mich. 1979) (best available knowledge); Martin Luther King Jr. Elementary Sch. Children v. Mich. Bd. of Educ., 451 F. Supp 1324 (E.D. Mich. 1978); Nicholson v. Pittenger, 364 F. Supp. 669, 675 (E.D. Pa. 1973) (violation of size, scope and quality requirements where programs were approved without an evaluation to determine their effectiveness).

137 Youngberg v. Romeo, 457 U.S. 307 (1982). The Court embraced "deference to the judgment exercised by a qualified professional" noting that "liability may be imposed only when the decision by the professional is such a substantial departure from accepted professional judgment, practice, or standards as to demonstrate that the person responsible actually did not base the decision on such a judgment." *Id.* at 322-23. *See also* Soc'y for Good Will to Retarded Children v. Cuomo, 737 F.2d 1239, 1248-49 (2d Cir. 1984); Sabel & Simon, *supra* note 135, 1056 (discussing the changing role of professionals in formulating remedies).

138 *See Nicholson*, 364 F. Supp at 675 (finding violations of size, scope and quality requirements where programs were approved without an evaluation to determine their effectiveness).

139 Gomez v. Ill. State Bd. of Educ., 811 F.2d 1030, 1041 (7th Cir. 1987) ("[j]udicial deference to the school system is unwarranted if over a certain period the system has failed to make substantial progress in correcting the langnage deficiencies of its students").

140 Susan Sturm, *Resolving the Remedial Dilemma: Strategies of Judicial Intervention in Prisons*, 138 U. PA. L. REV. 805, 856-59 (1990).

141 *See* Sabel & Simon, *supra* note 135, at 1055 ("The judge's role changes from that of directly determining the merits to facilitating a process of deliberation and negotiation among stakeholders.")

142 "Destabilization induces the institution to reform itself in a process in which it must respond to previously excluded stakeholders." Sabel & Simon, *supra* note 135, at 1056.

Destabilization usefully describes both the remedy and the process by which the meaning of the background substantive right is articulated in these cases. In the new public law, the judge

Rather than imposing a static order from above, recent "intervention takes the form of a 'rolling-rule regime'" where rules are regarded as provisional and subject to a continuous, transparent process of reassessment and revision.[143] New stakeholders can intervene, negotiations are deliberative, and the goal is to reach consensus. Representation of diverse stakeholders has proven critical in a "rolling-rule" regime because such cases typically entail political resistance to reforms that respond to the interests of a vulnerable, stigmatized minority.[144] The creation of "destabilization rights" through an ongoing "rolling rule" remedy that permits stakeholders to intervene could reverberate throughout the "web" of juvenile justice authorities[145] and thereby reduce their insulation from accountability. Our hope is that emergence of a legal obligation to make use of the knowledge available will operate as an incentive, not a threat, so the "rolling rule" regime also serves as a journey of exploration and learning.

CONCLUSION

We submit that the initial set of demands for reduction of disproportionate minority contact should commence with the query: What response would be accorded a white juvenile who had committed the same offense? There is no excuse for continuing to treat youth of color as "throw-away people."[146] This is just the beginning. "Deliberate indifference" can yield an evolving national standard for equal protection. In some states, the standard of intervention for white youth may *also* be far below that which is attainable through co-production and

> does not exercise discretion in each case to choose among an infinite array of potential responses to the particular problem. Rather, having found a violation of some broad norm—the right to an adequate education, the right to access to justice—she imposes the single remedy that the liability phase has shown to be appropriate: institutional destabilization. This remedy has a common structure across fields. Moreover, judicially and publicly accountable standard-setting in the experimentalist liability phase bridges the gulf between the initial affirmation of the substantive right and the eventual remedy.

Id.

143 *Id.* at 1068.

144 *Id.* at 1065. "The minority can be a racial group, as in some versions of the education, housing, and police cases. Or it can be a group that has been socially stigmatized on the basis of conduct or disposition, as with prisoners and mental health patients." *Id.*

145 Different entities are responsible for different parts of the juvenile justice system. Police, probation offices, youth services, and courts play key decision-making roles. In addition, other agencies provide critical resources needed for an effective remedy, such as those that administer Medicaid and mental health services and the public school system. The "rolling-rule regime" provides a vehicle for enlisting all relevant parties; the design of a pre-litigation strategy is critical in securing their involvement.

146 SNYDER, *supra* note 30, at 211. While the majority of delinquency cases are referred to juvenile court by law enforcement, cases may also be referred by parents, schools, or probation officers. *Id.* "[N]early half of all cases referred to juvenile court intake are handled informally." *Id.* While many informal cases are dismissed, in others "the juvenile voluntarily agrees to abide by specific conditions for a specific time period." *Id.*

strength-based approaches. A new body of knowledge exists in regard to detention alternatives that engage both family and community and produce better outcomes for all – particularly for youth of color. It is time for officials to make use of this knowledge.[147]

147 We oppose limiting that obligation to only "evidence-based" programs. Youth Courts and wrap-around programs work. Verification and demonstrable effectiveness ought to be sufficient – and there is still much to be said for common sense. After all, we knew that segregation sent a message of inferiority long before doll tests were utilized to "prove" the stigma. Further delay in utilizing what we know is unacceptable when such a delay perpetuates injustice. *Accord* EDMOND CAHN, CONFRONTING INJUSTICE: THE EDMOND CAHN READER 329 (1966); Edmond N. Cahn, *A Dangerous Myth in the School Segregation Cases*, 30 N.Y.U. L. REV. 150 (1955).

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

June 1, 2010

The Honorable Bobby Scott
U.S. House of Representatives
1201 Longworth House Office Building
Washington, DC 20515

Dear Chairman Scott:

I am writing to express my support for the goals of the Youth PROMISE Act, which would provide comprehensive community services for at-risk youth that will help prevent juvenile delinquency and criminal street activity.

The Youth PROMISE Act is designed to provide youth with enhanced community prevention and intervention services that will help them choose positive paths for their futures. While still holding them accountable for their actions, these services will also address the underlying causes of criminal involvement, giving young people the tools they need to lead productive, law-abiding, and healthy lives.

In New York City, we have successfully implemented community-based services that address and prevent juvenile delinquency. Although law enforcement remains critical for ensuring public safety, collaborative community services are an important way to provide young people with vital educational, recreational, health, substance abuse, and job training services.

The Youth PROMISE Act will not divert vital resources from law enforcement or counterterrorism needs, but rather allow communities across the country to develop a comprehensive response to youth violence—and to devise an effective plan to help youth avoid gangs and delinquency. I commend the sponsors for their work on the bill, and I urge all members of Congress to support this important piece of legislation.

Sincerely,

Michael R. Bloomberg
Mayor

STATEMENT OF MR. STEVE RIACH
FOUNDER AND BOARD CHAIRMAN
HEART OF A CHAMPION FOUNDATAION

Before the House Committee on Education and Labor

About

The Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education (Youth PROMISE) Act

The Heart of a Champion program is compatible with the goals and applications of the Youth PROMISE Act. It is applicable to and proven to be equally successful in school environments, after-school programs and juvenile justice settings. It has a proven record of success with results that have been independently verified and qualitatively measured. It is my view that crime and other gang related behaviors in our nation's youth can only effectively be minimized by addressing all of the underlying factors that a comprehensive character development program like Heart of a Champion identifies. We believe that character development programs like Heart of a Champion can facilitate the goals of the PROMISE Act and provide local communities a set of tools to meet the needs of our nation's youth and prevent destructive behaviors.

Heart of a Champion Foundation is a nonprofit organization founded in 1997 by a group of business leaders and sports team owners who shared a common concern for the nation's youth and sought to find a way to make a positive impact on their culture. As we began to conduct extensive research, it became apparent that one of the most significant areas of need was for quality, effective character development programs that would instill character and ethics into young people.

Our board and staff spent nearly four years researching and collaborating with educators from across the country, the Department of Education, and other agencies, to understand the landscape of character education in the U.S. These efforts provided us with answers to questions of efficacy regarding content, presentation and delivery of a successful character program. We came to the following five conclusions:

1) In terms of demographics, the greatest area of need is at the middle school and junior high level. This was confirmed by the vast majority of educators with whom we worked, as well as the three-year study conducted by the United States Secret Service in the aftermath of the rash of school shootings in the late 1990's.

2) Most character education programs lack the ability to engage students, particularly with this generation that we have called the "sight and sound" generation.

3) Most programs lack substantive content – content that would not only teach concepts, but also teach application of those concepts in a relevant way.

4) Most programs lack a delivery model that was consistent and deployment that was long-term.

5) Most programs have no mechanism to determine their efficacy.

The Under Secretary of the Department of Education at that time made it clear to us that any program which could effectively address these deficiencies had a substantial chance to be successful in actually producing behavioral change.

In 2001, following those guidelines after nearly four years in research and development, we launched the Heart of a Champion program in Plano, Texas and Brooklyn, New York, with two very diverse populations. One involved upper middle class students while the other involved underserved and predominantly minority students. The results in both cases were nearly identical in terms of attitudinal and behavioral change. The data validated that we had indeed achieved what had been asked to deliver.

Since 2001, we have deployed the program to 23 states, with similar measurable results. It is clear to us that the heart of the violence problem is indeed a heart problem. Rather than focus on symptoms, the focus of programs must be on root cause behaviors to create any substantive and enduring change. We have seen this play out from the program's inception.

Our assessments have produced empirical data which demonstrates that students who participate in the Heart of a Champion program realize significant attitudinal and behavioral change. In addition, our data also demonstrates a decrease in violent behavior, a decrease in drug and alcohol use, a decrease in referrals and in bullying incidents, and an increase in grade point averages. In addressing root cause issues and providing training in social and emotional intelligence, we are seeing proven, measureable change which we believe to be profound.

The Heart of a Champion program is a comprehensive three-year curriculum, designed for implementation throughout a student's entire middle or junior high school experience. The program is taught throughout each nine-month school year, focusing on nine different core character traits each month: Commitment, Leadership, Perseverance, Teamwork, Respect, Integrity, Responsibility, Self Control or Compassion.

Under each of these traits the curriculum highlights real people who have exemplified these attributes, and details the consequences of their actions. Rather than telling students what not to do, the Heart of a Champion program provides them with examples – or role models if you will – of those who have made good choices, and allows them to learn about, and discover first-hand, the results of such choices. The curriculum includes some recognizable individuals from sports and entertainment industries, such as Indianapolis Colts head coach Tony Dungy and musician Bono from the band U2. Some lesser known individuals, like Louis Daniels – a homeless student who ended up receiving a scholarship to Yale – are also highlighted in the program. There are even a few members of Congress in our materials.

The men and women profiled in the program serve as models for the students and give them an ideal to shoot for and an idea of what they themselves can achieve. One of those role models is Anne Abernathy, a 6-time Olympian known fondly as "Grandma Luge." She is the only female to compete in 6 Olympics and is the oldest female Olympic competitor in the history of the Games. Her story as an overcomer has captivated many students. She has beaten cancer once and has overcome 12 knee surgeries and several broken bones. She is now in the process of overcoming cancer a second time. She is both and inspiration for and an advocate of character education and in particular Heart of a Champion as a solution to youth violence and crime.

In the Heart of a Champion program, during each month, students work through a curriculum workbook focusing on one of the specific trait mentioned earlier. Each workbook contains weekly lessons delving deeply into a different aspect of that trait. With video segments, posters, online applications, critical thinking and decision-making exercises, and rewards and reinforcement elements being utilized on a weekly – and sometimes daily basis – students learn about character with the same frequency they do in any of their core subjects. With this degree of emphasis and consistency, students intuitively see that society values their depth of character as much their level of performance in the classroom.

Heart of a Champion directly trains and certifies teachers, helping them to deliver the program as a normal part of their daily classroom activities, and proving to enhance the relationships that teachers have with students. Many have said, "I feel like I am more than just a teacher now, I feel like I am making a greater impact in my students' lives."

The program's impact is not only seen through such anecdotal data such as this, but also through empirical data derived through pre and post program assessments. Beyond ROI, a leader in diagnostic and measurement services with organizations across the U.S., provides complete pre and post measurements and data reports. The data demonstrates significant attitudinal and behavioral change in students participating in the program. Moreover, the program is also proven to deliver critical measurable results

such as reduced referrals, reduced alcohol and drug use (as much as 40%), 92% increase in self-esteem, decreased violent behaviors including bullying, and increased grade averages – as much as 47%.

While Heart of a Champion has been proven to significantly decrease and prevent violent behavior by catalyzing core character development and change, the program has also proven effective as a method of intervention. Just like in schools, we are seeing these results in juvenile justice facilities such as Rikers Island prison in New York, a maximum security facility that houses the most violent teen offenders in New York, ages 16-18. Heart of a Champion is also deployed to the Gainesville State School in North Texas, another maximum security facility which houses the most violent teen offenders ages 13-19. In fact, Warden Edmund Duffy at Rikers Island emailed me a couple of weeks ago to tell me that the guards who oversee the unit where the Heart of a Champion program is deployed recently asked him "what have you done to these kids? They are changing."

It works because it exposes these children to a vocabulary and a way of life they have never experienced or in some cases even heard of. Most of these children are character illiterate. They lack the necessary social and emotional foundation to allow them to make better decisions. By providing them with this education and exposing them to positive role models, we give them tools to make choices that may not have been possible before. When given the option, most children would like to make the moral decision. But without this basic education, that option can be impossible to see.

Regardless of the population – schools, after school or juvenile justice - the program continues to produce similar results. It is changing the "hearts" of youth. As it changes the "heart", changes in attitude, behavior and performance result. We have seen that this approach works to create change – change that is demonstrated, measurable and sustained. When schools or other programs deploy such an approach, they see the culture change.

Heart of a Champion has been labeled a model program. For that we are appreciative. However, we are most grateful that it is working. We are also grateful for the partners who have provided for such results.

Because funding for education has been tight in the majority of schools and school districts we serve, and because character education funding specifically has been zeroed in this year's federal budget, we have developed a series of successful private-public partnerships to generate funding for the program. We have great corporate partners in NFL teams like the Kansas City Chiefs and the Houston Texans, whose owners (The Hunt and McNair families) are completely committed to impacting the lives of kids. Another example is Express Employment Professionals, whose owner Bob Funk shares the same passion. In other areas we have partners like Coca-Cola, energy

companies, and private foundations to assure students can benefit from the program.

We even have caring individuals who have stepped in to make sure students can receive the program. Working with Major League Baseball All-Star Torii Hunter of the Los Angeles Angels of Anaheim California, we created the Torii Hunter Project. Torii personally underwrites the cost of the program for every middle school student in Pine Bluff, Arkansas, where Torii grew up, as well as students in Orange County, California – where the Angels match Torii's contributions. In Minneapolis, Minnesota, and Las Vegas, Nevada, we have partnered with the Andre Agassi Preparatory Academy.
In all of these locations, as in a total of 23 States, we are privileged to work with schools and other locations to deploy the program and we continue to see measurable positive change. From the poorest schools of New York City, to more affluent ones in Orange County, California. From inner city Philadelphia to Grand Rapids, Michigan. From Chesapeake, Virginia to Mesa, Arizona. From San Antonio to Houston to Lubbock to Dallas. From Brooklyn to Las Vegas to Tacoma, Washington. Urban or rural, upper class or underserved, east or west, male or female, school or prison – the data demonstrates this program works to create heart change no matter the population. And when heart change occurs, a culture is transformed.

This is why Heart of a Champion exists – to change culture. It is successful because of the focus on root-cause issues rather than symptoms. Heart of a Champion has learned that if we truly wish to see results – in creating a more responsible and proactive youth – then we must change the heart. Should the Congress enact the Youth PROMISE Act, a proven character development program like Heart of a Champion can play a crucial role in the mix of local community programs that best serve the needs of our nation's youth, help prevent the cycle of destructive behavior from beginning, and allow for our youth to have a greater opportunity to realize a bright future.

Thank you.

Educators Comments on Heart of a Champion

We are thrilled with the response from our members who are going through the Heart of a Champion program at the Boys & Girls Clubs of Greater Dallas! It provides a consistent message that all kids need to hear as much as possible; and that is the importance of good character and personal responsibility.

Misti Potter
VP, Boys and Girls Clubs of Greater Dallas

As an educator for over 45 years, I believe the Heart of a Champion Foundation has truly created a quiet revolution wherever it is given an opportunity to support young people in thinking about their lives and how they want to live out their dreams.

Pat Orlowski
Kansas City Public Schools

I've been in public education for 37 years now, and I've seen every character program available. This is the very best character program I have seen.

Marilyn Brooks
Assistant Superintendent, Plano ISD

What an awesome way to impact students in the things that matter most in life – building good citizens for our society.

Sara Bonser
Principal, Hendrick Middle School

The teachers were by the fourth or fifth week coming to me and saying, 'This is good. I like this,' and were having fun with it. They were starting to learn a lot about their kids that they would have never learned just through their normal classes.

Charles Pickitt
Principal, North Junior High

The program is very useful because of the lifelike situations that our members can use to keep them out of trouble but also empower them to be responsible citizens.

Kevin Foster
Boys and Girls Clubs of Tarrant County

Sponsor Comments on Heart of a Champion

Heart of a Champion has proven themselves to be in invaluable partner in our community program. The curriculum they provide is first rate, not only in terms of content, but also in terms of the way the materials are delivered. The professionalism of HOC has also manifested itself in the construction of collateral materials supporting our program, and in the framework they customized that enables the execution of our program. HOC is a crucial and respected partner in one of our most strategic and important initiatives.

Ben Lawson
Director of Bottler Sales and Marketing
Coca-Cola North America - Southwest Region

We consider Heart of a Champion to be our flagship program in character development. The Heart of a Champion material is perhaps the most substantive program in character education and we are proud to serve the Houston community in this manner."

Robert McNair
Chairman, Houston Texans

We consider Heart of a Champion's character education program to be a significant investment in the children of the communities we serve. HOC engages this critical generation of young people by providing valuable lessons about integrity, perseverance, commitment and teamwork. We have been honored to bring this unique and effective program to Kansas City.

Clark Hunt
Owner, Kansas City Chiefs

We believe in the ability of the Heart of a Champion Foundation to positively and powerfully impact America's youth. Together, we can develop and influence positive character traits that will enrich their future.

Robert A. Funk
Chairman & CEO, Express Employment Pros

Teamwork for Excellence

PLANO
Independent School District

October 19, 2004

To Whom It May Concern:

Many character education programs come to me through direct mail, email, and telephone solicitations. I've reviewed more than a dozen during the past few years without finding one which truly met my expectations for a character education program for Plano ISD middle school students.

Heart of a Champion caught my attention at once with both presentation and content. After sharing the program with our district middle school principals, who shared my enthusiasm, we began using the program three years ago.

The program is well-planned and attractively packaged to appeal to both teachers and students. It is a valuable addition to our middle school instruction.

Because of the modular components, each school has been able to tailor the program to fit its scheduling and staffing. Schools use the colorful Heart of a Champion posters and other materials to keep strong character education messages in front of their students.

Working with the Heart of a Champion organization is a delight. They have taken feedback from teachers and administrators and continued to improve the content of an already strong program.

In my opinion, Heart of a Champion is the best character education program I have seen. The people associated with the program are easy to work with and responsive to our needs. They are committed to young people and to working with educators to provide a quality character education program for our children.

I'm proud that Plano ISD middle school principals have chosen to embrace and support Heart of a Champion.

Sincerely,

Marilyn Brooks

Marilyn Brooks,
Associate Superintendent
For Curriculum and Instruction

Arizona
East Valley High School (Mesa)
Chino Valley High School

Arkansas
Pine Bluff Schools
Watson Chapel School District
Dollarway Public Schools
Whitehall Public Schools

California
Miracles Program (San Diego)
Miracles Program (San Jose)
University Charter Middle School (Camarillo)
South Junior High (Anaheim)
Savannah Schools (Anaheim)

Florida
Lely High School (Naples)
Nova Middle School (Davie)
Broward County Public Schools

Georgia
Miracles Program (Atlanta)

Idaho
Midway Middle School (Rigby)

Illinois
Miracles Program (Chicago)

Kansas
Youth Leadership Foundation (Manhattan)
Central Middle School (Kansas City)
Regional Prevention Center of Kansas (Girard)

Maryland
Hope Worldwide (Baltimore)
Newport Mill Middle School (Kensington)

Michigan
CA Frost Middle School (Grand Rapids)
Grand Rapids Montessori
Martin Luther King Middle School (Grand Rapids)
Sherwood Middle School (Grand Rapids)
Southwest Community (Grand Rapids)
Alger Middle School (Grand Rapids)
Burton Middle School (Grand Rapids)
Ford Middle School (Grand Rapids)
Harrison Middle School (Grand Rapids)
Riverside Middle School (Grand Rapids)
Westwood Middle School (Grand Rapids)
West Junior High (Traverse City)
East Junior High (Traverse City)

Minnesota
Saint Paul Public Schools

Missouri
Belton High School (Belton)
Center Middle School (Kansas City)
Campbell Middle School (Lee's Summit)
Grandview Middle School
Pleasant Lea Middle School (Lee's Summit)
Summit Lakes Middle School (Lee's Summit)
Smith-Cotton High School (Sedalia)

Nevada
Andre Agassi Preparatory Academy (Las Vegas, NV)

New York
Grace Faith Church (NYC)
IS 152 (NYC)
City College Academy of the Arts (NYC)
Riker's Island (NYC)

Oklahoma
Belle Isle Middle School (OKC)
Jackson Middle School (OKC)
Jefferson Middle School (OKC)
Rogers Middle School (OKC)
Roosevelt Middle School (OKC)
Webster Middle School (OKC)
Classen Middle School (OKC)
Taft Middle School (OKC)
Douglas Middle School (OKC)
John Marshall Middle School (OKC)
Centennial High School (OKC)
Northeast Middle School (OKC)
SeeWorth Academy (OKC)
About Face Academy (OKC)
Western Heights Middle School (OKC)
Independence Charter Middle School (OKC)
Millwood Middle School (OKC)
Crutcho Middle School

Pennsylvania
Wissahickon Middle School (Ambler)

Texas
Thomas Middle School (Houston)
EO Smith Middle School (Houston)
Woodson Middle School (Houston)
Welch Middle School (Houston)
Dowling Middle School (Houston)
Cullen Middle School (Houtson)
Morton Ranch Junior High (Katy)
Beckendorff Junior High (Katy)
Rescue Youth Mentoring Program (Humble)
Boys and Girls Clubs of Houston
The Briarwood School (Houston)
Wunderlich Intermediate School (Klein)
Parkview Intermediate School (Pasadena)
Tannahill Intermediate School (White Settlement)
Rockwall Independent School District
Tarrant County Juvenile Justice Program
Fossil Hill Middle School (Keller)
Lorena Alternative School
Parkhill Junior High (Richardson)
Union Bower Center for Learning (Irving)
Royse City Middle School (Texas)
Murphy Middle School (Plano)
Mabank Middle School
Miracles Program (San Antonio)
Miracles Program (Dallas)
Mansfield Select Athletics
Highland Park Middle School (Dallas)
Gainesville State School
Boys and Girls Clubs of Greater Dallas
Boys and Girls Clubs of Fort Worth
Lena Pope Home (Fort Worth)
OL Slaton Middle School (Lubbock)
Dunbar Middle School (Lubbock)
Atkins Middle School (Lubbock)
Burnet Middle School (Burnet)

Virginia
Chesapeake Alternative School
Norfolk Christian (Norfolk)
Smith High School (Chesapeake)

Washington
McIlvaigh Middle School (Tacoma)
Kopachuck Middle School (Gig Harbor)
Harbor Ridge Middle School (Gig Harbor)

February 6, 2008

Re: Letter of Support for the Youth PROMISE Act, H.R. 3846

Dear Representative:

The Charles Hamilton Houston Institute for Race and Justice (CHHIRJ) writes to express its strong endorsement of the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education Act (Youth PROMISE Act), H.R. 3846, and urges you to cosponsor this important legislation.

By way of a brief introduction, I founded the Charles Hamilton Houston Institute for Race and Justice at the Harvard Law School in 2005. The Institute is committed to honoring the extraordinary life of one of the great lawyers of the twentieth century, Charles Hamilton Houston. It furthers Houston's vision of achieving racial justice and equality through research, policy analysis, scholarship, and collaboration with community leaders and organizations. Our niche lies in our ability to harness the expertise and resources at Harvard and beyond, to translate research into policy, advocacy and legal action, to help educate a new cadre of civil rights lawyers, to influence the agendas of major civil rights organizations, and bring together individuals from diverse backgrounds, professions, and perspectives to develop new strategies and solutions to structural inequalities. The Institute is initially focusing on three areas that we consider central to the struggle for racial justice: addressing the opportunity gap for students of color, reforming criminal justice policies, and improving prospects for people of color and foreign-born residents to enjoy the full benefits of citizenship.

One of CHHIRJ's most prominent initiatives is entitled: "Redirecting the School to Prison Pipeline," which has two overarching goals: (1) to reduce the staggering high school dropout rates for students of color and (2) to prevent young people of color from getting tangled up in the criminal justice system. By conducting an analysis of the conditions and policies that characterize schools and communities that serve disproportionate shares of court-involved youths (or youths at risk of court-involvement), CHHIRJ aims to identify and advance, in collaboration with key community leaders, targeted interventions and practices to keep young people in school and out of legal trouble. Representative Scott's Youth PROMISE Act helps to facilitate attainment of that goal. We therefore applaud these efforts to keep young people out of the juvenile and criminal justice systems and in safe, nurturing educational environments where they can learn and thrive.

The Youth PROMISE Act provides support to communities facing the greatest youth gang, crime and delinquency challenges. Under the Act, local and tribal communities form PROMISE Coordinating Councils, including representatives from schools, social services, health and mental health providers, community-based and faith-based organizations, court services and law enforcement. Each council assesses the community's needs and strengths, evaluates current funding priorities – including local jail and prison expenditures – and then develops a comprehensive plan for implementing evidence-based and promising prevention and intervention strategies. These strategies

are designed to redirect young people who are vulnerable to gang involvement toward more productive and law-abiding alternatives.

Research clearly demonstrates the connection that exists between educational engagement and prevention of juvenile crime. Youths who are connected to school are far less likely to engage in the types of risky behaviors that may lead to delinquency. Attachment to school has been documented as one of the strongest protections against susceptibility to violence in young people. That is why we strongly endorse the Youth PROMISE Act's inclusion of local educational agencies in the Coordinating Councils, and its focus on funding both school-based and after school programs. Such programs may include Early Head Start, mentoring, conflict resolution training, sports, arts, life skills, employment and summer recreation programs, and alternative school resources for youth who are struggling to stay in school. Importantly, the Youth PROMISE Act also provides for a rigorous and comprehensive evaluation, including an assessment of the savings sustained by reduced rates of incarceration. The anticipated savings, which are significant, will be reinvested in the PROMISE plans, including educational programming.

Now more than ever, we need the long-term policy solutions offered in the Youth PROMISE Act. The Department of Justice, Bureau of Justice Statistics (BJS), recently released statistics showing that, at the end of 2006, more than 2.25 million persons were incarcerated in US prisons and jails. These statistics also highlighted the sharp racial disparities in US incarceration rates, with black men incarcerated at a rate 6.2 times higher than white men. We now incarcerate more citizens than any other country, by far, at a rate seven times the international average. Incarceration rates in some minority communities are already four to eight times higher than any other incarceration rates found on earth.

CHHIRJ strongly opposes proposed gang legislation that will lead to the unwarranted federal prosecution of more youth – especially poor youth and youth of color – and result in an even greater increase in the already unacceptably high number of incarcerated children of color. No credible research suggests that any cost effective crime reduction can be achieved through additional incarceration. Rather, it is time for Congress to enact long-term policy solutions that will increase public safety and stem the tide of destruction and waste (both in terms of dollars and lives) characterized by our current criminal justice policies. The Youth PROMISE Act offers such a solution. This legislation makes sense, comports with the research on prevention, intervention and adolescent brain development, and will yield overall savings to the community in increased public safety, financial and life quality measures.

CHHIRJ endorses the Youth PROMISE Act, and urges you to do the same. For more information, please contact Dan Losen, Senior Policy Analyst at CHHIRJ, at *harvardlosen@gmail.com*. To co-sponsor this legislation, please contact Erin Davies at (202) 225-8351 or *Erin.Davies@mail.house.gov*.

Thank you for your consideration.

Sincerely,

Charles J. Ogletree, Jr.

Centennial
Continuing the Struggle for Justice
NCCD

December 2008

SPECIAL REPORT
Analysis from the National Council on Crime and Delinquency

Evaluating Federal Gang Bills

Linh Vuong
Fabiana Silva

Introduction

The Gang Abatement and Prevention Act of 2007 (S. 456) was introduced by Sen. Dianne Feinstein in January, 2007, and subsequently passed the following October. Its companion bill, the Gang Prevention, Intervention, and Suppression Act (H.R. 3547), sponsored by Rep. Adam Schiff, has been introduced in the House. The bills expand the current penal code regarding criminal street gangs, resulting in an over-reaching definition of both gangs and gang-related crimes. Additionally, they create an entirely new section of penalties pertaining to gang crimes, increasing the enhanced-sentences that are already in place. Both bills are referred to as the "Gang Abatement Act" in this text. However, distinction will be made between the Senate and House versions when they differ significantly.

Sen. Feinstein's and Rep. Schiff's legislation respond to an assumed rise in gang violence. The bills' provisions call for suppression-heavy strategies, increasing punishments for gang crimes, and expanding the types of crimes that can be categorized as such. Years of research and evaluation have shown that these types of suppression strategies are not the solution to the gang problem. Yet, these bills propose more than $1 billion in duplicative suppression, prosecution, and incarceration of "gangs" and "gang members," leaving little money for community-based prevention and intervention programs that *have been proven* to work. Rep. Schiff's bill has been cosponsored by 25 fellow legislators. However, 8 have withdrawn their support due to concerns of disproportionate effects the legislation will have on youth of color, which will be discussed at length.

This report expresses the views of NCCD and not necessarily those of any of its partners.

In October of 2007, Rep. Bobby Scott introduced the Youth PROMISE Act (H.R. 3846), a bill which proposes to reduce gang violence by investing in promising and evidence-based prevention and intervention activities in high-need communities. This bill has bipartisan support from 87 members of Congress.

The National Council on Crime and Delinquency (NCCD) presents the following analysis of the two approaches. We compare the Gang Abatement Act (Feinstein/Schiff) to the Youth PROMISE Act (Scott), focusing on what research tells us about effective methods of reducing gang violence.

Where's the Fire?

Why has the federal government chosen to address gang violence now? Although the Gang Abatement Act states that violent crime rose 2.5% in 2005, the FBI's Crime in the United States (CIUS) report shows that, between 1997 and 2006, violent and property crimes have both decreased by nearly 23%.[1] The Bureau of Justice Statistics (BJS) reports that both violent and property crime rates are at a 30-year low, having dropped 56% and 70%, respectively, since 1973.[2] Moreover, gang-related violent crime has fluctuated in the past ten years, and current figures are neither alarmingly high nor low. A study by the University of Chicago of violent crimes in 100 American cities reflects a similar trend.[3] Of the 100 cities, only 9 witnessed a rise in violent crime and in these 9 cities, most rates are well below their historic peaks of the 1990s. In fact, major cities such as Los Angeles, New York, and Chicago were among those listed as cities where violent crime is decreasing.

Defining "Criminal Street Gang" and "Gang Crime"

The following summarizes the current law, which defines a criminal street gang as an ongoing group, club, organization, or association of 5 or more persons—

1) that has as 1 of its primary purposes the commission of 1 or more criminal offense;
2) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses;
3) the activities of which affect interstate or foreign commerce.

The offenses that could be considered as gang crimes include:

1) federal felony involving a controlled substance, for which the maximum penalty is not less than 5 years;
2) federal felony crime of violence that has as an element the use or attempted use of physical force against another person;
3) conspiracy to commit any of the above offenses.

A set of predefined circumstances—including the promotion of the gang and prior conviction of a gang crime—determine whether these offenses are gang related.[4]

Gang Abatement Act

Gang Members as Defined

The Gang Abatement Act changes the current law cited above to require that each of the gang members has committed at least one gang crime and that the group collectively has committed three or more gang crimes in the past five years. Despite these restrictions on the number of crimes, this modification in conjunction with the new—and broad—definition of gang crimes (discussed below), works primarily to cast a wider net over a large population. Though no definition of gangs and gang crimes is widely accepted, and though definitions vary, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has identified certain characteristics that are common to most gangs:[5]

1) A self-formed group, united by mutual interests, that controls a particular territory, facility, or enterprise;
2) uses symbols in communications;
3) is collectively involved in crime.

Moreover, the Gang Abatement Act eliminates the first clause of the definition of gangs, also known as the pur-

pose clause (see above). It fails to distinguish between a criminal gang and a group of individuals who have committed various crimes, both serious and non-serious. The Heritage Foundation, a conservative think tank, points out that under the proposed definition, a group of sports coaches who have formed a betting pool could be deemed a gang, and each member could be convicted of a gang crime and penalized under the new gang penalties.[6] Though cases like this are unlikely, the vagueness of the bill allows for a broad application and the application of harsh penalties to a population surely outside of that intended by the bill.

The bill's challenge in defining a gang has been encountered by many, from theorists and researchers to policy analysts. Studies devoted entirely to defining gangs have arrived at the same conclusion as a 2001 Crime and Delinquency article by Esbensen et al. that,

> Given the permeability of gang membership, policies linking legal action to an individual's perceived status may erroneously criminalize that individual. As such, we suggest that legislation targeting gang status should be discouraged in favor of legislation focused on actual behavior.[7]

Gang Crimes as Defined

Although the new definition of "gang" should, theoretically, reduce the likelihood of mistaken gang association, the bill's newly defined set of gang crimes is so broad that it would likely encompass more than the targeted gang population. And though the House version requires that gang crimes be committed "in furtherance of the group," the Senate version does not. Thus, according to the Senate version, it is possible for a suspected gang member to be convicted of a gang crime, even if it was not gang related. Moreover, gang crimes would carry even harsher penalties than the current ones, which will be discussed in the following section. The bill extends the definition of a gang crime from violent[8] and drug crimes to also include:

1) Physical force against another, burglary, arson, kidnapping, or extortion;
2) obstruction of justice or tampering with or retaliating against a witness, victim, or informant;
3) illegal possession of firearms or explosives, racketeering, money laundering, or interstate transportation of stolen property;
4) harboring illegal aliens;
5) aggravated sexual abuse, exploitation, or other sex crime.

The logic of classifying many of the above crimes as gang related is questionable, at best. BJS reports that gang crimes (under the current definition) only account for 6% of all violent crimes, and OJJDP shows that most of the crimes committed by gangs are property crimes.[9] Despite these findings, the proposed legislation still puts a large focus on violent crimes and barely mentions property crimes. Moreover, newly defined "gang crimes," such as harboring illegal aliens, do not relate exclusively to gangs and target more than just the gang population. The Gang Abatement Act is not founded upon evidence-based research, and NCCD questions the soundness of the proposed policies.

Youth PROMISE Act

The Youth PROMISE Act does not define "gang crime" or "gang." Because the Act does not add or modify criminal penalties, it does not need definitions for these terms. However, the prevention and intervention activities funded by the act must target "youth who are at risk of involvement in juvenile delinquency or street gang activity." By not limiting the target population to youth involved in street gangs, the Youth PROMISE Act helps to ensure that youth who have engaged in any delinquent behavior will benefit from the services offered. Given the difficulties of defining gang behavior, the focus on delinquent activity would target all youth in need of services.

Suppression vs. Prevention

Suppression tactics alone, such as gang enforcement teams and suppression units, have not been useful in deterring gang crimes. Previous efforts, like those of Operation Hammer and Operation Hardcore, have used gang enforcement teams, with the former focused on

arrests and the latter on prosecution. However, neither showed evidence of reducing the gang problem in Los Angeles.[10] Despite the necessary legislation and funding, officers were poorly trained, detached from the issues, and uninformed on gang culture. Gang researchers Malcolm Klein and Irving Spergel have shown that "suppression tactics intended to make youth 'think twice' about gang involvement may instead reinforce gang cohesion, elevating the gang's importance and reinforcing an 'us versus them' mentality."[11] A study by Katz and Webb, "Policing Gangs in America," also found that police gang units in Los Angeles, Las Vegas, Chicago, and Houston often became involved in criminal misconduct themselves, and all units were short-lived.[12] Another OJJDP report cites that sweeps—a popular tactic among gang suppression units—often resulted in the arrest of a large youth population.[13] Many of the arrested youth were not gang members, and of those that were, very few had committed serious crimes.

A summary on gangs provided by The National Criminal Justice Reference Service, which is administered by the Department of Justice, noted that, "Incarceration does little to disrupt the violent activities of gang-affiliated inmates."[14] Furthermore, it cites a troubling statistic from the 2001 National Youth Gang Survey: "A large proportion of these jurisdictions reported that returning members [from incarceration] noticeably contributed to an increase in violent crime (63% of respondents) and drug trafficking (68%) by local gangs."[15] In fact, studies demonstrate that prisons and detention centers can be a breeding ground for potential gang members or other criminal activity.[16] As much as youth in the community form gangs for protection and "family-like relationships," incarcerated youth have an even greater need for protection.[17] Detention does not provide the services individuals need in order to disassociate from gangs, but instead creates the conditions that make protection necessary.

Suppression tactics have not only been ineffective in reducing gang violence but also in providing the necessary services to get youth back on track;[18] conversely, prevention and intervention programs show positive results in both areas.[19] OJJDP's recent publication, "Best practices to address community gang problems: OJJDP's Comprehensive Gang Model," reveals five strategies focused on the community. These are: 1) community mobilization, 2) social intervention, 3) provision of opportunities, 4) organizational change and development, and 5) suppression. Suppression is reserved for the most "dangerous and influential gang members, removing them from the community."[20] A meta-analysis of juvenile intervention practices found that evidence-based programs were more effective when implemented in community settings than when used in custodial settings.[21] Community approaches are often more effective because they "dig deeper into the social and everyday issues that young people face, and they work on problem-solving skills that are more applicable to life in the community."[22] By recognizing that gang affiliation is often a response to system failures or community dysfunction, the model takes a comprehensive approach to reducing gang violence. By identifying the needs not only of individuals, but of the community itself, this comprehensive model maximizes community resources and applies the best research and evidence-based policies. Comprehensive programs are often the most effective in reducing gang violence because they address the roots of the gang problem and work to reduce the *delinquent behavior* of gang members instead of removing *the members themselves* from the community.

Gang Abatement Act

The Gang Abatement Act is focused mainly on suppression and enforcement tactics—increasing law enforcement, prosecution capabilities, and sentence lengths. It does not provide communities with new strategies or more resources towards programs with proven effectiveness in combating gang violence. Although the bill includes a list of prevention and intervention strategies that may be effective, they account for a minimal amount of the funding. Moreover, the term "prevention" is only loosely used in the bill, and many of its prevention programs should actually be categorized as suppression policies. The "prevention" programs listed include: designating existing High Intensity Gang Activity Areas, establishing enforcement teams, and enhancing the investigations and prosecutions of criminal street gangs. Of the grants allocated for prevention, there is no requirement that these programs be promising or evidence-based, a discussion of which is to follow.

Title I of the proposed legislation creates an entirely new penal section for gang-related crimes with longer maximum sentences. Not only are sentences longer, but they are applied to a broader set of crimes, as defined under "gang crimes." For example, all murder offenses committed by a gang member would be subject to a sentence of life in prison, regardless of the nature or degree of the crime. In addition to these new penalties for gang members, another set of penalties, also lengthy, are detailed for accomplices and conspirators of gang-related crimes.

The proposed legislation goes beyond the creation of new gang penalties and, under Title II, details further reforms to violent crime penalties, supposedly "in order to reduce gang violence." The bill uses the relationship between gangs, drugs, and guns to justify increased penalties. For example, Section 201 expands the penalties for all crimes, gang-related or otherwise, that are affiliated with drug-trafficking crimes, and Sections 202, 203, and 212, establish strict legislation for firearms possessions, which may or may not involve gang members.

Drugs. The Gang Abatement Act proposes to reduce gang violence by offering harsher penalties for crimes associated with drug-trafficking crimes. This assumes that, 1) drugs and gangs are related, and 2) gangs are responsible for the violence that results from drug-trafficking. However, only the first assumption has actually been found to be true. Most studies show that gang members are more likely to be involved in drug-trafficking than nonmembers, though primarily only with marijuana. On the other hand, agencies mostly reported that gangs did not control or distribute the drugs at the macro-level, but participated in the distribution at the street-level as a way to earn a living. Even though drug sales and distribution are high among gangs, gang members are not responsible for the majority of drug crimes. An OJJDP bulletin quoted a Los Angeles County District Attorney: ". . .drugs and gangs are not two halves of the same phenomenon. Though they [drugs and gangs] threaten many of the same neighborhoods, and involve some of the same people, gangs and drugs must be treated as separate evils."[23]

Guns. In an attempt to reduce gang violence, the bill proposes to criminalize the possession of firearms if an individual was previously convicted of a gang-related misdemeanor or found to be in contempt of a gang injunction order. Current legislation prohibits gun ownership only if one has been convicted of a violent felony. The Act extends this prohibition to gang-related misdemeanors. An individual's right to gun ownership should be based on his or her own violent or criminal history, not on assumed social associations to an organization that may commit violent crimes, especially under this bill's loose definitions of "gang" and "gang crimes."

Youth PROMISE Act

Rep. Scott's Youth PROMISE Act will support evidence-based and promising prevention and intervention strategies proposed by communities that will come together through local councils. As defined by the Act, prevention efforts target youth and families who have not had substantial contact with the juvenile justice or criminal justice systems, and intervention programs target youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued involvement in juvenile delinquency or criminal street gangs. The Act will support effective programs based in the community; such programs have been shown to be more effective in community settings than in custodial settings.[24] It is more effective to work with youth in the community, than to wait until they are incarcerated.

The Act also supports law enforcement efforts; each year, $100 million would be directed towards activities that promote youth-oriented policing, including the hiring and training of youth-oriented officers. These officers would focus on community policing and work with community-based agencies and local coordinating councils. They would receive training in youth development, systematic needs assessment, and the effectiveness of evidence-based and promising practices related to juvenile delinquency and gang prevention and intervention. Significantly, the Youth PROMISE Act states that local communities must ensure that their proposed plans will not increase the number of youth involved in the justice system. Allowing communities to invest in and work with their youth, with the collaboration of law enforcement, before they are further ensnared in the justice system is both humane and effective.

An Appropriate Role for the Federal Government?

Gang Abatement Act

Federalizing Crime. The Gang Abatement Act calls for the federalization of certain "gang crimes," even though most are certainly not of a federal nature and most states already have specific sentencing guidelines for these crimes. Federalizing crimes that are not federal in nature violates both the constitutional integrity of a decentralized law enforcement and separate and distinct federal and state judicial systems. An American Bar Association (ABA) Task Force on Federalization of Criminal Law, headed by Edwin Meese III, reports that federalizing crimes not only blurs the distinction between the role of state and federal courts, but also often duplicates, and thus complicates, existing state laws. Indeed, most states already do have gang legislation in place and the Gang Abatement Act serves only to further complicate the mix of federal and state laws. According to the National Youth Gang Center, all but eight states have some form of gang-related legislation.[25] The result is that an individual is subject to two "appreciably different" sentencing outcomes. Furthermore, for crimes to be federalized, there should be a "distinctly federal interest beyond the mere conclusion that the conduct should be made criminal by some appropriate governmental entity."[26] While many federal crimes may simply be symbolic, "...their presence on the books presents prosecutorial opportunities that may be exploited at any time in the future."[27] Most importantly, the ABA's Task Force found that this kind of federalization of crimes is hardly ever effective, as "federal law enforcement can only reach a small percent of such activity."[28]

Federal Suppression Efforts. Title III of the Gang Abatement Act designates greater federal resources to deter and prevent youth from joining gangs. Yet this section remains suppression heavy, allocating most resources to the Attorney General for investigation and prosecution purposes. The resources allow the Attorney General to designate High Intensity Gang Activity Areas, to hire additional personnel, to require that US attorneys identify, investigate, and prosecute all gangs in their district, and to create a National Gang Activity Database to further these efforts. The database, which would collect information on gang members, their affiliations, firearms possessions, and criminal history, would be public information. Such a database would be duplicative of existing federal and state versions—yet another waste of resources and taxpayer dollars. Provisions for prevention programs are minimal. Further, while these bills also support some communities' efforts to target gang violence, they call for increased involvement of federal agencies at the local level, which would minimize the local investment and role in enacting policies.[29]

By focusing much of the work around the office of the Attorney General and federal resources, the Gang Abatement Act reduces the significance of local agencies in assessing the underlying problems that are at the heart of gang violence. In fact, the enforcement teams created by the Attorney General's office consist mostly of other federal agencies, including the FBI, the DEA, US Marshals, and the Department of Homeland Security. Perhaps of greater concern is the creation of the national gang database, as the bill does not specify how gang members will be identified, what actions would lead to their inclusion, or how long they would be included. Many studies reveal that gang members "age out" and leave gangs after a year.[30] In fact, it is when gang members try to leave gangs that such a database would prove most dangerous. "Gang Wars," a publication by the Justice Policy Institute, finds that such labeling complicates an individual's ability to leave a gang; they will continue to be targeted by rival gangs as well as rejected by society due to their label. OJJDP has also found that this kind of labeling has the dual effect of continued rejection from social institutions and continued gang affiliation.[31] As individuals are rejected due to their gang "status," preventing them from integrating into the community, they are pushed back into gang life. If youth are expected to successfully leave gang life, they need to be incorporated into positive social activities and employment opportunities. Unless federal resources provide comprehensive services to communities, such as education and employment, suppression alone will be ineffective in deterring and preventing gang violence.

Youth PROMISE Act

Under the Youth PROMISE Act, communities facing the greatest gang and juvenile delinquency problems will form local councils to develop and implement an effective gang prevention plan. The local council will include representatives from law enforcement, health and mental health, local schools and other city agencies, court services, the business community, faith-based and community-based organizations, parents of minor children, and youth. The councils will receive grants to conduct objective strengths and needs assessments of their communities and develop and implement comprehensive plans to fight gangs through evidence-based and promising prevention and intervention practices. The selected communities will also have the opportunity to learn from each other's experiences.

NCCD's experience working closely with cities to develop and implement comprehensive citywide plans to combat gang violence supports this approach. These cities have stressed that, though they can learn from each other and adopt parts of existing approaches and models, it is very important that they are able to develop a plan that responds to their unique needs. Cities find that plans that are developed and have the support of a range of stakeholders in the community are more likely to be seen as legitimate, are easier to implement, and are more likely to gain community support. Cities have called for more resources from the state and federal government to support their work, but have not emphasized increased gang enhancements or added criminal penalties at the state or federal level.

Evidence-based Practices

Evidence-based programs are important, as considerable funding goes to programs that have not been shown to be effective. In fact, studies show that few social interventions, when evaluated in a scientifically rigorous manner, are found to produce significant and sustained effects.[32] To be "evidence-based," an intervention must have shown positive and significant results when evaluated under a research design that includes a control or comparison group. Though random assignment is ideal, it is not always feasible, and in such cases a quasi-experimental study with a well-matched comparison group may be appropriate.

Although there are a number of programs and interventions that work, there are others that are not only expensive, but have not been proven effective. Some programs have even been shown to increase crime. Researchers at the Washington State Institute for Public Policy conducted a systematic review of 571 rigorous comparison-group evaluations to identify effective crime-reduction approaches. Although they found a number of effective programs, some programs, such as Scared Straight, actually increased criminal behavior.[33] Similarly, the Surgeon General's review of the literature on youth violence revealed that, while some programs may be successful, others may not work, and others can actually be harmful to youth.[34] In particular, transferring youth to adult court has been shown to increase the criminality of the youth.[35]

The Gang Abatement Act

The Gang Abatement Act calls for a number of practices aimed at improving the effectiveness of the interventions it supports. Unfortunately, these practices do not fulfill the requirements of rigorous, evidence-based research. The Act requires that local collaborative groups set up by the Attorney General include evaluation teams and collect information; the Attorney General must report on the groups' goals and objectives annually. Similarly, organizations receiving prevention grants are required to collect data to assess the effectiveness of the crime prevention, research, and intervention activities. Unfortunately, the Act does not require that the activities implemented by the local collaborative groups or using the gang prevention grants be fully evaluated; this is a wasted opportunity, given that some existing prevention and intervention programs have been proven effective, and others that are widely implemented have not shown any success. Further, there is no standard for how the activities of the local collaborative groups and the organizations receiving gang prevention grants will assess their effectiveness. Data collection to assess the effectiveness of a program is not the same as requiring

a rigorous, evidence-based evaluation of a program, and will not help expand the nation's understanding of what works to reduce gang violence. The Act establishes a National Gang Research, Evaluation, and Policy Institute; however, its proposed research agenda, though containing worthy goals such as how to foster and maximize the impact of the community's moral voice, does not focus on proven practices.

The Senate version of the Gang Abatement Act proposes grants to public and private entities to implement and rigorously evaluate innovative-crime prevention and intervention strategies. However, this is only in the Senate version of the Act and accounts for a very small amount of the funding proposed under the Act.

Youth PROMISE Act

- Establishes a National Center for Proven Practices Research. This Center will collect and disseminate information to the public and the local councils on current research regarding evidence-based and promising practices related to juvenile delinquency and gang activity. The Center will also compile and share the particular programs and strategies that were effective in the Youth PROMISE Act communities.
- Requires that local councils partner with local researchers to assess their needs and strengths, prepare their plans, collect data, and evaluate their progress. The research partners are responsible for providing the local councils with information on fully vetted and promising practices related to reducing gang activity and youth violence.
- Mandates that the proposed plans include a combination of evidence-based promising prevention and intervention strategies that have been shown to be effective at reducing the rates of juvenile delinquency and criminal street gang activity.
- Lists a number of "model" programs that may work well in the selected communities. Though the Youth PROMISE Act does not mandate that communities implement any specific programs, it does include a list of suggested programs and approaches that are backed by rigorous research. Programs such as the nurse-family partnership have been shown to deter violence for a sustained period of time and have been successfully replicated in multiple sites.[26]
- Provides grants to state and local law enforcement agencies to hire and train youth-oriented police officers; the training will cover the effectiveness of evidence-based and promising practices related to juvenile delinquency and criminal street gang prevention and intervention, compared to traditional law enforcement.
- Establishes a Center for Youth-Oriented Policing, which, among other things, will develop, compile, and disseminate to youth-oriented police officers information about rigorous research and promising best practices for police to prevent and reduce juvenile delinquency and street gang activity.

With respect to juvenile delinquency and criminal street gang activity prevention and intervention, the Youth PROMISE Act defines an evidence-based practice as a practice "that has statistically significant juvenile delinquency and criminal street gang activity reduction outcomes when evaluated by an experimental trial, in which participants are randomly assigned, ...or a quasi-experimental trial, in which the outcomes for participants are compared with outcomes for a control group." A promising practice must have "outcomes from an evaluation that demonstrates that such a practice reduces juvenile delinquency and criminal street gang activity; or about which a study is being conducted to determine if such practice is evidence-based." Furthermore, the Youth PROMISE Act builds the requirement that the strategies be "evidence-based or promising" into the very definition of "intervention" and "prevention" activities. As such, all the intervention and prevention activities funded by the PROMISE Act, which account for the bulk of the Act's funding, must meet the clearly defined criteria. Further, not only must grantees report on the effectiveness of the prevention and intervention activities implemented, but they must choose to implement activities that have already been proven.

Overrepresentation of People of Color in the Justice System

People of color are heavily overrepresented in criminal and juvenile justice systems and in law enforcement's reports of gang membership. Beyond affecting the individuals incarcerated, this overrepresentation affects children, families, and communities of color. Children suffer as they are raised without their incarcerated parents, and communities face gender imbalances due to high male incarceration rates, declining political and economic significance, loss of economic power, and high rates of felony disenfranchisement.[37]

According to BJS, African Americans represented approximately 900,000 of the nation's 2.3 million inmates held in state or federal prison or in local jails in midyear 2007.[38] African American males were incarcerated at six times the rate of White males, and Latino males were incarcerated at over two times the rate of White males.[39] Men of color of particular age groups are particularly vulnerable; one in nine African American men between 30 and 34 years of age is incarcerated.[40] Women of color are also substantially overrepresented; African American women were incarcerated at 3.7 times the rate of White women, and Latina women were incarcerated at 1.5 times the rate of White women.[41] If current incarceration rates remain the same, BJS predicts that approximately one in three (32.2%) African American males, one in six Latino males (17.2%), and one in 17 White (5.9%) males will go to prison during their lifetime.[42] Though females are expected to go to prison at much lower rates than males, women of color are similarly overrepresented compared to Whites in forecasted prison rates. African American females are expected to have a one in 18 chance (5.6%), Latina females to have a one in 45 chance (2.2%) and White females a one in 110 chance (0.9%) of ever going to prison.[43]

Studies show that not only are people of color overrepresented in the juvenile and criminal justice systems, but this overrepresentation often increases as individuals move through the stages of the justice system. In a meta-analysis of 34 studies on race and the juvenile justice system, researchers found that about two-thirds of the studies of disproportionate minority contact (DMC) showed negative "race effects" at one stage or another of the juvenile justice process.[44] NCCD's study of youth in the juvenile justice system revealed that youth of color, especially African American youth, are increasingly overrepresented as they move through the juvenile justice system.[45] That is true even when White youth and youth of color are charged with similar offenses. For example, while African American youth represent only 16% of the population, they are:

1) 28% of juvenile arrests,
2) 30% of referrals to juvenile court,
3) 34% of youth formally processed by the juvenile court,
4) 35% of youth judicially waived to criminal court,
5) 38% of youth in residential placement, and
6) 58% of youth admitted to state adult prison.

People of color are particularly vulnerable to being classified as gang members. The National Youth Gang Center conducted an annual survey of a nationally representative sample of law enforcement agencies serving larger cities, suburban counties, smaller cities, and rural counties since 1996. The latest figures, which average the results from 2001 through 2004, showed that law enforcement agencies reported gang members as being 35.7% African American, 48.2% Latino, and 9.5% White.[46] Similarly, a 1992 survey of police departments in 79 larger cities and 43 smaller cities found that the departments reported gang members as being predominantly African American (48%) and Latino (43%).[47] In both these samples, White gang members account for less than 10% of total gang members. Indeed, research shows that gang units are more likely to be formed in cities with larger Latino populations.[48]

By contrast, youth surveys reveal much higher rates of White participation in gangs. The National Longitudinal Survey of Youth (NLSY) gathered data from a nationally representative sample of 9,000 youth between the ages of 12 and 16 at year end, 1996. Of youth who reported gang involvement in the previous 12 months, 42% were White, 27% African American, and 24% Latino.[49] The national evaluation of the Gang Resistance

Education and Training (GREAT) program incorporated a survey of 8th grade students in 42 schools located in 11 cities across the country. Judith Greene and Kevin Pranis found that by applying the prevalence rates in the GREAT sample to the US population, they produced a similar breakdown as the NLSY data: 46% White, 22% African American, and 25% Latino.[50]

It is very difficult to reconcile the differences in racial and ethnic composition reported in law enforcement and youth surveys. The differences do not seem to be due to a difference in the seriousness of that youth's gang involvement or delinquent behavior. Gang-involved youth of all races report similar rates of delinquent behavior, including crime against persons, property crime, drug use, and drug sales.[51] When researchers employed more stringent definitions of gangs to try to account for some of the difference, including a formal gang structure and specific delinquent behavior, the ethnic/racial breakdown of youth that self-report as gang members did not change.[52]

There are a variety of reasons that youth surveys may report larger portions of White youth than law enforcement surveys, among them: suburban, small-town, and rural law enforcement agencies, where White gang youth are more likely to be active, may be less capable of tracking gang members than urban police agencies, urban police departments are more likely to use gang databases, which often do not have a process for removing youth from the gang list once their time with the gang has ceased, and law enforcement is trained to identify gang members as youth of color.[53] There are also several possible explanations for the overrepresentation of people of color in the justice system including increased policing in communities of color, the socioeconomic status of people of color and thus, their reliance on the public defense system, and sentencing laws that disproportionately affect them.[54]

Gang Abatement Act

Despite the widely acknowledged overrepresentation of people of color in the justice system, and law enforcement's tendency to assume that gang youth are youth of color, the Gang Abatement Act does not include any protections to minimize the disproportionate racial and ethnic impact of their proposed enforcement and suppression policies. Of particular concern is that the definition proposed is so broad that it will likely have the effect of targeting individuals of color, regardless of gang membership. The US Sentencing Commission reports that, in 2006, African Americans and Latinos made up approximately 70% of defendants convicted under code sections to be further "enhanced" by the Gang Abatement Act.[55] This new proposal reverses much of the progress already made in the area of juvenile justice. The Juvenile Justice and Delinquency Prevention Act (JJDPA)—originally passed in 1974, reauthorized in 2002, and currently in the process of another reauthorization—addresses several key issues, such as the overrepresentation of youth of color in the justice system (DMC) and the detrimental effects of incarcerating youth in adult prisons. The Act takes appropriate steps to require that, when possible, juveniles are treated separately from the adult criminal justice system and that states address the issues of DMC within their jurisdiction. The Gang Abatement Act runs counter to these mandates, addressing neither the effects of the legislation on the juvenile population nor on the problem of DMC.

The federal government has long recognized the importance of race and ethnicity in the administration of justice in this country; in 1988 the JJDPA was amended to require that states participating in formula grant programs determine if DMC exists and, if so, to demonstrate efforts to reduce it. It has been made clear that law enforcement agencies identify gang members as youth of color, and that race and ethnicity are central to understanding the experiences of individuals in the justice system. Last year, partly in response to the concerns of the racial disparity created by the difference in sentencing between crack and powder cocaine, the US Sentencing Commission lowered its sentencing guidelines for crack cocaine offenses. Two states, Connecticut and Iowa, now require that racial impact sentence statements be prepared for new proposed sentencing legislation. These statements should speak to the lack of consideration this bill places on certain racial populations and to the likely consequences. In a justice system that is already facing such racial disparities, these strategies promise to alleviate many of the unintended disparities prior to

adoption of new policies, rather than waiting until after the problems of DMC arise. It is particularly disappointing that the Act disregards the importance of race in the administration of justice, especially given the steps that the federal government has already taken to minimize these effects.

Youth PROMISE Act

The Youth PROMISE Act ensures that its proposed policies do not increase the number of youth of color in the justice system, and aims to alleviate some of the overrepresentation of these youth. In particular, local communities must ensure that their proposed plans will not increase the number of youth involved in the juvenile and criminal justice systems. Furthermore, the Youth PROMISE Act aims to reduce the overrepresentation of people of color by requiring that communities' proposed plans take into account the cultural and linguistic needs of the community and include strategies to improve indigent defense delivery systems, particularly for youth overrepresented in the justice system. The Youth PROMISE Act funds prevention and intervention programs proposed by communities; the communities with the highest concentration of youth, who are at risk of involvement or already involved in juvenile delinquency or criminal street gang activity, will be funded. Because people of color are more likely to rely on the public defense system, to live in communities with higher levels of juvenile delinquency and street gang activity, and to have limited positive activities for youth, they are likely to benefit from these considerations.[56]

Special Needs of Youth

A large portion of gang members are under 18 years of age. According to the National Youth Gang Survey, youth under 18 years of age represented 37% of the individuals identified by law enforcement as gang members.[57] Researchers report that the typical age range for gang members is 12 to 24[58] and that the initial entry into gangs is around 11 years of age.[59]

Studies have shown that youth lack some of the capabilities that are relevant to establishing culpability. Psychosocial studies find that adolescents tend to employ short-sighted decision-making, poor impulse control, and vulnerability to peer pressure.[60] Neuroscientists have found that the adolescent frontal lobe has different quantities and types of cell matter as that of the adult brain; the frontal lobe is linked to long-term planning, ability to regulate aggression, and possibly moral judgment.[61] In 2005, the US Supreme Court abolished the death penalty for juveniles who were below the age of 18 when they committed their offense; arguing that "juveniles' susceptibility to immature and irresponsible behavior" means their conduct is not as "morally reprehensible" as that of an adult.[62] Further, as youth grow older, they tend to "age out" of delinquent behavior; harsh sentences and the gang member label may make it difficult for them to successfully reintegrate into society.[63] Studies have shown that youth can be very negatively impacted by incarceration and tough sentencing; youth seem to be particularly vulnerable and have particularly negative outcomes, when housed with adult criminals or when treated as adults in the criminal justice system. The Task Force on Community Preventive Services found that youth transferred to the adult criminal justice system were more likely to be re-arrested for a violent or other crime than comparable young offenders not transferred.[64] Youth in adult facilities are vulnerable to physical and sexual assault, the influence of negative "role models," limited educational and rehabilitation opportunities, inappropriate supervision, and suicide.[65]

Gang Abatement Act

The Gang Abatement Act does not adequately account for the special needs of youth; this is particularly important as it calls for severe penalties, including life without parole, for *all* age groups. The bill does call for the US Sentencing Commission to examine the appropriateness of sentences for minors in the federal system, including the appropriateness of life sentences without possibility for parole for minor offenders. Unfortunately, this study will not be completed until a year after the enactment of the Act's provisions. It seems that given the extensive and growing knowledge of the developmental needs of youth, and the lack of a juvenile system at the

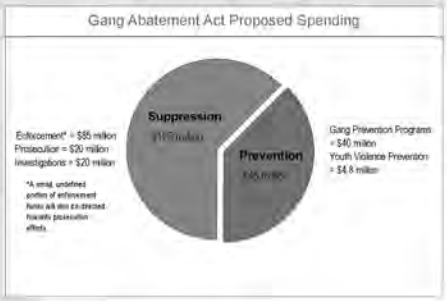
federal level, juveniles should not be subjected to the criminal penalties under the bill until the proposed study has been completed. Further, existing evidence—as well as US obligations under international law—suggests that life without the possibility of parole should not be considered for those who committed their crime before turning 18 years of age.

The Youth PROMISE Act

The Youth PROMISE Act funds several activities that aim to ensure that law enforcement and a community's response to gang violence take into account the special needs of youth and the special vulnerability of youth in incarceration. The Act:

- Requires that each community's PROMISE plan provides for the training of prosecutors, defenders, probation officers, judges, and other court personnel on issues concerning the developmental needs, challenges, and innovative opportunities for working with youth in the juvenile justice system.
- Requires that each community's PROMISE plan ensures the number of youth involved in the juvenile and criminal justice systems do not increase as a result of the activities undertaken with the funds provided.
- Requires that each community's PROMISE council includes at least two parents of minor children, and two local youth between the ages of 15 and 24.
- Establishes a center for Youth-Oriented Policing to develop a model training program that emphasizes youth development and evidence-based and promising practices related to juvenile delinquency and criminal street gang activity.
- Provides for the hiring and training of youth-oriented police officers who will work with PROMISE coordinating councils and community-based organizations. These officers will be trained to work with the community and to understand the developmental needs of youth.

By ensuring that those in law enforcement and court services are aware of the needs of youth, that youth are not more likely to enter into the juvenile or criminal justice system as a result of the community-based policies enacted, and by including youth and their families in composing the communities' response to youth, the Youth PROMISE Act promotes a community response to youth that takes into account their special needs and vulnerabilities.



Fiscal Analysis

Title III of the Gang Abatement Act is designated as "Increased Federal Resources to Deter and Prevent Seriously At-Risk Youth from Joining Illegal Street Gangs and for Other Purposes." Although the bill refers to the authorization of funds for "prevention," a closer reading reveals that a large portion of the money is actually reserved for law enforcement and prosecution—categories that fall under suppression.

The Congressional Budget Office estimates that the implementation of the Senate version of this bill would cost $1.1 billion over the 2008-2012 fiscal period, with about $125 million appropriated annually for suppression and less than $45 million reserved for prevention.[66] This CBO estimate does not factor in the costs of several important consequences of the bill—an increased number of prosecutions, convictions, and longer sen-

tences. Though it is difficult to forecast the additional number of individuals incarcerated due to this legislation, it is sufficient to say that there will be additional costs incurred besides the $1.1 billion appropriated. For example, the federal judiciary estimates that, in FY 2007, it cost nearly $25,000 to incarcerate a single person in federal prisons.[67] With more people in prison for longer periods, annual federal costs to incarcerate will easily surpass the current expenditure of $49 billion.

Such an allocation of resources is contrary to research that shows that suppression efforts are often perceived to be the least effective of all methods, while prevention has been more useful in reducing gang violence. OJJDP's *Comprehensive Gang Models*, for example, stresses community mobilization, employment and educational opportunities, and social interventions before suppression strategies. Other evidence-based practices such as multisystemic therapy offer intensive services, counseling, and training, and have produced positive results. Studies have found that treatment and prevention programs show a greater return on each dollar invested than incarceration. A report by the Surgeon General that reviewed existing studies on ways to reduce youth violence concluded that "prevention is truly more cost-effective in the long run that incarceration."[68] The Justice Policy Institute finds that incarceration yields $0.37 per dollar spent in reduced crime and public safety benefits to society, whereas treatment and prevention efforts yield over $18.00 in return per dollar spent, a figure cited by the US Conference of Mayors in their 2008 Comprehensive Gang Abatement Legislation.[69] The savings to be realized in prevention efforts represent savings not only in justice and welfare costs, but also savings to victims and the added productivity of saved youth.

The Youth PROMISE Act proposes to spend approximately $10 billion in the 2009-2013 fiscal period. While the Youth PROMISE Act contains larger initial costs, several factors must be considered. First, the Act is an investment in all youth, whether low-risk, at-risk, or high-risk, providing them with the resources needed to stay away from crime and build healthy and promising lives. Second, research has shown that prevention and intervention programs such as those advocated for in this Act show a return on investment over time. A study by the Penn State Prevention Research Center shows that prevention programs that have proven effective in Pennsylvania "...not only pay for themselves but also represent a potential $317 million return to the Commonwealth."[70] Similar studies by the Washington State Institute on Public Policy, the Justice Policy Institute, and the RAND Corporation have shown the same results.[71]

Both bills have significant long-term fiscal impacts that must be considered. While the Gang Abatement Act would grow in costs over time, the Youth Promise Act would not only recover its initial cost but also see savings grow from the investment.

Conclusion

Research and NCCD's experiences strongly favor the practices promoted in the Youth PROMISE Act. The Gang Abatement Act relies on strategies that have been used repeatedly in the past decades, only to yield the results of overcrowded prisons and a punitive culture in which our youth are being sent to correctional facilities not equipped to address their developmental needs. Such strategies are ineffective and costly, and reverse the progress the nation has already made in terms of juvenile justice and overrepresentation of people of color within the justice system. The Youth PROMISE Act appropriately rejects these failed policies, and embraces what years of research and practice have proven—that with the right programs, our youth can not only stay out of trouble but also have promising futures.

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The National Council on Crime and Delinquency, founded in 1907, is a nonprofit organization that promotes effective, humane, fair, and economically sound solutions to family, community, and justice problems. NCCD conducts research, promotes reform initiatives, and seeks to work with individuals, public and private organizations, and the media to prevent and reduce crime and delinquency.

The Economic Return on PCCD's Investment in Research-based Programs:

A COST-BENEFIT ASSESSMENT OF DELINQUENCY PREVENTION IN PENNSYLVANIA

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The Economic Return on PCCD's Investment in Research-based Programs:

A Cost-Benefit Assessment of Delinquency Prevention in Pennsylvania

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Executive Summary

Over the last decade, the Pennsylvania Commission on Crime and Delinquency (PCCD) has made a considerable investment in supporting community crime and delinquency prevention through the funding of proven-effective strategies under the state's Research-based Programs Initiative. These evidence-based prevention programs, implemented in over 120 communities throughout the Commonwealth, have been shown in rigorous evaluation studies to reduce delinquency, violence and aggression, drug and alcohol use, and other youth behavior problems, and to promote positive youth development and stronger families and communities. Although these model programs have been effective at addressing youth crime, policymakers must consider the investment of public resources necessary to support these programs, and balance that investment with funds required to support the formal criminal justice system (i.e., police, courts and corrections costs).

Recently, economists and policy researchers have begun to conduct cost-benefit analyses of prevention and intervention efforts to determine whether the potential benefits of a variety of strategies justify the funds necessary to implement them. In this report, ***The Economic Return on PCCD's Investment in Research-based Programs: A cost-benefit assessment of delinquency prevention in Pennsylvania***, we examine the return-on-investment for seven research-based programs that are supported by the PCCD and in widespread use throughout Pennsylvania.

Using conservative and widely-accepted methodology, we determine that these programs not only pay for themselves, but represent a potential $317 million return to the Commonwealth in terms of reduced corrections costs, welfare and social services burden, drug and mental health treatment, and increased employment and tax revenue. The programs described in this report produce returns of between $1 and $25 per dollar invested, and can generate cost savings as great as $130 million for a single program.

The evidence of the substantial economic benefits of these prevention programs, coupled with the proof of their impact on delinquency and crime prevention, comes at a critical time. The cost of Pennsylvania's criminal and juvenile justice system is increasing dramatically, and the state is currently facing a corrections crisis, with county jails and state prisons operating at well-over capacity. The Pennsylvania Department of

Corrections has requested over $700 million to construct new prisons and increase available prison bedspace, but without slowing the pace of prison admissions even that titanic investment will see prisons overcrowded again within five years.

In contrast, increased support for effective prevention programs throughout Pennsylvania could generate reductions in both youth and adult corrections populations and save the Commonwealth millions of dollars. A reduction of only 5% in the number of juveniles held in long-term custody represents a potential savings of over $9 million; a 5% reduction in the adult prison population would save an additional $75 million.

With the potential impact of empirically-supported prevention so clearly established, a greater investment in these programs would be a wise investment that will pay dividends well into the future.

This report was prepared by the Prevention Research Center at Penn State University. The full text of the report is available through the PRC website at: **www.prevention.psu.edu.**

For more information on PCCD's Research-based Programs Initiative, please contact the Pennsylvania Commission on Crime and Delinquency's Office of Juvenile Justice and Delinquency Prevention at 800-692-7292, or visit its website at **www.pccd.state.pa.us.**

Return-on-investment for Prevention Programs in Pennsylvania

	Big Brothers/Sisters	LifeSkills Training	Multidimensional Treatment Foster Care	Multisystemic Therapy	Functional Family Therapy	Nurse-Family Partnership	Strengthening Families Program 10-14
Per dollar return on investment	$1.01	$25.72	$11.14	$3.61	$14.56	$3.59	$7.82
Benefits minus costs per person served	$54	$808	$79,331	$16,716	$32,707	$37,367	$6,541
Estimated number of programs statewide	28	100	3	12	11	25	15
Estimated average economic benefit per community	$13,500	$161,600	$475,986	$2,507,400	$12,395,953	$4,782,976	$872,133
Total (current) potential economic benefit statewide	$378,000	$16,160,000	$1,427,958	$30,088,800	$136,355,483	$119,574,400	$13,082,000

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BACKGROUND:
PCCD's Investment in Research-based Prevention

Pennsylvania has long been a leader in recognizing the critical role of prevention in a comprehensive strategy to address juvenile delinquency, youth violence, and substance use. As the lead state agency in supporting a broad delinquency prevention agenda, the Pennsylvania Commission on Crime and Delinquency has provided considerable grant funding to local communities to adopt and implement specific prevention and intervention programs that have been shown to be effective in rigorous research studies. Since 1998, the PCCD's Office of Juvenile Justice and Delinquency Prevention has provided over $60 million to support proven-effective prevention strategies in over 120 Pennsylvania communities. By promoting the use of these research-based programs, the PCCD has taken a deliberate policy position to make more efficient use of state and federal resources by directing them to the strategies that are most likely to impact delinquency.

In a recent report, we detailed the programs funded under the PCCD's Research-based Programs Initiative, and described some of the positive outcomes related to delinquency and youth substance use being seen in communities across the Commonwealth.[1] We now turn our attention to an equally important research question: has this investment in research-based prevention been cost-effective?

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[1] Meyer-Chilenski, S., Bumbarger, B.K., Kyler, S., & Greenberg, M. (2007). *Reducing Youth Violence and Delinquency in Pennsylvania: PCCD's Research-based Programs Initiative* Prevention Research Center, Pennsylvania State University.

INTRODUCTION:
The Importance of Prevention from a Monetary Standpoint

A "cost-effective" program is doubly appealing from a societal standpoint if such a program can successfully prevent or reduce delinquency without creating a financial burden to taxpayers – or better yet providing fiscal benefits to taxpayers. The potential economic benefits of a successful prevention or intervention program can be readily demonstrated to policymakers and the public in general. Programs that both reduce problems identified by local communities while also reducing costs to society are especially important as state and local governments become more accountable for both costs and outcomes. It is not difficult to understand how a program that diverts someone from a criminal path will spare society the justice system expenses associated with processing offenses (from police and court costs to prison costs); in such a case the necessary resources for the prevention program are usually considered well worth the investment. Given typical budget constraints, policymakers seek to fund crime prevention programs that will at least "pay for themselves" while delivering the necessary services for their community. Although the adage that "an ounce of prevention is worth a pound of cure" is well known, it is doubtful most policymakers fully understand the potential taxpayer benefits possible from an effective prevention effort. However, economics experts are now demonstrating how prevention programs may actually provide a substantial return-on-investment.[2]

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[2] See, for example, Greenwood, P. W., Model, K. E., Rydell, C. P., & Chiesa, J. (1998). *Diverting children from a life of crime: Measuring costs and benefits* (rev. ed.). Santa Monica, CA: RAND.

A thorough economic analysis can shed light on the potential for fiscal benefits of successful prevention programs beyond the obvious cost savings (such as savings from a prevented incarceration). Such evaluations estimate how program outcomes may lead to further economic gains in areas such as reduced victim costs, fiscal benefits to family members associated with the program participant, or benefits to the larger community. Using associations established in previous research, economic analyses can project cost savings for a certain outcome (e.g., lifetime earnings) based on change in another outcome (e.g., reduced level of substance abuse). Thus, the effects of a prevention program in adolescence can be linked to economic gains over the course of that person's lifetime.[3]

Clearly, the potential cost-effectiveness of prevention programs must be weighed against the general needs and capabilities of providers serving the community and other practical considerations for those being targeted. Although evaluators judge programs' effectiveness based on the degree to which the intervention affects key outcomes of targeted participants, the most effective programs are not always those that are most cost-effective; likewise, the most affordable program may have little or no effect on delinquency.

Thorough economic evaluation has shown that preventing just one career criminal can save society over $2 million.[4] It is easy to see how a prevention program that costs $1.5 million to deliver services to 100 participants would be successful from an economic standpoint even if it only prevents 1% of program participants from a life of crime. Politicians and policymakers are perpetually evaluating which prevention and intervention programs are most necessary and affordable for the communities they serve. Cost-effectiveness evaluation is one criterion that can help decision makers determine the most appropriate programs based on both the needs and resources of their community.

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[3] Haddix A.C., Teutsch S.M., & Corso P.S. (Eds.) (2003). *Prevention Effectiveness: A Guide to Decision Analysis and Economic Evaluation.* (2nd ed.). Oxford, England: Oxford University Press.

[4] Cohen, M.A. (2005). *The Costs of Crime and Justice.* New York: Routledge.

This report considers the cost-effectiveness potential for seven research-based programs funded by the PCCD. These programs are highlighted because they represent the bulk of the PCCD's investment in prevention programming and because there are existing longitudinal data on program outcomes from which cost-benefit estimates can be derived. For these programs, we provide projected economic impact calculations using data from a landmark assessment of costs and benefits performed by the Washington State Institute for Public Policy (WSIPP)[5] and applying those figures to data on implementation of the programs in Pennsylvania.

[5] Aos, S., Leib, R., Mayfield, J., Miller, M., & Pennucci, A. (2004). *Benefits and Costs of Prevention and Early Intervention Programs for Youth.* #04-07-3901.

Aos, S., Miller, M., & Drake, E. (2006). *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs & Crime Rates.* Olympia: Washington State Institute for Public Policy.

Considering Costs and Benefits in Justice System Funding

Current Costs of Crime and Corrections in Pennsylvania

The costs for processing crime and incarceration are considerable, not to mention potential costs related to recidivism after prison release. For severe crimes, the costs related to the original crime that led to imprisonment (even if a second crime never occurs) are enormous considering both present and future (projected) expenditures over and above incarceration costs.

In Pennsylvania, a total of 4,467 juvenile court dispositions resulted in placement in potentially long-term custody in 2006.[6] These placements include state-run secure facilities, a variety of private facilities, Youth Development Centers operated by the state Department of Public Welfare, and long-term drug and alcohol treatment placements (note: this figure does not include dispositions resulting in placement in boot camps, wilderness programs, group homes, or foster care, and could reflect multiple dispositions for the same juvenile). Costs for these placements vary considerably, but as an illustration it currently costs over $142,000 to place a juvenile in a DPW-operated Youth Development Center (YDC) for one year, while a one-year placement in a private facility is significantly less expensive, averaging about $54,000 per youth. In 2006, the median length

[6] Pennsylvania Juvenile Court Judges Commission. (2006). *Pennsylvania Juvenile Court Dispositions*. Retrieved online at http://www.jcjc.state.pa.us/jcjc/lib/jcjc/statistics/2006/2006_part_1.pdf on March 21, 2008.

of stay in an out-of-home placement was 7.1 months.[7] With YDC placements representing about 17% of the 4,467 placements referenced above and assuming the remainder fall within the average cost of private facilities, and given the median length of stay, this represents an annual system cost of nearly $183 million for long-term youth placement alone. Preventing only 5% of those new out-of-home placements each year would represent an annual savings of over $9 million.

Likewise, the cost of adult corrections in Pennsylvania is skyrocketing, and the inmate population has already outpaced the available prison bedspace. A recent report from the Council of State Governments found the following:

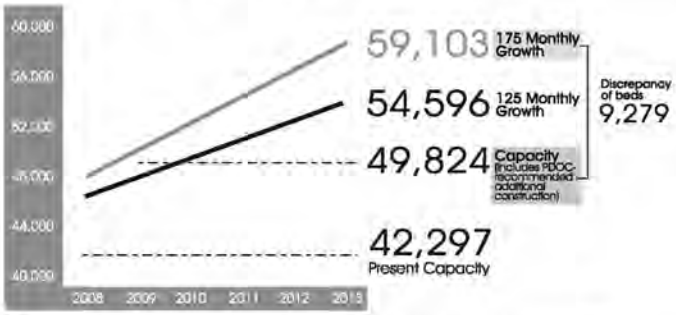
- Pennsylvania's prisons were already operating at 115% of their inmate capacity by the end of 2006.
- The state prison population increased 24% between 1999 and 2007, and is projected to increase another 30% over the next five years.
- Prison population growth exponentially outpaced the rate of general population growth.
- The Department of Corrections' budget for FY 2008-2009 requests nearly $700 million for NEW prison construction, which will generate an additional $177 million in ongoing operating costs.
- Even if the General Assembly approves this enormous investment in prison construction, at the projected rate of prison population growth the DOC will be even MORE overcrowded (operating at 118%) within five years.

[7] Pennsylvania Juvenile Court Judges Commission. Statewide Outcome Measures 2006.

Figure 1. Pennsylvania Department of Corrections Inmate Population: Historical Growth (FY 1999 - 2007) and Projected Growth (FY 2007 - 2013)

Source: Council of State Governments Justice Center. (2007). *Increasing Public Safety and Generating Savings: Options for Pennsylvania Policymakers.* Retrieved at www.justicecenter.csg.org on Feb. 24, 2008

Figure 2. Projected PDOC Population Assuming Population Growth Rate of 2006 (175 Monthly Growth) and Lower Growth Rate (125 Monthly Growth)



Source: Council of State Governments Justice Center. (2007). *Increasing Public Safety and Generating Savings: Options for Pennsylvania Policymakers.* Retrieved at www.justicecenter.csg.org on Feb. 24, 2008.

While the report of the Council of State Governments on Pennsylvania's prison population explosion has been helpful in raising awareness of the impending corrections budget crisis, the options proposed to address the problem primarily involve increasing community corrections, increased parole releases, and sentencing reforms. The potential to reduce the prison population by preventing and reducing crime is wholly absent from the current policy discussion. With the annual cost of incarcerating an adult inmate at $33,000 and given the 2007 inmate population of 45,201, a reduction in the adult inmate population of just 5% would translate to a cost savings of over $74 million.

Pennsylvania spends an increasing percentage of its budget on corrections and thus fewer dollars are available to provide other needed services. According to a recent report from the Pew Center on the States, during 2007 the increase in Pennsylvania's prison population was among the highest in the nation, and this prison population growth is taking an increasing toll on other budget priorities. While states have seen a 127% increase in corrections costs over the past 20 years, spending on higher education has only increased 21% during that period (costs adjusted for inflation). In the case of Pennsylvania this change is dramatic. The ratio of prison spending to higher education spending in Pennsylvania increased 300% from 1987 to 2007.[8] This dramatic change in proportional costs of our prison system represents an alarming trend with major implications for public policy.

[8] Pew Center on the States. (2008). *One in 100: Behind bars in America 2008*. The Pew Charitable Trusts, Washington, DC.

The Place of Prevention in Justice System Funding

When deciding how to fund crime prevention efforts, policymakers must balance funding for prevention efforts and funds that are spent on the formal justice system. Although studies have shown that the general public supports funding for prevention efforts, some policymakers are skeptical of the effectiveness of crime prevention programs, especially since program outcomes may not be seen for some period of time and because program successes may involve less direct or visible outcomes. Some policymakers actually view incarceration as the ultimate act of prevention – a person behind bars is virtually guaranteed not to commit a crime during their sentence; however, this ignores the fact that virtually all offenders eventually return to the community, with many representing a higher risk than when they left. Considering that nearly 67% of inmates released from state prisons are rearrested within three years[9], the sheer number of new prison admissions each year added to the number of recidivist admissions equates to a dramatic increase in costly incarceration that cannot continue to be borne by public resources. Clearly there is a need for large-scale prevention efforts to stem the tide of incarcerations. If history is our guide, there is no way that Pennsylvania can use incarceration as an effective form of prevention; it is very costly and often fails to reduce crime, pain, and suffering. The question for policymakers, then, is whether the investment in prevention is cost-effective.

Diversion from a criminal path is perhaps the most successful outcome for a prevention program aimed at delinquent youth. The alternative outcome of becoming a "career criminal" has obvious emotional, familial, and societal costs that can extend a lifetime and affect multiple lives and entire communities. Given the magnitude of costs involved in crime *after* it occurs, it is easy to see how effective prevention programs may be economically viable.

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[9] U.S. Department of Justice, Bureau of Justice Statistics. (2006). *Reentry Trends in the U.S.* Washington, DC.

Costs incurred by the criminal justice system include those for the arrest process (including police costs), adjudication, and incarceration. Such amounts can be substantial even for one individual. Economists also consider victim costs in terms of tangible and intangible losses. Tangible losses are those that easily translate into fiscal disadvantage: medical costs, lost income, and property loss–all incurred because a crime was committed. Intangible losses are pain and suffering (often long term) related to being a victim of a crime. Intangible losses are often not included in calculations of the economic impact of a crime, although it is easy to see how they might be. (Economists often put a monetary value on reduction in quality of life as represented by a quality-of-life index.)

Researchers point to three other areas that may be positively impacted in a monetary sense by successful prevention programs, regardless of whether the program specifically targets delinquency and violence.[10] First, increased future earnings from participants will lead to increased tax revenues across lifetimes. Second, decreased public assistance expenditures may be realized due to successful intervention. Individuals may be less likely to require welfare and other forms of public assistance; subsequent administrative costs will likewise be lower due to the lower burden on social services agencies. Third, other special programs aimed at those in need, including special education programs (in the case of a successful educational intervention for children), health services, and homeless shelters or substance abuse treatment centers will also be less burdened.

[10] Karoly, L. A., Greenwood, P. W., Everingham, S. S., Hoube, J., Kilburn, M. R., Rydell, C. P., Sander, M., & Chiesa, J. (1998). *Investing in our children: What we know and don't know about the costs and benefits of early childhood interventions.* Santa Monica, CA: RAND.

Program Effects Used to Monetize Program Benefits

Evaluations of prevention and intervention programs can involve assessment of many different outcomes. Economic evaluations involve the subset of those outcomes that can be linked to monetary amounts. Here it is important to review a key distinction in two types of economic evaluations: cost-effectiveness evaluation versus cost-benefit evaluation. For the sake of this report, "cost-effectiveness" refers to economic evaluation in general, but is often terminology for an assessment of the cost of achieving the change in an outcome even if that outcome cannot be directly monetized (such as changing the likelihood to be diagnosed with conduct disorder). *Cost-benefit* analyses examine the actual changes in outcome costs that occur in association with an intervention–for instance, reduction in arrests or reduced welfare use, both of which have direct monetary consequences.

Researchers typically assess several categories of outcomes in a cost-benefit assessment of prevention programs, including crime, welfare/social programs, drug treatment, education, and other government programs. While many economic outcomes involve those that are of a fiscal nature (e.g., reduced welfare use), other individual outcomes with a calculable impact on monetary change are also included in the evaluation (e.g., increased test scores inferring a higher future income). Cost-benefit analysis focuses on multiple outcomes and, as noted above, takes into account the relationship between key outcomes (such as how changes in future employment rates and thus lifetime earnings can be projected based

on a reduction in adolescent substance abuse rates). The following list summarizes key outcomes typically considered in a cost-benefit analysis of child and youth prevention and intervention efforts:

- Crime
- Education (including graduation rates, test scores, post-high school education, special education rates, grade repetition)
- Employment rates and earning potential
- Substance use (abuse of illicit drugs, alcohol and/or tobacco)
- Public assistance (including welfare receipt or other social services such as foster care)
- Teen birth rates
- Child abuse and neglect
- Health and mental health service needs

The outcomes evaluated may differ based on the age of the participant (a program delivered to pre-teens may not be able to assess employment unless follow-up measures are attained). Each type of monetary outcome can involve many specific calculations. The WSIPP formulation of the cost of a criminal offense included many steps and estimates across many systems, including the following:

- Police and Sheriff office costs to process arrest
- Court and county prosecutor costs
- Juvenile detention, sentencing and probation costs
- Adult jail and sentencing costs
- Adult community supervision costs
- Department of Corrections institutional and post-prison supervision costs
- Victim costs (out-of-pocket and quality-of-life costs)

These estimates differentiate across the type of crime and the types of resources involved in processing the crime.

The cost-benefit estimates carried out by WSIPP involved in-depth investigations of both program effects and economic consequences of program participation. The latter were based on state-specific cost estimates as well as national cost estimates.

Program effectiveness levels were formally assessed through a meta-analysis which involves pooling the results of multiple independent and scientifically rigorous program evaluations and deriving an overall program effectiveness rate. This process combined all program effects reported in research dating from 1970 to the present and included results from any study that demonstrated rigorous design quality. If program evaluations used a less rigorous research approach, or were carried out in research settings that might not reflect the challenges of 'real-world' settings, their results were either excluded from the meta-analysis or their contribution toward pooled results was down-weighted. Because study results were weighted to best represent the programs as they would exist in typical implementation settings, the program effect estimates should be considered conservative estimates in terms of the true efficacy of the interventions. In other words, results will reflect outcomes for those who were successfully treated and thus average in the effects for those who were not motivated to participate fully in the programs (i.e., results generally represent an "intent-to-treat" approach).

"Effect sizes" were calculated across multiple studies to represent the "potency" of program impact for any outcome that could be monetized. These estimates represent the positive or negative impact of the intervention in a standardized metric that can be used across studies. If a meta-analytic effect size for a program (combining results from multiple studies) was found to be statistically significant, the program was determined to be effective at altering the outcome of interest, and the magnitude of the effect was used to calculate the degree of economic benefit that would result. The following figure presents the outcomes assessed in meta-analyses for the programs featured in this report (these outcomes represent what the program aims to address in its participants but moreover are those outcomes that were assessed in research evaluations).

Economic outcomes assessed in meta-analyses, by program

	Crime	Test scores	Tobacco (initiation)	Alcohol (initiation)	Illicit drugs (initiation)	Public assistance	High school graduation	Substance abuse	Employment	Child abuse and neglect
Big Brothers/Sisters	▼	▲		▼	▼					
LifeSkills Training			▼	▼	▼					
Multi. Treatment Foster Care	▼									
Multisystemic Therapy	▼									
Functional Family Therapy	▼									
Nurse-Family Partnership	▼	▲				▼	▲	▼	▲	▼
Strengthening Families 10-14			▼	▼	▼			▼		

Summary of Cost-Benefit Calculation Methods Used for This Report

Program benefit amounts were estimated using an economic evaluation of the savings resulting from the intervention based on real outcomes observed (e.g., fewer arrests), as well as dollars projected from known economic associations (e.g., the increased future income resulting from having a high school degree). The necessary calculations are complicated yet understandable. In simplest terms, equations involve quantifying the fiscal benefits across monetarily relevant outcomes by the magnitude of the program's impact and then deducting the program costs, and making the appropriate economic adjustments for time since intervention. For a certain category such as education, the fiscal calculations are based on any education outcomes that the prevention program has been shown to impact. Values would be estimated for the amount of increased future income that is expected as a result of program participation, including increased rates of high school graduation, increased number of years in school, and/or higher test scores (the degree of program impact would affect the magnitude that these outcomes change the economic benefit). Marginal costs would also be estimated for higher rates of special education use or grade retention among comparison/non-program participants. Costs and benefits related to education and subsequent future earnings may also be related to non-education outcomes. For instance, if the prevention program also demonstrated having an impact on reducing child abuse and neglect rates, the effect size for that outcome would be factored into the likelihood of high school graduation. In this case, the effect size for that outcome would be translated into a probability of a lifetime of child abuse and neglect.

which in turn would influence the probability of high school graduation. In general, it is important to recognize the relationship between different outcomes when projecting economic costs and benefits.

Benefit estimates incorporate future savings based on existing evaluations plus projection models that use the observed outcomes as inputs. For instance, the value of preventing a future criminal offense uses distributions of the probabilities of certain offense types (murder, robbery, drug crime, etc.) to determine the likely future felonies for a certain population. For substance abuse, calculations involve lifetime cost projections given a probability of long-term drug abuse related to the age of first use. Also factored into this are fiscal costs to society resulting from a successful intervention, e.g., education costs expended for a subject that otherwise would have dropped out of the education system. Future benefits were discounted (using a 3% discount rate) to adjust for the length of time from delivery of the intervention to realization of the cost savings. Dollar amounts were applied to any outcomes showing a statistically significant program effect.

Another feature of the estimates of program benefits is that they incorporate estimates of savings for other likely affected family members. These amounts are considered as secondary program participants. Such outcomes are important, especially for interventions that target families–the primary participant might be the mother but based on the nature of the behaviors being addressed children are obvious secondary benefactors of program effects.

Return-on-investment for Prevention Programs in Pennsylvania

The following pages list the estimated return on investment based on cost-benefit evaluations for seven specific programs in widespread use throughout Pennsylvania. Program totals are projected from the average economic outcome per-participant. We present the numbers for specific sites in Pennsylvania that have been funded by the PCCD to implement these programs (as case-study examples), as well as statewide figures based on the estimated number of program replications and participants currently being implemented across the Commonwealth. Dollar amounts were adjusted to 2007 dollars using the Consumer Price Index. Economic benefits are presented both in terms of per-participant average economic gain, as well as projected to the treated population as a whole. It is important to note that these economic gains represent monetary benefits to society and the participants together. That is, the portion of economic gain realized to the taxpayer is a subset of the total amount.

Big Brothers/Big Sisters

The Big Brothers/Big Sisters program aims to prevent violence, delinquency, and other behavior problems through the development of a positive, long-term, professionally supported youth-adult relationship for individual children. Youth are referred to BBBS by parents or teachers. BBBS recruits, trains, and matches adult volunteers (i.e., Bigs) with the referred youth (i.e.,Littles). Bigs and Littles are encouraged to spend at least one hour together each week, and Bigs are required to make a minimum one-year commitment to the mentoring relationship.

Example site:	Bradford County
Number served:	11 youth
Benefit minus costs per child served:	$54
Per dollar return on investment:	$1.01
Total economic benefit resulting from Bradford County implementation:	$595
Estimated number of Big Brothers/ Big Sisters programs statewide:	28
Estimated number of youth being served statewide:	7000
Total potential economic benefit statewide:	$378,000

ECONOMIC BENEFITS ARE BASED ON THE PROGRAM'S SIGNIFICANT LIKELIHOOD TO:

- reduce the following outcomes: crime, and substance abuse
- increase the following outcomes: test scores

The benefits for this program mostly pay for the cost of the program (with a minimal return on investment), although the program has an impact on a variety of outcomes.

Big Brothers/Big Sisters
Percent economic benefit by outcome

24% of economic benefits among the above outcomes are based on crime outcomes. Over half of the economic benefits (52%) are related to increased test scores.

Percent economic benefit for participants/society

Half of the economic benefit across all outcomes goes to non-program participants (taxpayers and victims).

LifeSkills Training

The LifeSkills Training (LST) curriculum aims to prevent substance abuse and violence by teaching middle school students about resisting peer pressure, decision-making skills, separating drug myths from facts, communication, healthy ways to reduce anxiety, goal-setting skills, and critical thinking skills regarding advertising and media messages. The lessons are distributed over a three-year period and last approximately 45 minutes each, and teachers receive a thorough training before implementing the curriculum.

Example site:	Tioga County
Number served:	2,100 students
Benefit minus costs per student:	$808
Per dollar return on investment:	$25.72
Total economic benefit resulting from Tioga County implementation:	$1,696,716
Estimated number of LST programs statewide:	100
Estimated number of youth being served statewide:	20,000
Total potential economic benefit statewide:	$16,160,000

ECONOMIC BENEFITS ARE BASED ON THE PROGRAM'S SIGNIFICANT LIKELIHOOD TO:

- reduce substance abuse (alcohol, tobacco, and illicit drugs)

The unusually low program cost and wide reach, combined with high effectiveness, results in a return on investment of over $25 (per dollar invested).

LifeSkills Training
Percent economic benefit by outcome

Of the substance abuse outcomes, the majority of economic benefit is related to reduced costs related to tobacco use (over 90% are based on reduced tobacco and alcohol use combined).

Percent economic benefit
for participants/society

77% of economic benefits related to substance abuse affect the program participants; the other 23% represents economic benefit to non-program participants.

Multidimensional Treatment Foster Care

The Multidimensional Treatment Foster Care (MTFC) program aims to prevent violence, delinquency, and substance use by using foster care as a treatment setting. Youth with chronic and intensive behavioral and emotional problems are placed in an MTFC setting as an alternative to traditional foster care, group homes, or incarceration. In MTFC, community members are recruited and then trained to serve as treatment-providing foster parents. The foster parents are professionally supported through weekly support groups, daily phone check-ins with technical assistance providers, and 24-hour on-call assistance from clinical specialists. MTFC parents provide a high level of supervision at home, school, and in the community. They are trained in communicating to children clear rules and consistent consequences, as well as positive reinforcement of good behavior. MTFC parents also serve in a mentoring capacity, and assist with separating the targeted youth from delinquent peers. The originating family receives family counseling for the duration of the treatment and is taught similar important parenting skills, to increase the opportunity for reintegration. Skills training, therapy, and school support are also used.

Example site:	Blair County
Number served:	6 youth
Benefit minus costs per youth:	$79,331
Per dollar return on investment:	$11.14
Total economic benefit resulting from Blair County implementation:	$475,986
Estimated number of MTFC programs statewide:	3
Estimated number of youth being served statewide:	18
Total potential economic benefit statewide:	$1,427,958

ECONOMIC BENEFITS ARE BASED ON THE PROGRAM'S SIGNIFICANT LIKELIHOOD TO:

- reduce crime outcomes

Economic outcomes result from an estimated 22% reduction in crime outcomes (based on rigorous longitudinal evaluation).

Multidimensional Treatment Foster Care
Percent economic benefit
for participants/society

61% of economic benefits are related to reduction in costs to victims; the other 39% are related to reduction in costs to taxpayers.

Multisystemic Therapy

Multisystemic Therapy (MST) is an indicated program, targeted to adolescents who have already had contact with the juvenile court system and their families. The overall goal is to prevent the recurrence of violence and delinquency, as well as to improve the mental health status of serious juvenile offenders by using cognitive-behavioral therapy techniques and working with parents to improve parenting skills, appropriate discipline techniques, and coping skills. Trained therapists are assigned to a small number of families in order to allow the appropriate level of intensive treatment. Therapy sessions occur within each family's home, and the frequency and duration of sessions varies based on each family's needs.

On average, families participate in 60 hours of treatment over four months. The therapist closely monitors each family member's progress.

Example site:	Dauphin County
Number served:	150 youth
Benefit minus costs per youth:	$16,716
Per dollar return on investment:	$3.61
Total economic benefit resulting from Dauphin County implementation:	$2,507,327
Estimated number of MST programs statewide:	12
Estimated number of youth being served statewide:	1,800
Total potential economic benefit statewide:	$30,088,800

ECONOMIC BENEFITS ARE BASED ON THE PROGRAM'S SIGNIFICANT LIKELIHOOD TO:

- reduce crime outcomes

Multisystemic Therapy
Percent economic benefit
for participants/society

57% of economic benefits are related to reduction in costs to victims; the other 43% are related to reduction in costs to taxpayers.

Functional Family Therapy

Functional Family Therapy (FFT) aims to prevent further violence, delinquency, substance use, and other mental problems by engaging the entire family in the treatment process and addressing important risk and protective factors. The program is designed in three stages: (1) engagement and motivation; (2) behavior change; and (3) generalization. At the engagement and motivation stage the main goal is to decrease the risks that are related to program dropout and increase the family's motivation and belief that positive change can occur. In the behavior change stage, individualized "change" plans are developed, and interpersonal skills are enhanced. The goal for the generalization stage is to maintain and generalize the successful behavior changes, and to create positive relationships with school and community resources that support continued positive behavior. FFT sessions are delivered by one or two highly trained therapists and are usually conducted in the clients' home. On average, 12 FFT sessions are provided over a period of 90 days.

Example site:	Blair County
Number served:	109 families
Benefit minus costs per family:	$32,707
Per dollar return on investment:	$14.56
Total economic benefit resulting from Blair County implementation:	$3,565,071
Estimated number of FFT programs statewide:	11
Estimated number of families being served statewide:	4,169
Total potential economic benefit statewide:	$136,355,483

ECONOMIC BENEFITS ARE BASED ON THE PROGRAM'S SIGNIFICANT LIKELIHOOD TO:

- reduce crime outcomes

Functional Family Therapy
Percent economic benefit
for participants/society

57% of economic benefits are related to reduction in costs to victims; the other 43% are related to reduction in costs to taxpayers.

Nurse-Family Partnership

The Nurse-Family Partnership (NFP) program aims to prevent child maltreatment and future violence, delinquency, and substance use of both the parent and the child by improving the mothers' prenatal health, immediate outcomes of pregnancy, personal development, parent-child bonding, and parenting skills. The program accomplishes these goals by assigning a nurse to first-time, at-risk pregnant mothers. The nurse provides home visits during pregnancy and after birth, until the time the child is two years old. The visits occur, on average, every two weeks, and are intensive and comprehensive, allowing nurses to assess the physical and emotional health and needs of the mother and child, provide services in the home, and refer the mother to other services, as needed. This help in the critical early years of child development has been shown to greatly reduce later problems related to delinquency and substance abuse.

Example site:	Fayette County
Number served:	280 families
Benefit minus costs per family:	$37,367
Per dollar return on investment:	$3.59
Total economic benefit resulting from Fayette County implementation:	$10,462,707
Estimated number of NFP programs statewide:	25
Estimated number of families being served statewide:	3,200
Total potential economic benefit statewide:	$119,574,400

ECONOMIC BENEFITS ARE BASED ON THE PROGRAM'S SIGNIFICANT LIKELIHOOD TO:

- reduce the following outcomes: crime, reliance on public assistance, substance abuse, and child abuse rates
- increase the following outcomes: test scores, high school graduation rates, employment opportunities

Nurse-Family Partnership
Percent economic benefit by outcome

74% of economic benefits among the above outcomes are based on crime outcomes Of the economic benefits for other (non-crime) outcomes, more than half of the economic benefits are related to reduction in child abuse rates.

Percent economic benefit
for participants/society

Nearly 58% of cost savings related to crime outcomes are based on reduction in victim costs; 33% are based on savings for taxpayers (costs for criminal processing, incarceration, etc.). Over 90% of economic benefits are for society in general (benefiting taxpayers and those non-participants affected secondarily).

Strengthening Families Program 10-14

The Strengthening Families Program (SFP) for parents of children ages 10-14 aims to prevent substance use and other adolescent problem behaviors by teaching parents and their teens and pre-teens communication, problem-solving, rule-setting, parental monitoring, and empathy in order to strengthen bonds between parents and children and foster relationships where clear standards for behavior can be established and followed. The program is delivered in groups of 8-12 families over a seven-week period using trained facilitators who work both separately and together with parent and youth groups.

Example site:	McKean County
Number served:	410 families
Benefit minus costs per family:	$6,541
Per dollar return on investment:	$7.82
Total economic benefit resulting from McKean County implementation:	$2,950,180
Estimated number of SFP programs statewide:	15
Estimated number of families being served statewide:	2,000
Total potential economic benefit statewide:	$13,082,000

ECONOMIC BENEFITS ARE BASED ON THE PROGRAM'S SIGNIFICANT LIKELIHOOD TO:

- reduce the following outcomes: crime, substance abuse (alcohol, tobacco, and illicit drugs)

Strengthening Families 10-14
Percent economic benefit by outcome

Approximately half of the economic benefits from Strengthening Families are based on crime outcomes; the remaining benefit is related to substance abuse outcomes.

Percent economic benefit
for participants/society

One third of the economic benefits go to the participants themselves (based on reduced lifetime substance abuse on average). A little over one-quarter of economic benefits go toward non-program participants related to crime outcomes (including reduced costs for victims).

Return-on-investment for Prevention Programs in Pennsylvania

	Big Brothers/Sisters	LifeSkills Training	Multidimensional Treatment Foster Care	Multisystemic Therapy	Functional Family Therapy	Nurse-Family Partnership	Strengthening Families Program 10-14
Per dollar return on investment	$1.01	$25.72	$11.14	$3.61	$14.56	$3.59	$7.82
Benefits minus costs per person served	$54	$808	$79,331	$16,716	$32,707	$37,367	$6,541
Estimated number of programs statewide	28	100	3	12	11	25	15
Estimated average economic benefit per community	$13,500	$161,600	$475,986	$2,507,400	$12,395,953	$4,782,976	$872,133
Total (current) potential economic benefit statewide	$378,000	$16,160,000	$1,427,958	$30,088,800	$136,355,483	$119,574,400	$13,082,000

Incorporating Cost-effectiveness Evaluation into Policy Decisions

The cost-effectiveness potential of the programs featured in this report is significant. Based on well-established and conservative economic analyses, these seven programs represent a potential current return-on-investment for Pennsylvania of over $317 million. Program funders are certainly more likely to allocate resources toward prevention efforts if those resources not only produce desired outcomes, but are also beneficial in reducing economic burdens for communities and the Commonwealth. The cost-effectiveness figures above are based on rigorous evaluation studies and add further credence to the indication that these programs are "blueprints" for preventing and reducing delinquency and doing so in a resource-efficient manner. Obviously, despite impressive results for certain programs, society is nowhere near replacing criminal justice systems with universal prevention efforts and there will always be a need for police, courts, and corrections. Prevention and intervention will lead to great successes in certain cases and, indeed, achieve grand outcomes such as diverting a criminal path. But such efforts will inevitably fail to help other cases regardless of the strength of the program – just as in our public health efforts to prevent heart disease or cancer. Good prevention programs can always lessen the burden on government programs and service systems if they are well-implemented. The policy challenge is to determine how to divide resources among both prevention and government service sectors to best meet the needs of the population.

It should be noted that not all popular interventions are cost-effective. An example of a well-known program that has been demonstrated to have a negative cost-effectiveness value is Scared Straight (Aos et al., 2004; Greenwood, 2005). The program arranges for adolescents with juvenile delinquency records or at risk for delinquency to be brought to prisons to be lectured by inmates on the consequences of criminal activity. Despite its popularity among the general population, multiple rigorous evaluations and recent meta-analyses have shown the program to be ineffective and possibly even detrimental to youth (increasing the probability of future juvenile delinquency)[11]. In terms of public resources, it is estimated that the program actually costs society roughly $11,000 per participant (in 2003 dollars), mostly based on negative program outcomes (in addition to actual program implementation costs).

Policymakers can use the results of cost-effectiveness research to help make informed decisions on what programs to implement for their region. The information may be especially useful when considering alternative programs that address similar needs of the local population. Despite the usefulness of such information, economic benefit often is not the primary goal behind establishing an intervention or prevention program to address local concerns. A more important criterion for program selection is what will address the conditions most relevant for that region based on participant characteristics and needs (in many cases, a "needs assessment" helps policymakers clearly understand how resources should be spent on various programs)[12]. Policymakers should also understand how cost-effectiveness rates can be driven simply by the nature of the intervention involved. A more universal intervention (i.e., a program given to a whole grade or population regardless of their level of risk) with low program costs per participant will automatically have a leg up on the path to cost-effectiveness (as will, in an economic sense, the program that delivers benefits in close time proximity to intervention delivery). But the best intervention for a local situation may require a program that involves higher per-participant investment and more targeted efforts.

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[11] Greenwood, B. W. (2006). *Changing Lives: Delinquency prevention as crime-control policy.* Chicago: The University of Chicago Press.

[12] Ibid., p. 148.

The numbers presented in this report are good ballpark estimates. Readers should understand, however, that cost-benefit calculations such as those presented will vary across settings and could differ substantially from those featured in well-controlled evaluations. Characteristics of the actual participants as well as characteristics of the local setting may impact program effectiveness as well as potential cost savings. A program that should show a high benefit-to-cost ratio may not lead to the same economic benefit if it is implemented poorly and thus does not generate the same participant outcomes. Consequently, monitoring both program quality as well as ensuring that the program is reaching the intended population are two important aspects of ongoing local evaluation of high-quality programs.

Another consideration for policymakers is whether the anticipated financial benefit can be realized in the existing regulatory structure. For example, Pennsylvania counties are allocated state funds for placing youth in secure confinement, and the amount of those funds is determined based on the previous year's usage. Therefore, any funds saved by reducing secure placements would not be recouped by the county, but instead would reflect a reduction in the county's allocation, essentially costing the county money. Thus there is a regulatory disincentive for counties to actually reduce costly secure confinement that might otherwise result in significant cost-savings to the state. Of course, changes in policy could rapidly change local decision-making.

Methodological Considerations

It is important to acknowledge the variation in the cost-effectiveness potential for the programs described in this report. As mentioned above, the specific characteristics of the programs and their participants will impact the degree to which true economic implications resemble those seen in reported research. Variation in the implementation of the program can have consequences (positive or negative) on overall results, and thus on program cost-effectiveness. Differences in characteristics of those delivering the program (e.g., experience levels) or the amount of intervention or dose delivered might influence how well program participants fare. As with program effectiveness in general, a higher level in treatment fidelity of specific implementations to established program standards will increase the chances that cost-effectiveness outcomes will mirror those seen in research evaluations. The degree to which participants in the local implementation resemble those involved in the research study should be assessed.

Estimated costs and benefits presented above are also subject to the economic conditions of the time period in which they were calculated. Cost-effectiveness calculations depend on the costs of various service entities at that point in time. Policy changes may impact changes in welfare delivery or court costs (for instance) that affect dollar amounts over time above and beyond any adjustments based on inflation or discounting. Generally, if the program-effectiveness levels of an intervention program are diminished by diversion from the prescribed implementation strategy regardless of the reason, cost-effectiveness levels will be as well.

Costs of the intervention programs come from documented costs per participant. Program effect levels are based on a national review (meta-analysis) incorporating data from all studies that were deemed to provide a valid representation of participant outcomes. However, some results are based on a very low number of reviewed studies. Any true variation in program effectiveness from those reflected in the meta-analyses will also impact the accuracy of the economic benefits presented above.

The cost-benefit figures presented in this report are based in large part on analyses done by the WSIPP. System cost and benefit amounts (such as costs of welfare delivery, court costs, future income, etc.) are calculated based on either national data or are specific to the state of Washington. The following table shows similarities in per-capita criminal justice system expenses between the two states.[13] Based on this comparison, the WSIPP estimates are considered comparable to Pennsylvania.

2005 Per Capita Justice System Expenditures

	Police protection	Judicial and legal	Corrections	Total justice system
Pennsylvania	$230	$192	$114	$536
Washington	$216	$205	$105	$525

Plans are in place to make the software programs used by WSIPP to derive benefit estimates available to other states. When this happens it will be possible to generate more accurate estimates for Pennsylvania that reflect the unique patterns of juvenile crime and dispositions in this state.

[13] National Archive of Criminal Justice Data, Inter-University Consortium for Political and Social Research, University of Michigan. Accessed online at http://www.icpsr.umich.edu/NACJD/eecjs/ on Feb. 24, 2008.

Conclusion and Future Direction

As this report demonstrates, in addition to the positive outcomes related to the prevention and reduction of juvenile delinquency, significant fiscal cost savings may also be realized through the use of research-based prevention programs. Prior research has demonstrated the positive outcomes of the PCCD's efforts to promote the widespread use of empirically-supported programs (see Chilenski, Bumbarger, Kyler, & Greenberg, 2007). There is now additional evidence that the Commission's focus on high-quality prevention programming is also generating tremendous potential monetary savings to the Commonwealth and its citizens.

Given the direct relationship between cost-benefit potential and program implementation quality, the PCCD has also shown foresight in establishing an infrastructure to support fidelity and quality in the implementation of these programs. The recent action to require a certification of implementation quality from the program developer for all funded programs is innovative and likely to help maximize the potential cost-benefit of these programs.

It appears the PCCD is poised to further expand its investment in proven-effective (and cost-effective) prevention programs and the infrastructure to support their implementation. Although other agencies of the Commonwealth also support the use of research-based prevention programs, given the significant return-on-investment represented here, there should be greater coordination across agencies to promote and

support these programs. Likewise, state agencies and the General Assembly should undertake to address regulatory and process disincentives that may inhibit the greater use of research-based prevention strategies, and create mechanisms that reward counties for reducing the demand on the juvenile and criminal justice systems. Finally, the Governor's Administration should recognize and embrace the potential role of large-scale prevention in addressing the growing population and financial burden of incarcerated youth and adults.

The Prevention Research Center for the Promotion of Human Development (PRC) was established in 1998 in the College of Health and Human Development (HHD) at the Pennsylvania State University. The Center aims to promote the well-being of children and youth and to reduce the prevalence of high-risk behaviors and poor outcomes for children, families, and communities. During its first ten years, the Prevention Research Center has become the locus of research, technical assistance, and program development in prevention science in Pennsylvania and has developed an international reputation and reach.

The mission of the PRC is to conduct research, and provide training, outreach and technical assistance to policy makers and communities on the prevention of problems (behavioral, academic, mental health, health) and the promotion of positive development in children, youth, families, and communities

The Center engages in the following six broad activities:

1. Developmental research on the epidemiology of risk and protective factors and their relation to well-being and maladaptation
2. Clinical trials of innovative models to promote competence and prevent maladaptive outcomes for children, youth, families, and communities
3. Research to understand how communities can effectively work together with families, schools, and community groups to promote healthy lifestyles for children, youth, and families
4. Collaborations with the Commonwealth of Pennsylvania and local communities to design, implement, and evaluate preventive interventions
5. Policy-relevant information on best practices in prevention to governments at all levels (international, federal, state, and local)
6. Coordination of prevention training and research activities within the College of Health and Human Development and promotion of prevention research throughout the Penn State system.

Justice Policy
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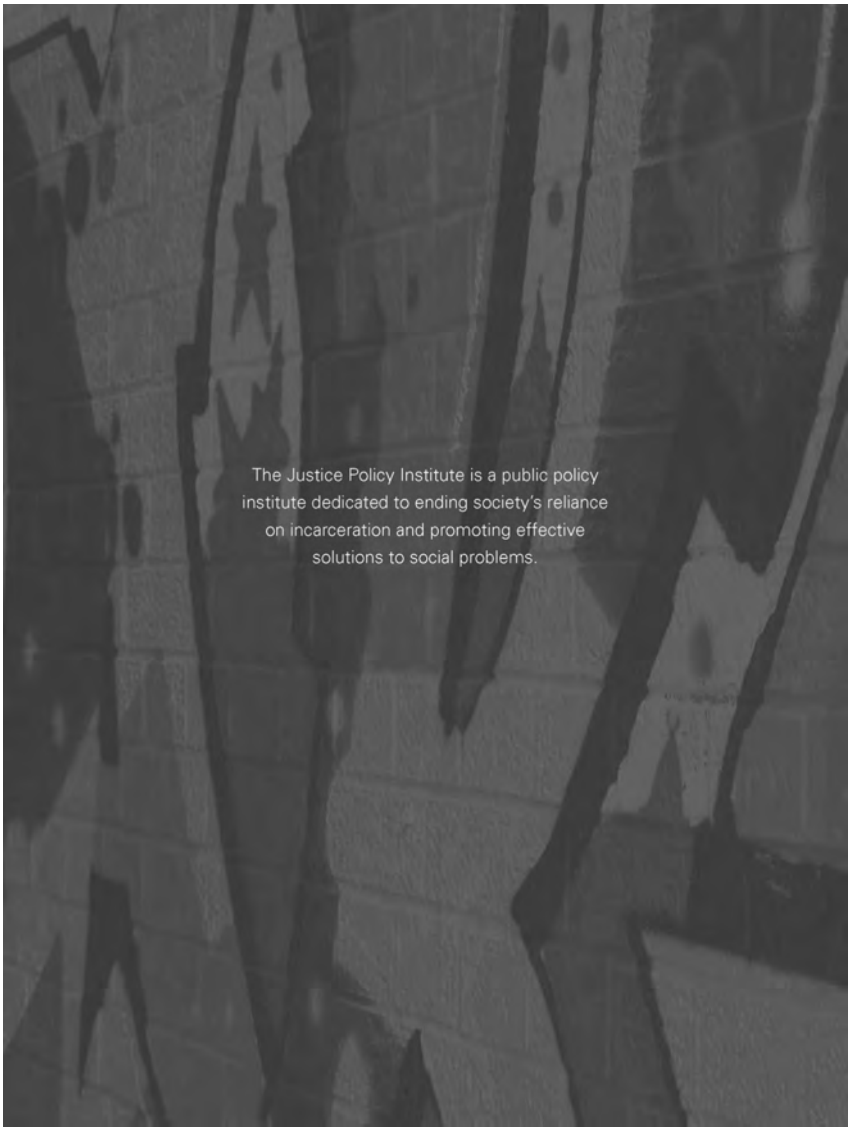
Gang Wars

The Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies

A Justice Policy Institute Report
July 2007

By Judith Greene and Kevin Pranis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EXECUTIVE SUMMARY

Youth crime in the United States remains near the lowest levels seen in the past three decades, yet public concern and media coverage of gang activity has skyrocketed since 2000. Fear has spread from neighborhoods with long-standing gang problems to communities with historically low levels of crime, and some policy makers have declared the arrival of a national gang "crisis." Yet many questions remain unanswered. How can communities and policy makers differentiate between perceived threats and actual challenges presented by gangs? Which communities are most affected by gangs, and what is the nature of that impact? How much of the crime that plagues poor urban neighborhoods is attributable to gangs? And what approaches work to promote public safety?

This report attempts to clarify some of the persistent misconceptions about gangs and to assess the successes and failures of approaches that have been employed to respond to gangs. We undertook an extensive review of the research literature on gangs because we believe that the costs of uninformed policy making—including thousands of lives lost to violence or imprisonment—are simply too high.

Los Angeles is a case in point. Author and former California state senator Tom Hayden reports that thousands of young people have been killed in Los Angeles gang conflicts despite decades of extremely aggressive gang enforcement. City and state officials have spent billions of dollars on policing and surveillance, on development of databases containing the names of tens of thousands of alleged gang members, and on long prison sentences for gang members. Spending on gang enforcement has far outpaced spending on prevention programs or on improved conditions in communities where gang violence takes a heavy toll.

Los Angeles taxpayers have not seen a return on their massive investments over the past quarter century: law enforcement agencies report that there are now six times as many gangs and at least double the number of gang members in the region. In the undisputed gang capital of the U.S., more police, more prisons, and more punitive measures haven't stopped the cycle of gang violence. Los Angeles is losing the war on gangs.

Absent better information, lawmakers in the nation's capital and across the country risk blindly following in Los Angeles' troubled footsteps. Washington policy makers have tied gangs to terrorism and connected their formation and growth to everything from lax border enforcement to the illicit drug trade. Federal proposals—such as S. 456, the "Gang Abatement and Prevention Act of 2007"—promise more of the kinds of punitive approaches that have failed to curb the violence in Los Angeles.

Gang Wars presents findings from an extensive review of the research literature on gangs and the effectiveness of various policy responses to gang problems.

The following conclusions may surprise those who follow the public discussion on gangs.

Gangs, gang members, and gang activity

There are fewer gang members in the United States today than there were a decade ago, and there is no evidence that gang activity is growing. It is difficult to find a law enforcement account of gang activity that does not give the impression that the problem is getting worse by the day. Yet the most recent comprehensive law enforcement estimate indicates that youth gang membership fell from 850,000 in 1996 to 760,000 in 2004 and that the proportion of jurisdictions reporting gang problems has dropped substantially. The myth of a growing gang menace has been fueled by sensational media coverage and misuse of law enforcement gang statistics, which gang experts consider unreliable for the purpose of tracking local crime trends.

There is no consistent relationship between law enforcement measures of gang activity and crime trends. One expert observes that gang membership estimates were near an all-time high at the end of the 1990s, when youth violence fell to the lowest level in decades. An analysis of gang membership and crime data from North Carolina found that most jurisdictions reporting growth in gang membership also reported falling crime rates. Dallas neighborhoods targeted for gang suppression activities reported both a drop in gang crime and an increase in violent crime during the intervention period.

Gang members account for a relatively small share of crime in most jurisdictions. There are a handful of jurisdictions such as Los Angeles and Chicago where gang members are believed to be responsible for a significant share of crime. But the available evidence indicates that gang members play a relatively small role in the national crime problem despite their propensity toward criminal activity. National estimates and local research findings suggest that gang members may be responsible for fewer than one in 10 homicides; fewer than one in 16 violent offenses; and fewer than one in 20 serious (index[1]) crimes. Gangs themselves play an even smaller role, since much of the crime committed by gang members is self-directed and not committed for the gang's benefit.

1 One of the eight crimes listed on Part I of the Uniform Crime Reports: rape, robbery, murder, aggravated assault, burglary, larceny, theft of a motor vehicle, and arson.

Gangs do not dominate or drive the drug trade. National drug enforcement sources claim that gangs are "the primary retail distributors of drugs in the country." But studies of several jurisdictions where gangs are active have concluded that gang members account for a relatively small share of drug sales and that gangs do not generally seek to control drug markets. Investigations conducted in Los Angeles and nearby cities found that gang members accounted for one in four drug sale arrests. The Los Angeles district attorney concluded that just one in seven gang members sold drugs on a monthly basis. St. Louis researchers describe gang involvement in drug sales as "poorly organized, episodic, nonmonopolistic [and] not a rationale for the gang's existence." A member of one of San Diego's best-organized gangs explains: "The gang don't organize nothing. It's like everybody is on they own. You are not trying to do nothing with nobody unless it's with your friend. You don't put your money with gangs."

The public face of the gang problem is black and brown, but whites make up the largest group of adolescent gang members. Law enforcement sources report that over 90 percent of gang members are nonwhite, but youth survey data show that whites account for 40 percent of adolescent gang members. White gang youth closely resemble black and Latino counterparts on measures of delinquency and gang involvement, yet they are virtually absent from most law enforcement and media accounts of the gang problem. The disparity raises troubling questions about how gang members are identified by police.

Most gang members join when they are young and quickly outgrow their gang affiliation without the help of law enforcement or gang intervention programs. A substantial minority of youth (7 percent of whites and 12 percent of blacks and Latinos) goes through a gang phase during adolescence, but most youth quit the gang within the first year. One multistate survey found that fully half of eighth-graders reporting gang involvement were former members. When former gang members cite reasons why they left the gang, they commonly mention high levels of violence and say that they just grew out of gang activity; only rarely do they cite fear of arrest or criminal penalties.

Most youth who join gangs do so between the ages of 12 and 15, but the involvement of younger children in gangs is not new. Noted expert Malcolm Klein observes: "Although some writers and officials decry the 8- and 10-year-old gang member, they

haven't been in the business long enough to realize that we heard the same reports 20 and 40 years ago."

Leaving the gang early reduces the risk of negative life outcomes, but current policies make it more difficult for gang members to quit. Gang involvement is associated with dropping out of school, teen parenthood, and unstable employment, but the risks are much smaller for those who leave the gang in a year or less. Yet little attention has been devoted to why and how youth leave gangs, and many gang control policies make the process of leaving more rather than less difficult by continuing to target former members after their gang affiliation has ended. Researchers note: "Police and school officials may not be aware of the decision of individuals to leave the gang or may not take such claims seriously, and records may not be purged of prior gang status.... When representatives of official agencies (e.g., police, school) identify an individual as a gang member, they are sending a powerful signal to rival gang members as well as to people in the community about the gang involvement of that person."

Gang enforcement

The record of law enforcement antigang efforts provides little reason for optimism. Media reports are full of stories about cities where crime goes up, a crackdown is launched, and crime goes down. But a review of research on the implementation of gang enforcement strategies—ranging from neighborhood-based suppression to the U.S. Justice Department Office of Juvenile Justice and Delinquency Prevention's Comprehensive Gang Program Model—paints a very different picture. Findings from investigations of gang enforcement efforts in 17 jurisdictions over the past two decades yield few examples of success and many examples of failure.

The problems highlighted in the research include:

- Lack of correspondence between the problem, typically lethal and/or serious violence, and a law enforcement response that targets low-level, nonviolent misbehavior.
- Resistance on the part of key agency personnel to collaboration or implementation of the strategy as designed.
- Evidence that the intervention had no effect or a negative effect on crime and violence.
- A tendency for any reductions in crime or violence to evaporate quickly, often before the end of the intervention period.
- Poorly designed evaluations that make it impossible to draw any conclusions about the effect of an intervention.
- Failure of replication efforts to achieve results comparable to those of pilot programs.
- Severe imbalances of power and resources between law enforcement and community partners that hamper the implementation of "balanced" gang control initiatives.

The literature survey also yielded the following findings concerning typical gang enforcement initiatives:

Police gang units are often formed for the wrong reasons and perceived as isolated and ineffectual by law enforcement colleagues. A survey of 300 large cities found that the formation of gang units was more closely associated with the availability of funding and the size of the Latino population than with the extent of local gang or crime problems. An in-depth study of four cities determined that gang units were formed in response to "political, public, and media pressure" and that "almost no one other than the gang unit officers themselves seemed to believe that gang unit suppression efforts were effective at reducing the communities' gang problems." Investigators found that gang officers were poorly trained and that their units became isolated from host agencies and community residents. The chief of one police department admitted that he had "little understanding of what the gang unit did or how it operated." The authors observed that the isolation of gang units from host agencies and their tendency to form tight-knit subcultures—not entirely unlike those of gangs—may contribute to a disturbingly high incidence of corruption and other misconduct.

Heavy-handed suppression efforts can increase gang cohesion and police-community tensions, and they have a poor track record when it comes to reducing crime and violence. Suppression remains an enormously popular response to gang activity despite concerns by gang experts that such tactics can strengthen gang cohesion and increase tension between law enforcement and community members. Results from Department of Justice–funded interventions in three major cities yield no evidence that a flood of federal dollars and arrests had a positive impact on target neighborhoods. St. Louis evaluators found that dozens of targeted arrests and hundreds of police stops failed to yield meaningful reductions in crime in the targeted neighborhoods, even during the period of intense police activity. Dallas residents saw

the incidence of "gang-related" violence fall in target areas but had little to celebrate because the overall violent crime numbers rose during the intervention period. Detroit evaluators reported initial reductions in gun crimes within two targeted precincts, but the apparent gains were short-lived; by the end of the intervention period, the incidence of gun crime in target areas was at preintervention levels and trending upward.

"Balanced" gang control strategies have been plagued by replication problems and imbalances between law enforcement and community stakeholders. Gang program models that seek to balance suppression activities with the provision of social services and supports have been piloted in Boston and Chicago with some success. But the results of attempts to replicate Operation Ceasefire and the Comprehensive Gang Program Model in other jurisdictions have been disappointing. Replications of the Ceasefire model in Los Angeles and Indianapolis produced no evidence that efforts to disseminate a deterrence message had changed the behavior of gang members. Meanwhile, replications of the Chicago model in five cities produced mixed results, with just two sites reporting reductions in participants' violent behavior that approached statistical significance. Prevention and intervention appeared to lag far behind suppression efforts in the many sites. The Los Angeles Ceasefire evaluators concluded: "We suspect that *the carrot side of these interventions will always lag far behind the stick side* in spite of the best intentions that it not do so, unless some extraordinary efforts are made" (emphasis added). A recent analysis concluded that two-thirds of resources expended on gang reduction in Los Angeles have gone to suppression activities.

African American and Latino communities bear the cost of failed gang enforcement initiatives. Young men of color are disproportionately identified as gang members and targeted for surveillance, arrest, and incarceration, while whites—who make up a significant share of gang members—rarely show up in accounts of gang enforcement efforts. The Los Angeles district attorney's office found that close to half of black males between the ages of 21 and 24 had been entered in the county's gang database even though no one could credibly argue that all of these young men were current gang members. Communities of color suffer not only from the imposition of aggressive police tactics that can resemble martial law, but also from the failure of such tactics to pacify their neighborhoods. One researcher argues that in Chicago, for example, a cycle of police suppression and incarceration, and a legacy of segregation, have actually helped to *sustain* unacceptably high levels of gang violence.

Positive public safety strategies

This report does not endorse any particular program or approach for reducing the damage done by gangs and gang members. Instead, it points toward effective actions we can take to reduce youth violence. The most effective route toward reducing the harm caused by gangs requires a more realistic grasp of the challenges that gangs pose. The objective should not be to eradicate gangs—an impossible task—but rather to promote community safety. As one community stakeholder observes, "The problem is not to get kids out of gangs, but the behavior. If crime goes down, if young people are doing well, that's successful."

One city that never embraced the heavy-handed suppression tactics chosen elsewhere has experienced far less gang violence. In New York City, a variety of street work and gang intervention programs were fielded decades ago during a period when gang violence was on the rise. These strategies were solidly grounded in principles of effective social work practices that fall outside the realm of law enforcement, and they seem to have helped dissuade city policy makers and police officials from embracing most of the counterproductive gang suppression tactics adopted elsewhere. No seasoned New Yorker would deny the existence of street gangs. But gang-related offenses represent just a tiny blip on the New York crime screen. Gang experts conclude that the city's serious problem with street gang violence had largely faded away by the end of the 1980s. Youth violence remains a problem in some New York City neighborhoods, but with crime falling to historic lows, the city's approach to gangs and youth crime seems to be remarkably effective.

There is no "magic bullet" to end gang crime, but both the lessons from the past and results from research on more recent innovations in juvenile justice policy point toward more effective public safety strategies:

- **Expand the use of evidenced-based practice to reduce youth crime.** Evidenced-based practices are those interventions that are scientifically proven to reduce juvenile recidivism and promote positive outcomes for young people. Rather than devoting more resources to gang suppression and law enforcement

tactics, researchers recommend targeting funding to support research-based programs operated by agencies in the health and human services sector. As Peter Greenwood, former director of the RAND Corporation's Criminal Justice Program and an evaluator of Operation Ceasefire in Los Angeles, notes, "Delays in adopting proven programs will only cause additional victimization of citizens and unnecessarily compromise the future of additional youth."

• **Promote jobs, education, and healthy communities, and lower barriers to the reintegration into society of former gang members.** Many gang researchers observe that employment and family formation help draw youth away from gangs. White youth have greater access to jobs and education, which may explain why there are many white gang members but little discussion of a chronic white gang problem. Creating positive opportunities through which gang members can leave their past behind is the best chance for improving public safety. This requires both investing resources and reforming policies and practices that now deny current and former gang members access to these opportunities.

• **Redirect resources from failed gang enforcement efforts to proven public safety strategies.** Gang injunctions, gang sweeps, and ominous-sounding enforcement initiatives reinforce negative images of whole communities and run counter to the positive youth development agenda that has been proven to work. Rather than promoting antigang rhetoric and programs, policy makers should expand evidence-based approaches to help former gang members and all youth acquire the skills and opportunities they need to contribute to healthy and vibrant communities.

A Gang, by Any Other Name...

Perhaps the least settled issue in gang research is the age-old question: "What is a gang?" It seems that the majority of academic authorities can agree on only one point in this regard: that there is no agreement—neither among the criminologists who study gangs nor among the cops who police them. The picture becomes no clearer when we narrow the issue by asking, "What is a youth gang?" or "What is a street gang?"

In an essay on gang research published in *Crime and Justice*, John Hagedorn says that the definitional debate about gangs has been "long and rancorous" (Hagedorn 1998). He proposes that, in thinking about what gangs are, a good place to start is with the godfather of gang research, Frederic Thrasher, who pointed out that "ganging" is a normal peer activity for adolescents within a continuum of behaviors that range "from conventional to wild."

In *American Street Gangs*, a popular college textbook, Tim Delaney poses a set of questions drawn from current media depictions to illustrate the problem of defining gangs:

> In fact, there is no single definition, although every definition includes some mention of the word, *group*. For example, is a group of young people hanging out together a gang? What if this group is hanging outside a convenience store talking loud and acting proud? What if this group creates a name for itself, starts identifying members with specific clothing, and uses secret hand signals and handshakes and intimidating nicknames such as "killer" and "assassin"? But the group just described could actually be a sports team! Add to this description the commission of a number of deviant acts and fraternities and sororities would also fit this profile. (Delaney 2005)

For many influential experts (such as Malcolm Klein and Irving Spergel), criminal activity is intrinsic to the definition—but equally influential experts (such as James Short) think otherwise. In his *Crime and Justice* essay, Hagedorn says he prefers Joan Moore's definition:

> Gangs are unsupervised peer groups who are socialized by the streets rather than by conventional institutions. They define themselves as a gang or "set" or some such term, and have the capacity to reproduce themselves, usually within a neighborhood.

More recently, Hagedorn—who believes that gangs are reproducing themselves across a world that is increasingly urbanized—has adopted a more global, "postindustrial" characterization of what gangs are:

> Gangs are organizations of the street composed of either 1. the socially excluded or 2. alienated, demoralized, or bigoted elements of a dominant racial, ethnic, or religious group.
>
> While most gangs begin as unsupervised adolescent peer groups and remain so, some institutionalize in barrios, favelas, ghettoes, and prisons. Often these institutionalized gangs become business enterprises within the informal economy and a few are linked to international criminal cartels. Others institutionalize as violent supporters of dominant groups and may devolve from political or conventional organizations. Most gangs are characterized by a racialized or ethno-religious identity as well as being influenced by global culture. Gangs have variable ties to conventional institutions and, in given conditions, assume social, economic, political, cultural, religious, or military roles. (Hagedorn website)

At the opposite end of the continuum, legal definitions intended to prohibit gang activity focus almost entirely on intentional criminal activity and are typically spare in defining distinct elements of association. California Penal Code §186.22 (e)(f) defines a "criminal street gang" as "any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary ac-

tivities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (25), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity."[1]

After many years of fielding squadrons of specialized "gang" units to combat criminal gangs and compiling lists of hundreds of thousands of people in an effort to identify and target gang members and their associates for harsh treatment in the criminal justice system, American law enforcement agencies have not been able to agree upon a common definition. Perhaps the least of the problems posed by this failure is that accurate tracking of gang-related crime statistics is difficult, if not impossible.[2]

Given the lack of consensus about how and when groups of people do or do not constitute a gang, classification of gangs by type is understandably a fuzzy area. Delaney says that while there are many types of gangs, his textbook (2005) is focused on "street gangs," and he includes only brief discussions of some "non-street gangs": motorcycle gangs, organized crime, the Ku Klux Klan, skinheads, and prison gangs.

Malcolm Klein similarly asserts that prison gangs, skinheads, "stoners," and motorcycle gangs are not street gangs (Klein 1995). Klein says that skinhead groups do not qualify as street gangs because they are usually inside, and when they go out they are "looking for a target, not just lounging around." And bikers are usually focused on their motorcycles, out cruising or selling drugs. He says both types of gangs are narrowly focused in their criminality, "always planning something"—while street gangs are more aimless and casual about the trouble they get into. He doesn't explain why "heavy metal–influenced stoners," "punks," "satanic cults," and "terrorist gangs" don't qualify. And he dismisses "low riders" and kids who hang out on street corners without comment.

Brenda Coughlin and Sudhir Venkatesh say that while the popular image of gangs is synonymous with African American and Latino youth in poor urban neighborhoods, this may be "an artifact of definitional boundaries" (Coughlin and Venkatesh 2003). They maintain that evidence of ethnic diversity among street gangs, as well as the existence of delinquent white groups not conventionally considered to be gangs ("fraternities, motorcycle and 'biker' outfits, militias, skinheads, or the Ku Klux Klan"), need more research attention.

Studies based on self-reports as well as localized ethnographic research have documented that white and black gangs are *both* present in urban areas, and that white gangs are *also* involved in serious violence. Yet people of color predominate in law enforcement estimates of gang membership, and most of those arrested for gang offenses are African American and Latino.

"Street gangs" versus whatever

There does not seem to be a consensus on how to distinguish between "drug gangs" and "street gangs." The literature suggests an increasing overlap of these categories. Malcolm Klein differentiates drug gangs on the basis of characteristics that he says street gangs largely lack: "clear, hierarchical leadership; strong group cohesiveness; a code of loyalty and secrecy"; and a narrow focus on drug dealing to the exclusion of other crimes. Most experts agree that drug trafficking is a secondary interest for street gang members, yet they also agree that significant numbers of street gang members are very much involved in drug sales, and that drug profits often play a vital role in keeping street gangs in operation. Felix Padilla has described the evolution of a violent Puerto Rican street gang in Chicago into an organized drug trafficking and distribution enterprise (Padilla 1992).

Tim Delaney says that the "drug gang" concept is relatively new, formulated to account for the increasing number of gangs involved in the sale of drugs. He says that we should not be surprised to find that "street gangs" are actively involved in drug trafficking since it constitutes "the number-one criminal enterprise in the world," and the growing popularity of "crack" cocaine produced new opportunities for

1. Subdivision (e) enumerates the following offenses: assault with a deadly weapon or by means of force likely to produce great bodily injury; robbery; unlawful homicide or manslaughter; the sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances; shooting at an inhabited dwelling or occupied motor vehicle; discharging or permitting the discharge of a firearm from a motor vehicle; arson; the intimidation of witnesses and victims; grand theft; grand theft of any firearm, vehicle, trailer, or vessel; burglary; rape; looting; money laundering; kidnapping; mayhem; aggravated mayhem; torture; felony extortion; felony vandalism; carjacking; the sale, delivery, or transfer of a firearm; possession of a pistol, revolver, or other firearm capable of being concealed upon the person; threats to commit crimes resulting in death or great bodily injury; and theft and unlawful taking or driving of a vehicle.

2. Wes McBride, the dean of U.S. gang investigators, warned the authors not to believe gang statistics from any source: "They are *all* wrong."

urban youth to make money around the same time that legitimate job opportunities were disappearing in their neighborhoods.

John Hagedorn says that gang participation in a growing global underground economy is the central mechanism whereby gangs "institutionalize on the streets" (Hagedorn 2005). The economic restructuring that has curtailed access to jobs for unskilled urban men means that gangs become an increasingly important source of employment, retaining membership of many individuals into adulthood. He sees drug-dealing gangs as "the main street-level employer of youth in the poorest areas of cities forsaken by industrial jobs."

A typology of youth violence

Mercer Sullivan finds the definitional ambiguities in gang research a distraction from more vital inquiries:

> Youth violence takes many organizational forms. Lumping these together as "gang" phenomena carries distracting baggage. The perennial fascination with gangs is partly, overly romantic. It can, and sometimes does, cloud our view of what we should be placing front and center, the problem of youth violence. (Sullivan 2005)

Sullivan proposes using more neutral analytic terms to make important distinctions among group criminal activities that may—or may not—be related to gang membership: action-sets, cliques, and named gangs:

> An *action-set* is simply an aggregation of individuals cooperating together in a coordinated line of activity. They need not continue their coordinated activity over any specified period of time or share any explicit recognition among themselves or in the view of others that they are associated on any permanent basis.
>
> A *clique* is an aggregation of individuals with some form of diffuse and enduring bonds of solidarity, at least for the near term. They engage in a variety of activities together on some kind of regular basis. They need not have a name or leader or share ritual symbols of group membership.
>
> A *named gang* has the properties of a clique, along with a name and explicit criteria of membership recognized by members and others. Gangs are far more likely than cliques to have designated leadership, formalized rules and codes of conduct, and ritualized symbols of membership, but they do not have to have all or any particular combination of these.

Sullivan points up an "odd and oddly little-noticed contradiction" resulting from a lack of careful distinction between youth gangs and group criminal activities—that membership in youth gangs was widely reported to have climbed to unprecedented high levels by the later half of the 1990s, yet youth violence decreased sharply during the same period:

> If gang membership becomes far more prevalent and gang membership is strongly related to youth violence, how can youth violence decline while gang membership remains at historically high levels? Given the choice, who would not prefer more gangs and less youth violence to the opposite combination?

PART I Gangs and Antigang Interventions in Three American Cities

The big American crime story for more than a decade has been the happy news that crime rates are on the decline. Notwithstanding recent media reports of an uptick in violent crime in certain cities, crime rates are still at a 30-year low.

Residents of New York City have enjoyed more than a decade and a half of exceptional crime rate reductions, breaking historic records for declines in lethal violence, as well as record declines across the entire range of index crimes[1] that are roughly double the rates of decline for the nation as a whole (Zimring 2007). In March 2007 New York City's police commissioner, Ray Kelly, announced that over the first three months of the year the murder rate had fallen to a low not seen since the early 1960s, when the first reliable homicide statistics were recorded (Moore 2007).

In areas of the country where an increased number of homicides *were* reported, street gangs were frequently identified by law enforcement authorities as a causal factor. The media eagerly picked up the theme in some cities (including some where homicides continued to trend down), with lurid depictions of heavily tattooed gang-bangers and claims that violent gangs were spreading from coast to coast.

Gang crime is spreading "like a cancer," according to Federal Bureau of Investigation director Robert S. Mueller III. The FBI boasts of its national antigang strategy, involving local police in a network of 131 FBI-led task force operations across the country, coupled with a national "gang targeting enforcement and coordination center," a national "gang intelligence center," and a national task force based in Washington, D.C., that is focused on Mara Salvatrucha, or MS-13,[2] working to merge some 100,000 criminal records from Central America with the FBI's criminal history database (FBI 2007).

While overall crime rates in Los Angeles have been declining for the past half-decade, gang crime is reported to be rising. Citing a 15.7 percent increase in gang crime over 2006, Los Angeles police chief William Bratton declared a crackdown on gangs in January 2007. By the end of March more than 800 people had been arrested by gang enforcement officers. Almost half were said to be members of 11 gangs Bratton designated as "the worst" in Los Angeles. Many arrests were for very minor charges—curfew violation, drug possession, vandalism, noncompliance with probation conditions.

Public defenders in Los Angeles said that court dockets were flooded with cases where prosecutors were overcharging—filing felony charges and seeking gang enhancements to invoke harsh prison sentences in cases involving minor nonviolent incidents that could have been charged as misdemeanors (McGreevy 2007a). Charging that the Los Angeles Police Department is "outnumbered" by gang members, Mayor Antonio Villaraigosa sought funding to hire 780 new police officers over the next fiscal year, a move he said was essential for efforts to control gang violence (McGreevy 2007b).

Meanwhile, in America's other "gang capital," where

1 The Federal Bureau of Investigation's Uniform Crime Reports are based on a national set of crime statistics that focus on "index crimes"—murder, forcible rape, robbery, aggravated assault; burglary; larceny-theft; motor vehicle theft; and arson—collected by the FBI from law enforcement agencies across the United States.

2 Mara Salvatrucha was formed in Los Angeles in the 1980s by immigrant Salvadoran youth whose families fled a civil war and U.S. military intervention in their homeland.

the police department reports that nearly half of all murders arise from gang activity, a 278-page report published by the Chicago Crime Commission contended that gangs posed an increasing threat in Chicago's suburbs (Chicago Police Department 2005; Chicago Crime Commission 2006).

No media coverage of national crime trends has failed to note that New York City stands out from the pack in terms of its exceptional crime decline. High rates of chronic gang-rated violence in Los Angeles and Chicago are also noted by the media, yet an important contrast that lies within the exceptional New York crime experience has escaped media notice.

Gang crime makes for occasional—sometimes sensational—news headlines in New York, and no seasoned New Yorker would deny the existence of street gangs. Yet gang-related offenses represent just a tiny blip on the New York crime screen, and even conservative gang expert Walter Miller concluded that the serious problem with street gang violence experienced some 45 years ago in New York City had, by and large, faded away by the end of the 1980s (Miller 1990).

The next section of this report briefly recounts a 50-year history of gangs and antigang interventions in New York, Chicago, and Los Angeles. The accounts reveal a sharp contrast between the experience in New York, where the primary strategies were informed by social theory and grounded in traditional social work practice, and in the other cities, where police suppression held the upper hand.

Gangs in New York City

Successive and pronounced cycles of gang violence have been documented in New York City, reaching back well over a century. Social historian Eric Schneider has chronicled the trajectory of the serious and widespread gang problem that plagued the city from the mid-1940s through the mid-1960s, during the transformation of the city's economy from war production and manufacturing to financial and legal services, insurance, real estate development, and civil service jobs (Schneider 1999).

African American and Puerto Rican families migrating into the city faced a highly racialized labor market that systematically excluded them from well-paying job categories and racial segregation that shunted them into older housing stock located in the poorest neighborhoods. Adolescent peer groups formed within crowded city schools competed outside of school with hostile ethnic groups for recreational space along neighborhood borderlines.

As neighborhood rivalries spread, the schools themselves became contested territory between competing groups of cynical youngsters of color who were well aware of the class, racial, and ethnic barriers that stood between them and opportunities for good jobs in the future. Dropping out of school only stiffened the barriers they faced, trapping them within the city's secondary labor market, where discrimination and exploitation rendered employment an episodic experience at best.

War veterans returning to the city introduced emerging street-corner-fighting groups of disaffected youths to more violent tactics and more sophisticated weaponry. The rate of youths killing youths increased markedly as a result. In 1947 the recognition that gang violence was a serious problem led to establishment of the New York City Youth Board.

Youth Board funding became available to support gang intervention projects operated by private social welfare agencies. The Youth Board placed street-level gang workers (termed "detached workers" because they worked entirely outside of traditional social service program offices) in central Harlem, in the Tompkins Park area in Brooklyn, and in the South Bronx neighborhood of Morrisania to intervene whenever violence flared between neighborhood youth gangs.

Schneider recounts how street workers sought to establish relationships with youths they perceived to be gang leaders and tried to deflect gang members from fighting. They organized athletic programs at neighborhood recreation centers, offering advice supplemented with field trips to amusement parks, beaches, and camp sites. They provided resources for organizing neighborhood social events, block parties, and "hall dances." Their most highly valued service by far was intended to draw individual gang members away from gang activities by locating job opportunities for them.

By 1955 the Youth Board was deploying 40 street gang workers in troubled neighborhoods across the city. Ten years later the number had swelled to 150. While gang members were initially suspicious of street workers, they were also status-conscious—well aware that an officially assigned street worker enhanced a gang's prestige by underscoring its reputation as a dangerous group. Mediation sessions engineered by street workers between hostile gangs dampened violent confrontations, but they also provided a level of recognition approaching celebrity for certain gang leaders.

Even the modest resources street workers provided in their efforts to channel gang members' energies toward more positive social activities could bolster gang cohesion. Yet the city's dedicated commitment to street work as the primary strategy to combat violence among street gang members fostered a far more constructive, less counterproductive response to gang violence than the harsh law enforcement tactics employed by police to suppress gangs in other cities.

Soon after the establishment of the Youth Board, criticism from police and politicians forced it to require that street workers inform the police of impending

gang fights, and about caches of weapons. Street workers were thereby compelled toward a limited degree of cooperation with the police. Street workers complained that the policy of cooperation compromised their credibility on the street, while police officers remained suspicious about the role of the street workers. Yet, once channels of communication about potential gang violence were established, they facilitated development of more strategic, better-targeted police patrol tactics designed to quell violence before it started. Schneider credits the citywide decline in large-scale gang "rumbles" during this period to cooperation between the Youth Board and the New York City Police Department (NYPD).

Cooperation between these two diverse city agencies failed to dispel the obvious tension between proponents of harsh police tactics and those committed to innovative social work approaches to address the gang problem. Pandering politicians continued to call for "nightstick justice" against gangs. Use of mediation between warring gangs was frequently condemned—despite its obvious effectiveness in achieving truces, at least in the short term—by those whose crime-control tastes preferred the spicy flavor of police crackdowns.

Yet establishment of a city-funded system of street work and gang intervention programs, solidly grounded in principles of effective social work practice and institutionalized entirely outside of the law enforcement domain, helped to constrain New York's policy makers and police officials from embracing most of the counterproductive gang suppression tactics adopted elsewhere. Kim McGill, founder of the South Bronx–based Youth Force Project who now directs the California Youth Justice Coalition, believes that Youth Board policies and practices in the 1950s established norms that continue to influence and modulate New York City's approach to the problem of street gangs today.

Street work was augmented by more conventional forms of social work and gang intervention programs provided by neighborhood service organizations, churches, settlement houses, and recreation centers. The effectiveness of agency-based programs was limited by issues of control, as competing gangs contested for ownership of the "turf" represented by a particular recreation center, or resisted direction from professional social service staff.

More successful interventions drew from a social work model pioneered decades earlier by Clifford Shaw, a sociologist who established the Chicago Area Project (CAP) in the 1930s. CAP used local residents as family counselors and organizers in their own neighborhoods to engage the energies of youth and adults in projects designed to improve and strengthen social control in the community.

Clashes during the mid-1950s between Mayrose (a street gang made up of white youths of varied ethnicity), Dragons (a Puerto Rican gang), and Sportsmen (African American adolescents living in housing projects) escalated into a violent and deadly gang war in lower Manhattan. An assortment of settlement houses, civic groups, and churches became linked together in a CAP-style gang intervention network under sponsorship of the Lower Eastside Neighborhood Association (LENA).

Gang truces were negotiated by LENA, while Youth Board street workers plied their services to defuse street violence, and social workers at the Henry Street Settlement House set up prevention programs targeting "predelinquent" children to divert them from joining gangs. Gang conflict did not disappear, but Schneider says that cycles of violent attacks and retaliation were somewhat disrupted.

Tasting a modest degree of success, LENA sought funding from the Ford Foundation to build on these efforts. An ambitious planning project begun in 1967 with visionary guidance from faculty members Richard Cloward and Lloyd Ohlin at the Columbia University School of Social Work was expanded after the 1960 election when a newly established President's Committee on Juvenile Delinquency joined forces with Ford staff. LENA's mission was broadened into a comprehensive agenda of youth development and community organizing.

Mobilization for Youth (MFY) was launched in 1962 with a rich mix of federal and city funding that enlarged the substantial stream of Ford grant dollars. Five settlement houses located in the target area coordinated an expanded cadre of street workers who mounted intervention efforts with more than a dozen neighborhood street gangs. A raft of job training, job placement, subsidized employment, and social service programs were established to prevent gangs from forming by providing new channels of opportunity for neighborhood residents. A team of activist lawyers was assembled to protect and expand residents' legal rights, advocating for social benefits and economic entitlements.

Drawing on the CAP model, MFY launched an ambitious organizing drive designed to mobilize neigh-

borhood residents for action against entrenched community problems: substandard housing, poorly performing schools, deficient public services. Embrace of confrontational tactics that characterized the 1960s—noisy picketing and "sit-ins" at the offices of government bureaucracies and the homes of bureaucrats, militant rent strikes and school boycotts, forceful agitation against police brutality—rapidly thrust the MFY community organizing tactics beyond CAP's relatively sedate political style toward radical activism.

Predictably, given the agency's generous public funding base, MFY's managers soon found themselves engulfed in a media-fueled political firestorm, almost completely alienated from the government agencies that provided that funding. MFY's political opponents charged loudly that agency staff included communists, that MFY organizers were responsible for the 1964 uprising in Harlem, and that vast sums of public money were being misspent (Moynihan 1969).

By the time investigators determined that these allegations had no basis in reality, MFY's director had resigned and the agency had retrenched, retooling itself to concentrate primarily on delivery of direct services to neighborhood residents. Community organizing was restricted to campaigns that were less likely to disrupt provision of government antipoverty grants. The reorganization served to boost the agency as a prototype model for the community action programs set up across the nation under President Lyndon Johnson's War on Poverty.

By 1966 the problem of serious gang violence had largely been abated in New York City. The NYPD youth division reported that the number of street gangs had declined. MFY replaced street-work programs with "adolescent service centers" set up to dispense conventional job and educational counseling services. In Schneider's assessment, New York City's gang intervention strategy had proved to be an overall success, with LENA and MFY mounting the most effective tools for keeping gang violence to a minimum and diverting youths away from gang membership.

Mayor John Lindsay applied lessons learned from the community action experience in his citywide effort to avoid the urban conflagrations erupting in other cities across the nation during this period. The Lindsay administration set up the Urban Action Task Force, empowered to step up delivery of city services and channel resources to community leaders in African American and Puerto Rican neighborhoods, connecting them directly to city hall.

The Youth Board recruited neighborhood troublemakers to serve as youth leaders, organizing summer recreation and employment programs in these communities. Neighborhood youth councils hired the "worst kids" to staff these programs, while city hall bent civil service rules in order to offer them the possibility of upward mobility into permanent jobs in the city bureaucracy. Schneider describes how former gang members helped to quell a 1967 uprising in East Harlem, after which the local youth council was used to channel welfare assistance and jobs to community residents, cementing the direct political ties between the mayor's office and East Harlem's youth leaders.

By no means, however, does Schneider credit the Lindsay administration's political embrace of community action or the gang intervention programs with solving the structural problems that had given rise to the city's serious postwar gang problem, or with providing effective crime control in the long term:

> Gang intervention in all its forms attempted to disrupt the operations of the gang, especially gang fighting, and press youths into making conventional adjustments to working-class life. Because these programs define gangs as the problem, rather than as a symptom of other problems, they were unprepared to confront the fundamental issues that had led adolescents to form gangs in the first place. These were the limits of liberal social reform. The result was that gang intervention, where it successfully disrupted gangs, inadvertently substituted individual deviance in the form of drug use for the collective resistance of the gang. By the mid-1960s, authorities decided that gangs were no longer the problem. They had been displaced by the rapid spread of heroin among New York's adolescents.

Of course, heroin did not *actually* displace gangs in New York City, any more than gang intervention programs erased their existence. But bolstered by other contributing factors—radical movements and community politics that siphoned off the most talented gang leaders, the Vietnam War and a wartime economic boom—the city's sustained investment in street work and gang intervention programs had worked to reduce the level of gang violence below a threshold level, or "tipping point," where cycles of gang attacks and retribution become acute and con-

tinuous. And the spread of heroin that followed the decline in gang violence supplanted the ethos of gang warfare with an emerging drug culture:

> The relationship between drug use and the decline of the gangs was synergistic: the collapse of the gangs furthered drug use and the rising tide of drug use eroded the remaining gangs' abilities to preserve their members and themselves.... Public policy and gang interventions pushed the number of gangs below the threshold level in the early 60s, but it was heroin that kept them there, as one epidemic gave way to another.

Schneider points out that the phenomenon of youth gangs never entirely died out in the city. Cycles of gang activity have continued to the present time, with periodic episodes of gang violence flashing above the tipping point in one distinct area of the city after another.

The 1970s saw a revival of gang activity in the South Bronx, where the ravages of intractable poverty, heroin addiction, and an epidemic of arson had cut wide swathes of devastation in the bleak urban landscape. Youth gangs carried on the customary battles over turf, of course, but they also organized against the drug trade, mounting aggressive campaigns to drive heroin dealers and junkies out of their neighborhoods.

Periodic gang revivals also sparked renewed ethnic violence, as Euro-American gangs, particularly those in Italian American enclaves in the North Bronx and in the Brooklyn neighborhoods of Howard Beach and Bensonhurst, were primed to terrorize any African Americans and Latinos with the temerity to venture into their neighborhoods. Conflict between Chinatown youth gangs mirrored long-standing ethnic, political, and commercial rivalries that had been exacerbated by an influx of immigrants from different regions of China.

Since the waning of the sustained gang violence that plagued the city for two decades after World War II, episodic revivals of gang activity have never rivaled the extent or intensity of the postwar gang crisis. Those who expected that the problem of youth violence would subside as street gangs lost their widespread appeal, however, were sorely disappointed when deadly gun violence reached epidemic proportions among New York City youths in the later half of the 1980s.

The sharp upsurge in the rate of gun homicides was not, for the most part, perceived to be gang-related. Jeffrey Fagan has described how the escalation of gun violence across the city was fueled by development of a pervasive "ecology of danger" within which the widespread availability of guns helped to spark contagious behavioral norms and "scripts" that reinforced their use, with extraordinarily lethal consequences (Fagan and Wilkinson 1998).

New York's leading urban anthropologist, Mercer Sullivan, closely examined the nature of youth violence in New York during the last decade of the 20th century, when "supergangs" from Los Angeles and Chicago were reported to be proliferating across the nation (2005). He conducted a systematic search for stories published in city newspapers between 1990 and 2000 that included the term "youth gang," pinpointing 1997 as the year when "nationally famous gangs finally came to New York City, at least in name." Newspaper references to Bloods, Crips, Latin Kings, and Netas surged that year, raising fears about an impending gang-related crime wave. Yet police reports from the same period indicate that serious violent crime was on the decline in the city well before, and long after, media reports of the emergence of a new generation of violent gangs. *Something* was going on, but clearly it did not produce a crime wave.

Sullivan had amassed a wealth of interview and observational data during ethnographic field research he conducted in three city neighborhoods between 1995 and 1999 to examine the social ecology of youth violence and document changing patterns in violent behavior over the period. The research was specifically designed to trace perceptions of local youth gang activity among parents, teachers, police officers, and youths themselves. The patterns of violence he documented help to explain why the apparent proliferation of notorious national youth gangs was not associated with an increase in serious youth crime.

Sullivan's data contained signs of the gang emergence phenomenon, but he also found evidence that media reports of sensational gang conflict were primarily a relabeling of existing local rivalries. Group violence, when it erupted, stemmed primarily from conflict ("beefs") between informal cliques of youths who lived on particular city blocks and shared a strong sense of identification and loyalty. Sullivan reports that youths in such local groups were familiar with the phenomenon of youth gangs, but they tended to distinguish these from their block-group loyalties:

> In the early period of fieldwork, 1995–1996, beefs between these groups were described in terms of these place-based identifications,

> as, for example, "between Redwood and the Desert." By the end of the fieldwork, following the spike in newspaper gang reports of 1997 . . . these conflicts had been redefined. We heard at one point that Redwood and Castle had joined together to fight the Bloods from the Desert who were trying to "take over the neighborhood."

But the "beef" between the Bloods and the block groups was an ephemeral event that was quickly disrupted with targeted police action—and it took place during a period of general decline in violence in this area.

Some indications of localized violence in one particular area of the city coincided with the 1997 spike in media coverage about gangs, yet the scale of the problem fell far short of the gang-related mayhem expected by those who were reading the media accounts:

> Our data suggest mutually reinforcing effects of media panic and street rumor, on one hand, and some real changes in the amount and organization of youth violence on the other.
>
> At the beginning of the fieldwork period, we documented high levels of fighting among students from the middle school we were studying. Many of these fights involved multiple participants, but they were not organized as named gangs. Some groups involved in fights could be associated with a particular block or housing project, but other fights involved essentially ad hoc groupings, time-limited action-sets rather than cliques, much less named gangs.
>
> Beginning in 1996 and rapidly increasing in 1997, named gang affiliations swept through the area. Local youth began choosing to identify as either Bloods or Crips, mostly Bloods. These identifications, however, were ambiguous and highly contested. There was no single group leader or structure within either category, and there were many subsets of these categories. Rumors ran rife and mutated constantly. A favorite topic of conversation was the difference between "real Bloods" and "fake Bloods." Most individuals carrying the insignia of Blood membership were said to be "fake Bloods."
>
> Many stories were told of the rituals supposedly associated with Blood membership. To be inducted into the Bloods, various accounts claimed that a person had to do something such as randomly slash the face of a total stranger with a razor. In other versions, the slashing victim had to be a family member, or one's own mother. The crescendo of this hysteria peaked on Halloween 1997. As the day approached, rumors circulated throughout New York City that Halloween would be a day of mass Blood initiation. The chancellor of the New York City schools issued a public statement that schools would remain open despite widespread calls from parents and others that they be closed. The Soulville middle school we were studying remained open, but only a handful of students showed up.
>
> The mass slashings never occurred. . . . Some entity or loosely related group of entities called Bloods did appear in New York, but the panic came and went as violent crime citywide continued to decline.

Sullivan wonders whether law enforcement estimates of increasing gang prevalence reported in the National Youth Gang Survey conducted during the period may have largely resulted from a wave of moral panic over gangs.

Gangs in Chicago

While New York City has experienced only sporadic gang problems since the mid-1960s, Chicago's institutionalized neighborhood gangs have remained an entrenched problem since the 1950s. John Hagedorn has traced the roots of violence among Chicago's institutionalized "supergangs" all the way back to post–World War I race riots, when white workers and the Ku Klux Klan expelled African Americans from industrial jobs they had obtained while whites were fighting overseas (Hagedorn undated). During the Depression, as jobs in every sector became scarce and Mexicans were subjected to mass deportation, youth violence increased as small "corner groups" of black and brown youths clashed against white ethnic gangs in defense of their neighborhoods.

As immigrant ethnic groups and racial minorities competed for jobs, hegemony over the city's political machinery shifted among various ethnic elements, with the Irish ultimately sustaining control of the uppermost levels of power. Both licit and illicit opportunity structures were solidly blocked against most African Americans and Mexicans, as white ethic groups held sway in both the labor market and the underground economy. Contained by racism and racial segregation, African Americans remained stuck at the very bottom of the ranks. When deindustrialization gutted the city's supply of manufacturing jobs, they remained trapped in unemployment and poverty. Ranked in terms of black/white dissimilarity in housing patterns, Chicago continues to score as the most racially segregated city in the nation (Frey and Myers 2002).

In *Stateville*, his groundbreaking study of prison culture, James Jacobs examined how police repression and mass imprisonment of Chicago's "supergangs" helped to transform both Illinois prisons and the gangs themselves (Jacobs 1977). In the 1960s federal social policy turned to a focus on juvenile delinquency, and federal dollars began to flow into grassroots organizations in high-crime urban neighborhoods. Around the same time, Chicago street gang leaders began to gravitate toward grassroots political action.

On the South Side, community organizers and church leaders cultivated relationships with charismatic gang members and fostered their development as legitimate grassroots leaders. Both Blackstone Rangers (the street gang that evolved into the Black P. Stone Nation and ultimately became known as the El Rukns) and Devil's Disciples were drawn into The Woodlawn Organization (TWO), Saul Alinsky's dynamic grassroots organization. TWO garnered substantial financial support from both private foundations and the federal Office of Economic Opportunity (OEO) to create youth employment programs while thumbing its nose at city hall and drawing intense opposition from the Chicago police.

Similar developments ensued on the West Side, where the Lawndale-based Conservative Vice Lords, advised by a Peace Corps veteran, founded Operation Bootstrap. They allied with Jesse Jackson and soon attracted funding for a host of social action programs. But at the same time that the Lindsay administration in New York was embracing community action programs such as these, and deliberately enlisting gang leaders from among the city's "worst kids" to serve as staff for recreation and jobs programs, Mayor Richard J. Daley's response was quite different.

Lacking John Lindsay's progressive vision of "urban action" against poverty, Daley feared that the gangs' increasing role in building grassroots power, and the liberal allies they were attracting, would upset his political machine. As TWO was launching its OEO-funded youth programs, the Daley administration was beefing up the police department's gang intelligence unit and initiating a crackdown of intense police harassment, arresting Woodlawn youths for petty crimes and curfew violations and conducting warrantless intrusions of TWO offices (Jacobs 1977).

In 1968 both the Blackstone Rangers and the Vice Lords gave Daley his due by working hard to upset his political machine at the polls. Daley promptly increased the gang intelligence unit from 38 to 200 officers. Illinois prisons were soon flooded with gang members sent en masse by the Chicago courts. Gang leaders swept into prison as "political prisoners" with a vivid sense of their organizational power. Once they were there, they set vigorous recruitment drives in motion. By 1972 at least half of Illinois prisoners were said to be affiliated with gangs. As the gangs took over the prison market for contraband and solidified their control of prison programs, gang affiliation provided members with both economic and social benefits.

The massive infusion of gang members came at a time when liberal prison reformers were working to loosen the hold of the traditional prison management regime in the state's maximum-security institutions in order to improve prison conditions. As old-time prison guards chafed under a new system of authority geared toward a "human relations" model of management, the Black P. Stone Nation, Vice Lords, Disciples, and Latin Kings came to dominate, control, and transform the prison's social system.

Gang members came to prison with a spirit of rebellion against authority gained on the streets of Chicago during the 1960s and a sense of racial and social solidarity stemming from a mix of street gang traditions and radical black nationalism. They quickly cast aside the traditional "inmate code"—with its hierarchy based on offense type and a "do your own time" ethos—replacing it with strong communal values of solidarity between gang brothers and loyalty to gang leadership. Prisoners learned how to "do gang time."

Prison guards saw themselves undermined by the "pro-inmate" reforms imposed by the new management in power above them and challenged by the belligerent rebels they faced on the tiers. The level of intergang violence increased. As guards became more and more demoralized, prisoners increasingly resisted their control, mounting periodic food strikes, physical attacks on guards, and bouts of taking hostages. In 1973 a prison guard was murdered.

Prison managers responded to strikes and violence with lockdowns. They constructed a special housing unit where supermaximum conditions prevailed. Between 1970 and 1975 Stateville appeared to teeter on the verge of chaos, but a full-scale prison uprising never materialized. Jacobs reports that prison managers, guards, and prisoners alike attributed the gang leaders, who feared an Attica-style response from the state, with credit for restraining violence within bounds.

Daley's repression of Chicago's politicized gangs only increased their membership and strengthened their cohesion. The policy of prison containment made recruitment easier in a setting where rejecting gang membership meant endangering one's property and personal safety. The crucible of prison tested gang loyalties and forged strong bonds to gang leadership. As prisoners were released to the streets of Chicago, the gang allegiances they gained in prison shaped their reentry experiences.

The experience of surviving mass imprisonment toughened the hide of Chicago gang members and consolidated their organizational structure, making them more durable and contributing to their institutionalization. Hagedorn explains the concept of institutionalized gangs as follows:

> There have been many attempts to categorize gangs, but in the context of this study, US gangs can be differentiated between *interstitial* and *institutionalized* gangs. The US father of gang research, Frederic Thrasher, used interstitial to describe early Chicago gangs. It literally means "in between" or the transitions of youth, as from one neighborhood to a better one and/or from childhood to young adult. Most US gangs were, and continue to be, transitional interstitial groups, rising with one set of peers and declining as its peer group matures.
>
> But in some cities, particularly Chicago and Los Angeles, gangs institutionalized, or persisted over generations. To say that a gang has institutionalized signifies that it persists despite leadership changes (e.g. killed, incarcerated, or matured out), has an organization complex enough to sustain multiple roles of members (including children), adapts to changing environments without dissolving (e.g. police repression), fulfills some community needs (economic, security, services), and organizes a distinct outlook of its members (sometimes called a gang subculture). (Hagedorn undated)

When Chicago gang members began to look to the civil rights movement and community action programs as vehicles out of poverty and segregation, Mayor Daley's incarceration campaign smashed

their hopes and dreams. But Hagedorn maintains that the lengthy prison terms received by gang leaders could not break their ties to street chapters. By the time they returned to the streets, the decline in Chicago's industrial jobs left them no options aside from what remained in the underground economy. They crowded into Chicago's hypersegregated high-rise housing projects with drugs and guns the only tools at hand.

Federal funds for construction of public housing had become available during the 1960s, but Mayor Daley's deep commitment to racial containment did not allow for dispersal of housing sites outside of Chicago ghettos (Hagedorn and Rauch 2004). The Robert Taylor Homes epitomized the Daley-era approach, with 28 towering blocks of high-rise projects warehousing 27,000 Chicagoans, virtually cutting them off from access to better schools and work opportunities in white neighborhoods.

As the drug economy heated up in the 1980s, the flow of city services and public housing resources began to recede from Chicago projects like Robert Taylor. New York's epidemic of lethal youth gun violence in the late 1980s appeared to fade in the face of concentrated drug enforcement operations by the police. During the same period Chicago police addressed increased levels of violence with a crackdown on the institutionalized gangs that John Hagedorn says may only have increased the level of violence. Police repression only fragmented gang leadership, causing intragang violence.

Gang fragmentation and violence were further exacerbated in Chicago during the mid-1990s when the public housing authority shifted millions of dollars from needed maintenance and renovation of the city's high-rise projects to finance a drug enforcement campaign involving massive gang sweeps. When that strategy proved largely fruitless, the city began to demolish the projects, forcing more than a hundred thousand tenants to move. Instead of building new housing for them, the housing authority gave displaced tenants rent vouchers. Scattered relocation to other segregated, high-crime areas of the city dislocated people from long-established social networks and increased friction and violence among Chicago gangs.

New York faced similar economic pressures from deindustrialization through the same period. Poor neighborhoods suffered huge declines in housing stock as landlords abandoned buildings to deterioration and arson. But even while the youth homicide epidemic raged, city government committed billions to new affordable housing initiatives, refurbishing abandoned buildings, constructing new housing on vacant land, and sparking an urban revival in burned-out neighborhoods like the South Bronx. Residents experienced far less displacement and were able to benefit from the improvements in their neighborhoods.

While Chicago neighborhoods like Lawndale and Englewood declined during the 1990s, the South Bronx began to climb out of the economic and social blight that prevailed in the previous decade, lessening the level of youth violence and helping to speed the unprecedented drop in New York City's violent crime rate that has continued to the present time.

Hagedorn maintains that the displacement of tens of thousands of African American families, sometimes fracturing renegade splinter groups off institutionalized gangs, has played a role in the persistence of high levels of violence due to gang wars and drug market disputes. While New York's homicide rate plummeted, Hagedorn points out, Chicago's declined only slightly (Hagedorn undated).

Gangs in Los Angeles

Los Angeles has experienced a long-term pandemic of youth gang homicide and violence (California Attorney General's Office 2004). A quarter-century-long "war on gangs" has cost taxpayers billions of dollars, yet—according to a new report by the Advancement Project—there now are six times as many gangs and at least double the number of gang members in the Los Angeles region (Advancement Project 2007).

New York's sporadic cycles of gang violence have never paralleled the deadly carnage experienced in Los Angeles. In *Street Wars*, his insightful study of gangs, Tom Hayden writes that some 10,000 of Los Angeles' young people have been killed in gang conflicts over the past two decades (Hayden 2005). The Los Angeles Police Department (LAPD) reported 11,402 gang-related crimes in 2005 (Advancement Project 2006). That same year, the New York Police Department reported just 520 (New York City Mayor's Office of Operations 2005). FBI crime reports indicate that New York's homicide rate that year was about half of Los Angeles', while the rate of reported gang crime in Los Angeles was 49 times the rate reported in New York City.

What can account for such startling contrasts? Is New York City in denial about the nature and size of its street gang problem? Or is the city still benefiting from policies set more than 30 years ago that approached the problem of street gangs in ways that avoided the excesses of police suppression that have characterized the policing of gangs in Los Angeles? Do Hayden, the Advancement Project, and the LAPD exaggerate the seriousness and scale of Los Angeles' gang problem? Or has police suppression helped to turn the Los Angeles gang problem into a gang pandemic? A short review of gang suppression efforts in Los Angeles is offered here in order to provide a historical context that may shed some light on these puzzling questions.

During World War II, groups of Mexican immigrant "pachucos" in stylized "zoot suits" and wide-brimmed hats drew hostile police actions when sailors home on leave surged repeatedly into East Los Angeles to attack them. While a handful of sailors were arrested for fighting, hundreds of the Latino youths they attacked were arrested for disturbing the peace.

Hayden recounts that the early African American gangs in Los Angeles—the Slausons and the Gladiators—were formed in the Watts ghetto projects after World War II in response to white youth violence during integration of the public schools. Blacks were beaten and burned in effigy by white public school cliques. African Americans living in Watts faced public signs in nearby Compton, then a white working-class enclave, that warned that "Negroes" had to be out of town by sundown. The white Spook Hunters gang enforced boundary transgressions; when backup was needed it was supplied by the LAPD.

In an interview, a veteran of the 1965 Watts uprising told Hayden about growing up as a Baby Slauson: "We resisted the term 'gang.' We saw the police as a gang, we saw ourselves as a club formed because of discrimination. You couldn't get into the Boy Scouts, you couldn't go to the public swimming pools, you couldn't go into Inglewood. Southgate was off limits."

During the same years that the Youth Board's street-work efforts in New York City were showing success in assuaging the epidemic of gang violence there, legendary LAPD chief William Parker—who maintained a segregated police force until 1960—resisted the notion of using social work approaches to quell gang violence (Davis 2006). In his view, gang members were incorrigibles, deserving nothing more than a locked-down prison regime. He characterized the city's barrio residents as just one step removed from "the wild tribes of Mexico." During the civil rights era, black gangs and black nationalist groups fused in Parker's mind into a single menace of communist-inspired black power.

As though to confirm Chief Parker's paranoia, hostilities between South Central gangs seemed to evaporate

in August 1965 as members joined Watts residents in battle against the LAPD and the National Guard during five days of sustained civil disturbance. The cessation of most gang hostilities continued more or less for the next half decade, as many prominent gang leaders took up roles in liberation movement organizations. But after the Los Angeles chapter of the Black Panther Party was dismantled by the combined efforts of the FBI and the LAPD, old gang hostilities reemerged.

Latino gangs in East Los Angeles were a focus of gang suppression policing in the 1970s. In *The City of Quartz*, his far-reaching study of the impact of globalization on the political economy and community culture in Los Angeles, Mike Davis writes that it was a "major community counter-offensive" led by priests, parents, and veteran gang members that brought the number of gang homicides down from 34 in 1978 to none at all in 1988. Meanwhile, an epidemic of "gangbanging" spread rapidly in South Los Angeles, coinciding with the rapid rise of the crack cocaine market. Davis says that as bad as it was, the outbreak of youth violence never came close to resembling the phantasmagoric images portrayed by law enforcement with inflated statistics and supercharged rhetoric.

Davis characterizes the media-fueled hysteria over gangs in Los Angeles during the period as "a terrain of pseudo-knowledge and fantasy projection." Hysterical rhetoric soon led to a hyperrepressive reaction by police. Davis has described a massive Operation HAMMER gang sweep in Los Angeles during the late 1980s:

> A thousand extra-duty patrolmen, backed up by elite tactical squads and a special anti-gang taskforce, bring down the first act of "Operation HAMMER" upon ten square miles of Southcentral Los Angeles between Exposition Park and North Long Beach, arresting more Black youth than at any time since the Watts rebellion of 1965. Like a Vietnam-era search-and-destroy mission—and many senior police are proud Vietnam veterans—Chief [Darrell] Gates saturates the street with his "Blue Machine," jacking up thousands of local teenagers at random like so many surprised peasants. Kids are humiliatingly forced to "kiss the sidewalk" or spreadeagle against police cruisers while officers check their names against computerized files of gang members. There are 1,453 arrests; the kids are processed in mobile booking centers, mostly for trivial offenses like delinquent parking tickets or curfew violations. Hundreds more, uncharged, have their names and addresses entered into the electronic gang roster for future surveillance.

In 1987 the Gang Related Active Trafficker Suppression program (GRATS) mounted nine sweeps over a period of two months, netting more than 1,500 arrests. Yet the violence continued, so Chief Gates—fearing a threat by county supervisors to call out the National Guard—threw the sweep machine into high gear, initiating HAMMER-style supersweeps. During an August 1988 raid by HAMMER troops on a group of Dalton Avenue apartment buildings, rampaging cops smashed apartment walls with sledgehammers and spray-painted "LAPD Rules" on those left intact. They wreaked such extensive damage to property and possessions that the Red Cross offered residents disaster relief and temporary shelter. The raid yielded no arrests of gang members and no weapons. Residents were later awarded $3 million by the courts to compensate them for the damages inflicted during the Dalton Avenue police riot. By 1990 HAMMER had pounded more than 50,000 arrestees (Davis 2006).

In *Street Wars*, Hayden related how mounting Latino gang violence in the Pico barrio on the west side of Los Angeles during the early 1990s was quelled by a series of gang truces. Gang warfare in Santa Monica, West Los Angeles, Culver City, and Venice had become a bloody slaughter, conducted with pipe bombs and drive-by shootings. Street gangs were loosely connected through the prison pipeline to Mexican Mafia (La Eme) shot-callers, who called a cease-fire on drive-bys in September 1993—but, according to Hayden, many cease-fire agreements had already been hammered out at the street level between gang leaders, who met regularly in an effort to calm the warfare.

La Eme had been formed in the California prison system during the 1950s for the purpose of protecting Latino prisoners from hostile acts by African Americans and racist whites. As in Illinois, the prison experience galvanized La Eme with a businesslike structure of rules, enforced with muscular leadership. The shot-callers convened the September 1993 mass meeting of more than 1,000 gang members in Elysian Park to deliver the message that the violence between Mexicans had to cease.

After the gangs were convened, the home of a major La Eme organizer was raided by the LAPD. The

organizer turned informant and helped to make the first federal RICO[1] case against a gang in Los Angeles, which—in 1997—resulted in life sentences for 10 La Eme leaders. But the truce process sustained relative peace in West Los Angeles into 1998 (Hayden 2005).

The first civil gang injunction was sought against the Playboy Gangster Crips in 1987 by then–city attorney James Hahn. He requested a restraining order spanning 26 square blocks south of Beverly Hills with 24 specific prohibitions, including "congregating in groups of two or more" and "remaining in public streets for more than five minutes at any time of day or night." The injunction would have banned the wearing of gang colors, imposed a curfew on juveniles, and required that gang members would be subject to arrest for simply passing through the area without an authorization document signed by a "lawful property holder or employer." Hahn was forced to modify his application after opposition erupted from the American Civil Liberties Union—but his gang-busting ambitions were truly fulfilled the following year, when a RICO-style bill he authored in collaboration with Ira Reiner, Los Angeles district attorney, was enacted in Sacramento. The Street Terrorism Enforcement and Prevention Act (STEP) made participation in gang activity a felony (Davis 2006).

The STEP act (California Penal Code 186.20) defines a gang as an ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more specified crimes,[2] having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

The law provides that anyone who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists any felonious criminal conduct by members of that gang is guilty of a criminal offense. If a person is convicted of a felony committed "for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members," the person will receive a sentence enhancement on top of the prescribed prison sentence (for low-level felonies, an extra two to four years; for more serious felonies, five years; for violent felonies, ten years) (Bjerregaard 2003).

The use of civil gang injunctions (CGIs) accelerated in the mid-1990s. Cheryl Maxson reports that at least 22 gang injunctions had been issued in the city of Los Angeles by July 2004. The scope of these gang suppression tools can be drawn very broadly:

> The number of gang members can range from a handful to the hundreds, and the initial string of names often is followed by "and any other members." The targeted area can be a housing complex, several square blocks, or an entire city, but most often CGIs are spatially based, neighborhood-level interventions intended to disrupt the gang's routine activities. Prohibited behaviors include illegal activities such as trespass, vandalism, drug selling, and public urination, as well as otherwise legal activities, such as wearing gang colors, displaying hand signs, and carrying a pager or signaling passing cars, behaviors associated with drug selling. Nighttime curfews are often imposed. Most disturbing to legal scholars and advocates is the commonly applied prohibition against any two or more named gang members associating with one another. (Maxson, Hennigan, and Sloane 2005)

A gang database was first compiled in Los Angeles by the Los Angeles County sheriff the same year that James Hahn sought his injunction against the Playboy Gangster Crips. The Los Angeles database was taken statewide a decade later when the California Department of Justice created CalGang, which tracks some 200 datapoints of personal information and gang-related information. By 2003, Loren Siegel reported, 47 percent of African American men in Los Angeles County between the ages of 21 and 24 had been logged into the Los Angeles County gang database, and more than a quarter-million Californians had been entered into the CalGang database by law enforcement personnel across the state (Siegel 2003).

A person can be entered in the CalGang database if a law enforcement officer determines that the person meets at least two of ten criteria (Advancement Project 2006):

1. Admits gang membership or association.
2. Is observed to associate on a regular basis with known gang members.

1 The Racketeer Influenced and Corrupt Organization (RICO) Act of 1970 provides long prison sentences for those convicted of certain crimes (e.g., gambling, murder, kidnapping, arson, robbery, bribery, extortion) performed as part of an ongoing criminal organization.

2 See prologue (footnote 1) for a list of the crimes.

3. Has tattoos indicating gang membership.
4. Wears gang clothing, symbols, etc., to identify with a specific gang.
5. Is in a photograph with known gang members and/or using gang-related hand signs.
6. Is named on a gang document, hit list, or gang-related graffiti.
7. Is identified as a gang member by a reliable source.
8. Is arrested in the company of identified gang members or associates.
9. Corresponds with known gang members or writes and/or receives correspondence about gang activities.
10. Writes about gangs (graffiti) on walls, books, paper, etc.

Civil injunctions and other public order measures, such as curfews for urban youth, have been embraced by many as progressive alternatives to draconian incapacitation mandated by antigang sentencing enhancements such as are embodied in STEP (Harcourt 2001). Yet introduction of these "alternatives" has not served as a substitute for police repression and imprisonment of street gangs in Los Angeles. Rather, the array of antigang measures have combined to compound the impact of Los Angeles' perennial crackdowns on gangs.

The intensity of the LAPD's war on street gangs and its propensity for corruption were laid bare when investigations of police misconduct exposed the operations of the CRASH (Community Resources Against Street Hoodlums) program. According to Tom Hayden, CRASH had evolved from TRASH—Los Angeles' first antigang police unit—established under a federal grant in 1977. T stood for *total*, and the goal was total suppression of gangs.

In 1998 a CRASH officer working out of the Rampart police precinct house, Rafael Perez, was charged with theft of eight pounds of cocaine from a police locker. Facing a long prison term, Perez broke the code of silence and revealed the inner workings of the antigang squad.

Operating jointly with federal agents in the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives, CRASH officers in the Rampart district conducted gang sweeps in 1997 and 1998 that resulted in Immigration and Naturalization Service (INS) deportation of 160 people. Some INS officials in Los Angeles were appalled at the tactics being used. INS documents handed over to a *Los Angeles Times* reporter revealed complaints by INS officers that CRASH was waging war against "a whole race of people." Perez testified that potential witnesses to police misconduct were being handed over to the INS for deportation.

Perez talked of framing cases against some 100 people, and implicated scores of other officers. Perez admitted that he and his partner had shot one Pico-Union gang member in the head and then planted drugs and guns near his fallen body. The brain-damaged victim, released from prison after Perez's testimony, had been sentenced to 23 years in prison for his "crime." Tainted cases were dismissed against 99 other defendants. A *Los Angeles Times* article published in 2000 characterized the Rampart CRASH unit as hosting a secret fraternity of more than 30 officers and sergeants with "an organized criminal subculture." Officers were awarded plaques that celebrated incidents in which they had wounded or killed people (Glover and Lait 2000).

The harsh gang suppression tactics that have been employed for decades by law enforcement agencies in Los Angeles have never suffered from a lack of criticism from academic experts, civil libertarians, and criminal justice reform advocates and activists. California's Youth Justice Coalition (YJC) has been waging a grassroots campaign against Los Angeles' current war on gangs. YJC activists charge that by criminalizing gang membership and gang activity, California's antigang laws result in discrimination on the basis of race, class, and age. They argue that "people should be held accountable for their actions not for their dress, affiliations or where they live or hang out" (California Youth Justice Coalition 2006).

YJC activists condemn the excessive sentences meted out under the penalty enhancement provisions of California's STEP law, especially as they interact with other "get-tough" measures enacted by California voters, such as the "Three Strikes" law and Proposition 21, which made any felony committed "on behalf of a gang" a strike and provides prosecutors with legal authority to file charges against youths as young as 14 years old directly in adult court, without a fitness hearing before a judge. YJC activists charge that once youths are labeled with "gang affiliation," they receive more severe treatment at every stage of the adjudication process. They may be denied release on bond; their defenses may be discounted and their testimony disbelieved by judges and jurors.

Activists charge that instead of targeting individuals

for their criminal activity, gang injunctions sweep entire communities into a net of police surveillance. Moreover, they argue, injunctions, for the most part, are imposed not on the largest gangs or the most notorious gang neighborhoods but rather in areas that are near to white neighborhoods or those most attractive for gentrification. At a city council hearing on these injunctions held in May 2006, community residents from areas under injunction complained of severe curtailment of basic freedom and of routine police harassment.

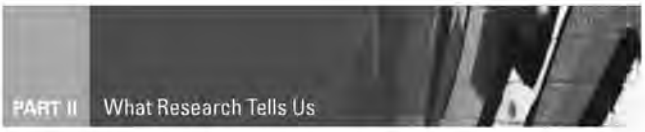
In April 2007 Los Angeles city attorney Rocky Delgadillo responded to community pressure by announcing new guidelines that mandate significant changes in civil injunction procedures (Los Angeles City Attorney's Office 2007). No longer will police officers determine who will be served with an injunction. They will have to present the city attorney's office with evidence that proves, beyond a reasonable doubt, that a person is an active gang member before adding that person to an injunction list. Those added to a list will be served with legal notice and will be able to petition for removal from an injunction list by explaining that they are no longer active—or never were active—in a gang. Moreover, all cases will automatically be reviewed every three years, and people will be removed from the list unless there is evidence that they have maintained active gang membership.

The revised guidelines mark a major victory for YJC activists in Los Angeles, but they pledge continued pressure to extend the injunction reforms to Los Angeles County, and to end use of gang database systems that remain devoid of meaningful due process. They continue to seek guarantees that people who are added to CalGang will receive official notification and be given clear rights to appeal their inclusion in the database.

The history of failed gang strategies compiled by the Advancement Project for the Los Angeles city council in 2006 notes that Proposition 13 (the landmark tax reform measure enacted by California voters in 1978) resulted in virtual elimination of all of the city's prevention and early intervention programs. Around the same time, the city began to construct its monolithic gang suppression machinery (Advancement Project 2006). In contrast, New York City has made considerable efforts to maintain an adequate level of city funding for youth services, recreation, and employment programs (Advancement Project 2007).

To this day, suppression has remained the primary strategy to address Los Angeles' serious, chronic problem of gang violence. The Advancement Project research team reports that more than two-thirds of the money available for gang reduction efforts is directed to suppression efforts by the LAPD and the city attorney's office, with the largest portion invested in police "gang impact teams."

Los Angeles is well into the third decade of its failed "war on gangs." Despite massive, militarized police actions, strict civil injunctions, draconian sentencing enhancements, and a gang database that appears to criminalize upwards of half of its young African American male residents, gang violence is worsening, according to media reports. With a reported 720 active gangs and 39,488 gang members, Los Angeles retains the dubious honor of being the gang capital of the world.



PART II What Research Tells Us

There is a wealth of research on the origins of gangs and the activities and characteristics of their members, as well as a smaller but useful body of literature that seeks to evaluate the effectiveness of various gang control strategies and tactics. Unfortunately, public officials rarely draw on this resource, opting instead to make policy by anecdote.

Gang policy is often made in moments of perceived crisis, when law enforcement agencies and elected officials feel intense pressure to "do something" about gangs immediately—a poor atmosphere for considering questions that will determine the success or failure of a gang control strategy.

Sober policy making is made even more difficult by the larger-than-life quality that attaches to any conversation about gangs. Gangs thrive on publicity of all kinds. Their members often go to great pains to make themselves visible and to exaggerate the threat they pose to society. They are often aided and abetted by politicians and the media, who also thrive on the sensational reaction that gangs—with their menacing tattoos, graffiti, colors, and hand signs—elicit from the public.

Gang researchers are not immune to America's long romance with gangs, but for the most part their work provides a helpful antidote to the overblown rhetoric of gang members and those who would make the eradication of gangs a national priority. Their work can help us answer critical questions that should—but usually don't—guide policy making: Who are gang members? Why do they join gangs, and—equally important—why do they leave? What do gangs do? What is the relationship between gang activity and crime? What do we want to accomplish through our gang control efforts, and how do we expect it to happen? Should we focus on gangs at all?

The following chapters seek to shed light on these questions and debunk some of the most tenacious myths about what gangs are and how gang problems can best be addressed.

Down for the Count: Exploring the Size and Makeup of the Gang Population

It is difficult to find a law enforcement account of gang activity that does not give the impression that the problem is getting worse by the day. A review of the most recent National Gang Threat Assessment from the National Alliance of Gang Investigators Associations (NAGIA) suggests that gangs pose a rapidly growing threat to public safety (2005). Nationally, NAGIA claims that gangs are associating with organized crime; gang members are becoming more sophisticated in their use of computers and technology; Hispanic gang membership is on the rise; California-style gang culture is migrating and spreading gangs' reach; women are taking more active roles in gangs; "Indian Country" sources are reporting escalating gang activity; and motorcycle gangs are expanding their territory.

The report paints an even bleaker picture of regional developments. Nearly half of the key regional findings—11 of 23—contain a variant of the words *increase* or *grow*. All of the following are reputed to be on the rise in one or more regions: neighborhood/homegrown and hybrid gangs; gangs in Hispanic immigrant communities; gang violence and drug trafficking on Indian reservations; graffiti and tagging; gang activity around schools and college campuses; cooperation between gangs to facilitate crime and drug trafficking; sophistication in the planning and execution of gang crime; identity and credit card theft perpetrated by gang members; and use of firearms by gang members. There is, by contrast, no mention of reductions in any form of gang activity.

Yet the most comprehensive survey of law enforcement data on gang activity shows no significant changes in estimated gang membership or the prevalence of gang activity—both of which are down significantly since the late 1990s. Further, law enforcement depictions of the gang population are sharply at odds with youth survey data when it comes to the geography of gang activity as well as the race and gender of gang members.

Data on the prevalence of gang problems and gang membership

The National Youth Gang Survey

The primary source of law enforcement reports on the prevalence of gang problems is the National Youth Gang Survey (NYGS). The survey is distributed annually to all law enforcement agencies that serve suburban counties and cities with 50,000 or more residents, along with a random sample of police departments that serve small cities and rural counties. Each agency is asked to describe the nature of the local youth gang problem and estimate the number and demographic characteristics of gangs and gang members in its jurisdiction. Respondents are told to exclude from their reports motorcycle gangs, prison gangs, hate groups, and gangs composed entirely of adults. Response rates have ranged from 84 to 92 percent since 1996 (Egley, Howell, and Major 2006).

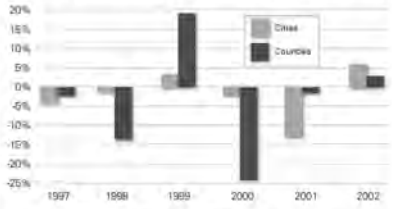
The National Youth Gang Center (NYGC) uses NYGS data to examine the prevalence of gang problems by type of jurisdiction and to estimate the number of gangs and gang members in the United States. The strength of gang prevalence and population estimates is limited by the quality of law enforcement data. Local estimates of gang membership can fluctuate from year to year based on shifting definitions of gang activity and changes in the capacity to track it. NYGC senior research associate

Arlen Egley explains that significant year-to-year variation in the number of gang members reported by a given jurisdiction often reflects a "change in approach" rather than a change in the gangs themselves (personal communication).

Law enforcement estimates of local gang membership can fluctuate from year to year based on changes in police practices.

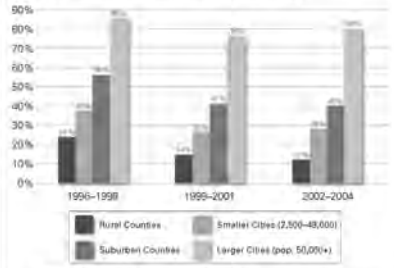
The number of active gang members reported by the Detroit Police Department nearly doubled between 1996 and 1997, rising from 2,000 to 3,500 before plunging to 800 the following year (Bynum and Varano 2003). Yet gun crimes—which were considered by Detroit researchers to be indicative of gang activity—moved in the opposite direction, *falling* between 1996 and 1997 and *rising* the following year. Elsewhere, the fluctuations can be tied directly to training and funding for gang enforcement efforts. Indianapolis Police Department estimates of local gang activity jumped from 80 gangs and 1,746 members in 1995 to 198 gangs and 2,422 members in 1997 after the city was selected to participate in a federal gang initiative (McGarrell and Chermak 2003).

Figure 4.1. Annual change in estimated U.S. gang membership



Source: National Youth Gang Survey, 1997–2002

Figure 4.2. Jurisdictions reporting gang problems



Source: National Youth Gang Survey, 1996–2004

Sharp year-to-year changes in local gang population estimates are excellent fodder for sensational media reports but say little about the severity of a local gang problem. Deborah Lamm Weisel and Tara O'Connor Shelley warn that "while it is tempting to use law enforcement data about gangs and gang-related offenses to make comparisons between—or even within—jurisdictions, gang-related data are exceptionally unreliable for this purpose" (2004). The national estimates of gang prevalence published by NYGC are less volatile because they combine results from hundreds of jurisdictions. Nonetheless, trends in estimated city and county gang membership reversed directions three times between 1996 and 2002 (Egley, Howell, and Major 2006).

Despite these flaws, NYGS data do provide a general picture of the scope and direction of the gang problem as it is perceived by law enforcement. The most recent NYGC report indicates that the United States had roughly 24,000 youth gangs and 760,000 gang members in 2004 (Egley and Ritz 2006). The numbers are daunting, immediately conjuring images of a marauding army of gun-toting criminals half the size of the active U.S. military. But NYGC data indicate that the size and reach of gangs have actually declined over the past decade. The estimated gang population is down from roughly 850,000 in 1996, and the proportion of jurisdictions reporting gang problems has fallen sharply.

The number of jurisdictions reporting gang problems fell sharply at the end of the 1990s.

The largest reductions have occurred in rural counties, where the proportion of law enforcement respondents reporting gang problems has fallen by nearly half since the late 1990s. One in eight rural law enforcement agencies (12.3 percent) reported gang problems between 2002 and 2004, while a quarter (24.3 percent) reported problems between 1996 and 1998.

Smaller cities and suburban counties have also witnessed significant drops in the reported prevalence of gang problems since the late 1990s. Over a third

(36.5 percent) of cities with 2,500 to 50,000 residents reported gang problems in the late 1990s. A little more than a quarter of small cities (28.4 percent) reported such problems between 2002 and 2004. Gangs were active in a majority of suburban counties (56 percent) during the late 1990s, but that proportion fell to 40 percent in the most recent survey period.

Larger cities experienced a reduction in reported gang activity, according to law enforcement respondents, although the drop was less dramatic. Four in five cities with 50,000 or more residents (79.8 percent) reported gang problems between 2002 and 2004, down from the 85.6 percent that reported such problems just six years earlier. The largest decline in the number of jurisdictions reporting gang problems occurred at the end of the 1990s. The picture has remained stable since the end of the 1990s, with small and large cities reporting a small increase in the prevalence of gang problems while rural and suburban counties reported a slight decrease. None of the recent shifts are large or consistent enough to establish a clear trend, according to NYGC staff (Egley, personal communication).

Youth surveys

The second source of information on the prevalence of gang activity and the characteristics of gang members is a group of youth surveys conducted over the past 15 years. Surveys can provide greater consistency than estimates generated by law enforcement agencies employing varied definitions and data collection methods. And they can track behavior that does not come to the attention of law enforcement.

Yet surveys are limited by how representative the sample is of the general population. Most surveys of youth gang activity target specific locations or segments of the youth population, making it difficult to derive general conclusions about the larger youth gang population. The results of youth surveys—like law enforcement surveys—also depend on the perceptions of survey subjects and their willingness to answer questions honestly.

Malcolm Klein and Cheryl Maxson summarize the results of nearly 20 youth surveys conducted in over 30 cities and four countries in *Street Gang Patterns and Policies* (2006). Rates of current self-reported gang membership in U.S. surveys range from a high of more than 20 percent among a sample of high school students and dropouts in Chicago, Los Angeles, and San Diego (citing Fagan 1990) to a low of 2 percent for a nationally representative sample of youth who participated in the National Longitudinal Survey of Youth (NLSY) (citing Snyder and Sickmund 1999).[1] Reported lifetime prevalence of gang membership ranged from a high of 31 percent among high-risk Rochester, New York, youth (citing Thornberry et al. 2003) to a low of 5 percent among NLSY respondents.

The National Longitudinal Survey of Youth, which was sponsored by the U.S. Bureau of Labor Statistics, is the only source of survey data on youth gang membership in the United States that is based on a nationally representative household sample. The survey identified a group of nearly 9,000 youth using cross-sectional and supplemental samples to ensure adequate representation across both geography and race/ethnicity. Youth between the ages of 12 and 16 were interviewed on a wide range of subjects and reinterviewed annually over a four-year period. The large size and national scope of the sample, together with its rigorous methodology, make NLSY the most reliable source of information on the prevalence of gang involvement.

The application of NLSY prevalence rates to 2000 U.S. Census counts produces a total estimated 12- to 16-year-old gang population of roughly 440,000.[2] The figure is roughly half the size of the NYGC estimate, but this result is not entirely unexpected. The 440,000 estimate includes only gang members between the ages of 12 and 16, while NYGC staff estimate that adults make up two-thirds of gang members known to law enforcement (Egley, Howell, and Major 2006). The NYGC estimate and the projection from NLSY prevalence rates appear to fall within the same ballpark, assuming that some of the 440,000 self-reported gang members are never identified by law enforcement and that there are another 500,000 or so gang members over the age of 16 who are not captured by the NLSY survey.

1 Surveys differ in the way they formulate questions and report results on the prevalence of current gang membership. For purposes of this report, youth reporting gang membership within the past year are grouped with "current" gang members.

2 The 440,000 figure is a midpoint between an estimate of gang membership generated by using the overall 2 percent prevalence rate (415,000) and an estimate generated by applying race- and gender-specific prevalence rates to components of the youth population (470,000). The difference is likely a result of imprecision in the prevalence rates, which have been rounded up or down to the nearest whole percent, as well as the lack of reported prevalence rates for Asians and Native Americans.

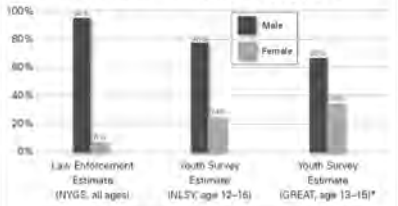
Squaring the data: Law enforcement versus youth surveys

Urban and rural youth were equally likely to report current and lifetime gang membership.

The law enforcement and youth survey results part company when it comes to the composition of the youth gang population. NYGC data indicate that gangs are primarily an urban phenomenon: four in five large-city law enforcement agencies report a gang problem compared to fewer than one in seven rural agencies. Even in the late 1990s, no more than a quarter of rural law enforcement respondents reported gang problems. But urban and rural youth were *equally* likely to report current and lifetime gang membership—2 percent and 5 percent, respectively—according to NLSY data (Snyder and Sickmund 2006).

Girls account for a quarter to a third of adolescent gang members, according to youth surveys.

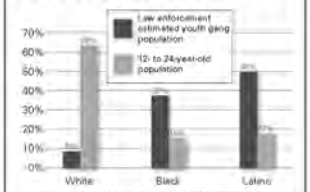
Figure 4.3. Gender of estimated U.S. youth gang population



Sources: National Youth Gang Survey 2004; National Longitudinal Survey of Youth 1997; Esbensen and Winfree 2001.

*GREAT data are not based on a representative national sample and are provided for comparison only.

Figure 4.4. Race/ethnicity of law enforcement-identified youth gang members and total youth/young adult population



Sources: National Youth Gang Survey 2004; 2000 U.S. Census.

The NYGC and NLSY data also point toward very different gender breakdowns. NYGC reports that women and girls made up just 6 percent of gang members known to law enforcement in 2000 (Klein and Maxson 2006). Yet NLSY prevalence rates—3 percent for boys and 1 percent for girls—indicate that girls should account for roughly a quarter of the adolescent gang population. The three-to-one ratio of male-to-female gang participation found in the national youth survey is supported by the results of other youth surveys, which found ratios ranging from three to one to nearly one to one (Klein and Maxson 2006). A research team led by Finn-Aage Esbensen reports an even lower two-to-one ratio of male-to-female gang participation based on a survey of nearly 6,000 eighth-grade public school students (Esbensen and Winfree 2001).

The gang prevalence rates generated by the NLSY survey can be used to estimate the gender breakdown of youth gang membership in the United States. The GREAT survey was not designed to select a representative sample of youth, but extrapolating from the GREAT data nonetheless provides an interesting contrast to law enforcement accounts of gang membership, as shown on the following chart.[3]

The most striking difference between gang population estimates generated by law enforcement and by youth surveys may be their racial and ethnic composition. Law enforcement reports indicate that the overwhelming majority of gang members are Latino or African American.

African Americans and Latinos were roughly 15 times more likely than non-Hispanic whites to be identified by the police as gang members.

Latinos accounted for nearly half (49 percent) of the estimated youth gang population in 2004, according to NYGS data, even though they make up just 17 percent of 12- to 24-year-olds in the United States (Egley, Howell, and Major 2006; 2000 U.S. Census). Blacks accounted for more than a third of known gang members (37 percent)—more than twice their 15 percent share of the adolescent/young adult population. Non-Hispanic whites, by contrast, accounted for 63 percent of adolescents/young adults but just 8 percent of gang members identified by law enforcement. In other words, African Americans and Latinos were roughly 15 times more likely than non-

3. The estimated gender breakdowns presented here differ from those reported by Esbensen and Winfree (2001) for gang members in their sample because their base population differs from the youth population in the United States.

Hispanic whites to be identified by the police as gang members.

Youth survey data also show differences in the prevalence of gang involvement among whites and nonwhites, but the gap is much smaller. Ratios of black-to-white gang membership rates range from a high of nearly five to one among high-risk seventh-graders in Pittsburgh to just under two to one among middle school students in St. Louis (Klein and Maxson 2006 citing Lahey et al. 1999; Curry, Decker, and Egley 2002). The weakness of most of these surveys, for the purpose of examining the racial and ethnic composition of youth gangs nationwide, is that they typically sample urban areas that differ from the suburban and rural areas where the majority of Americans (especially whites) lives.

Two surveys provide a more comprehensive national snapshot of youth gang involvement by race and ethnicity. NLSY data show that 6 percent of black males, 5 percent of Latino males, and 2 percent of white males between the ages of 12 and 16 reported belonging to a gang in the past 12 months; 2 percent of black and Latina females and 1 percent of white females also reported current gang membership (Snyder and Sickmund 1999). The racial and ethnic differences in self-reported gang membership remain substantial but fall *far* short of those reported by law enforcement.

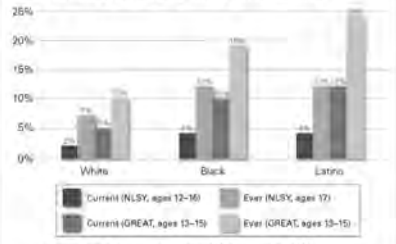
Esbensen and Thomas Winfree reported very similar results from the GREAT evaluation (2001). The GREAT sample was not nationally representative, but it did include 11 geographically and racially diverse communities ranging from large cities like Philadelphia and Phoenix to small cities and rural areas such as Pocatello, Idaho, and Will County, Illinois.

One in 20 white youths (5.1 percent) reported current gang membership, as did one in 10 black youths (10.1 percent) and just over one in 10 Latino youths (11.6 percent). The prevalence of gang membership is higher in the GREAT survey than in the NLSY survey, an outcome that may reflect the selection of communities that were actively seeking to address gang problems. But the ratios of nonwhite-to-white gang participation are remarkably similar to those generated by NLSY researchers: a little more than two to one for Latinos and between two and three to one for blacks.

Whites account for more than 40 percent of adolescent gang members, according to youth survey data.

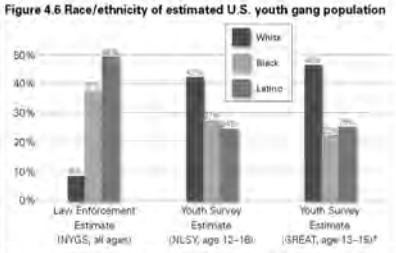
The NLSY and GREAT surveys both indicate a breakdown of gang membership very different from

Figure 4.5. Gang membership rates by race/ethnicity



Source: Snyder and Sickmund 1999 and 2006; Esbensen et al. 2001

Figure 4.6 Race/ethnicity of estimated U.S. youth gang population



Source: National Youth Gang Survey 2004; National Longitudinal Survey of Youth 1997; Esbensen et al. 2001

*GREAT data are not based on a representative national sample and are provided for comparison only.

that reported in law enforcement surveys. When the NLSY prevalence rates are applied to the 12- to 16-year-old U.S. population, they produce an estimated gang population that is roughly a quarter black, a quarter Latino, *and more than 40 percent white.*[4] The GREAT survey was not designed to select a repre-

4 The NLSY results published by Snyder and Sickmund provide gang prevalence for white, black, and Latino youth but not for other racial groups such as Asians or Native Americans (2006). Esbensen and Winfree found prevalence rates for other racial groups that were nearly identical to gang membership rates among Latinos (2001). For the purpose of extrapolating the racial and ethnic breakdown of the adolescent gang population from NLSY data, we have substituted prevalence rates for Latinos for the missing prevalence rates for "others." This assumption may not be correct, but it is based on the best available data. Further, even if the assumption were incorrect, the effect of the error would be minimal since other racial groups account for a small proportion of the total adolescent population.

sentative sample of youth, so the resulting data cannot be used to generate a statistically valid population estimate. But it is worth noting that the application of GREAT prevalence rates to the U.S. youth population produces a racial/ethnic breakdown of gang membership that is nearly identical to the breakdown indicated by the NLSY data, as shown in Figure 4.6.[5] The surveys provide strong evidence that whites make up the *largest* racial/ethnic group of gang youth rather than the small fraction reported by law enforcement.

The disparities between youth surveys and law enforcement accounts of gang membership do not necessarily prove that either source is inaccurate. Law enforcement and youth surveys use different methods to gather information on distinct (if overlapping) populations. Self-reports of gang involvement by youth will not necessarily match the perceptions of police who deal with a larger and older group that has come into contact with law enforcement because of real or perceived criminal conduct. Nevertheless, there must be some explanation for why youth and young adults identified as gang members by law enforcement look so different from youth who identify themselves as gang members.

There are three likely explanations. First, youth who self-identify as gang members may be "fronting," or involved in groups that call themselves gangs but do not engage in serious delinquency. These youth might never come to the attention of law enforcement, or their claims to gang identity might be ignored, because they are not "real" gang members.

Second, the composition of the youth gang population may change drastically between the adolescent years that are captured in youth surveys and the young adult years when law enforcement contact is more frequent. For example, if attrition rates were higher for white than nonwhite gang youth at the end of adolescence, the youth gang population could become less white.

Third, the disparity could be a result of biases in the way gang members are identified or the way data are collected that cause law enforcement officials to underestimate the gang involvement of white, female, and rural youth/young adults and overestimate the gang involvement of nonwhite, male, and urban youth/young adults.

The published results of the major national youth surveys that address the question of gang involvement—NLSY and GREAT—do not permit comparisons of urban and rural gang youth. They do, however, provide enough information to begin exploring similarities and differences in gang activity across race and gender lines.

Do youth surveys mix "bad apples" with oranges who only pretend to be bad?

The finding that whites accounted for a significant proportion of self-reported youth gang members came as a surprise to many gang researchers when it was first reported in 1998 by Esbensen and Winfree (Esbensen, personal communication). Many researchers expressed skepticism that white youth who reported gang involvement were "real" gang members, arguing in effect that the survey findings confused true "bad apples" with youth pretending to be bad. Similar objections have been raised to the conclusion—supported by many youth surveys—that females make up a larger share of the gang population than law enforcement reports indicate.

Gang researchers have generally found that most female gang members are involved in largely male gangs rather than all-female gangs. This makes it unlikely that difference in gang characteristics can account for the gender disparity in law enforcement and youth survey accounts of gang membership. There is convincing evidence, however, that female gang members are more delinquent than nonmembers of either gender, but less delinquent than male gang counterparts (Egley, Howell, and Major 2006). Female gang members could therefore be less likely to attract law enforcement attention and to find their way into gang databases.

White gang members report committing delinquent acts at the same rate as black and Latino peers.

On the other hand, the GREAT survey data show that the self-reported gang membership of white youth was as "real" as that of nonwhite peers across various measures of delinquency and intensity of gang participation. The researchers found that the *only* statistically significant difference in rates of offending between white, African American, and Hispanic gang members was a *lower* propensity among African Americans to use drugs. There were no statistically significant differences in self-reported rates of property offending, person offending, or participation in drug sales.

The researchers also examined the relationship between the intensity of gang affiliation and other

5 The estimated racial/ethnic breakdowns presented here differ from those reported by Esbensen and Winfree (2001) for gang members in their sample because their base population differs from the youth population in the United States.

characteristics associated with gang involvement. They experimented with more and less restrictive definitions of self-reported gang membership to see whether the demographic and other variables changed with the definition. The definitions included (1) past gang membership; (2) current gang membership; (3) current membership in a gang that participates in delinquent acts; (4) current membership in a delinquent gang with some level of organization (e.g., initiation rites, colors, leaders); and (5) describing oneself as a current "core" member of an organized delinquent gang (Esbensen et al. 2001).

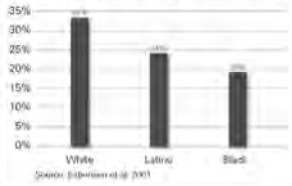
The increasingly restrictive definitions of gang membership correlated to increasing rates of self-reported delinquency. The big jump in delinquency occurred at the point of current gang membership, which was associated with two times more delinquent acts than past gang membership (3.52 versus 1.67). There were also substantial differences between the delinquency rates of organized delinquent gang members (an average of 3.92 delinquent acts) and core gang members (4.41 delinquent acts). The differences between core and noncore members of organized delinquent gangs were particularly notable for person offenses (3.13 versus 3.69) and drug sales (3.89 versus 4.79).

The data show a nonsignificant relationship between gang definition and the racial/ethnic breakdown of gang membership, but in the opposite of the expected direction. White gang youth were *more* likely than black or Latino gang youth to report being core members of an organized delinquent gang. A third of current white gang members (33 percent) fit the most restrictive definition of gang membership, compared to a quarter of Latino gang youth (24 percent) and one in five black gang youth (19 percent). Esbensen notes that white gang members tended to have higher scores on various risk scales than nonwhite gang members, which might explain the intensity of their gang involvement (personal communication).

The fact that a youth engages in delinquent behavior does not necessarily mean the behavior will come to the attention of law enforcement. Delinquency often goes unreported, so it is possible that self-reported gang members could engage in delinquent conduct while remaining below the law enforcement radar.

But research by David Curry provides further evidence that self-reported gang membership is a valid predictor of future contact with law enforcement (2000). Curry collected self-report and arrest data for a sample of 429 Chicago youth to test the relationships between self-reported gang membership,

Figure 4.7. Percentage of self-reported gang members who met most restrictive criteria (core member of organized, delinquent gang)



Source: Esbensen et al. 2001

self-reported delinquency, and subsequent officially recorded delinquency. He found that, after controlling for race and prior arrests, the odds of future arrest were doubled for self-reported gang members.

Together these research findings make a persuasive case that the gang involvement of white self-reported gang members is no less "real" than the involvement of black and Latino peers. The disparity between law enforcement and youth survey reports may be explained in part by differences between the character and intensity of male and female gang involvement. But another explanation is required for the racial differences.

Do rural, female, and white gang members quit gangs before their urban, male, and nonwhite peers?

Young adults account for two-thirds of gang members identified by law enforcement, while the youth cohort accounts for just a third. If the demographic profile of young adult gang members differed significantly from that of youth members, it might help to explain the gap between law enforcement and self-report data on the demographics of gang membership.

Researchers have consistently found that gang members join during early adolescence, and that the prevalence of current gang membership begins to fall after age 14 or 15. David Huizinga reports that the overwhelming majority of self-reported gang members in a Denver sample of at-risk youth joined the gang between the ages of 12 and 15 (personal communication). NLSY data show that the proportion of youth reporting ever having been a gang member rose from 3 to 6 percent between the ages of 12 and 15 before flattening out at age 16 (Snyder and Sickmund 1999). Six of seven youth surveys summarized by Klein and Maxson show that the prevalence

of current gang membership peaks at age 14 or 15 (2006).[6] These findings indicate that any differences in the gender, race, and geographic profile of youth and young adult gang members are likely to result from attrition rather than recruitment of young adults into gangs. There is strong evidence that females "age out" of gang activity more quickly than males. NYGC staff reference several studies that show that a majority of female gang members leave within a year (Egley, Howell, and Major 2006).

Whites appeared no more likely than blacks and Latinos to leave gangs at an early age.

Comparisons of gang attrition rates for white and nonwhite youth produce mixed results. The GREAT data do not support the notion that white youth leave gangs more quickly than black and Latino counterparts—at least not prior to the eighth grade. Whites who were gang members at some time in their lives reported current involvement at roughly the same rate (50 percent) as black and Latino youth (53 percent and 47 percent, respectively) (Esbensen et al. 2001).

Nor do the NLSY data for youth ages 12 to 16 provide evidence that white youth leave gangs more quickly than nonwhite youth. The survey found that, among youth who reported ever having participated in a gang, half of white youth and *less than half* of nonwhite youth identified themselves as current gang members. Neither survey provides evidence of higher turnover among white gang youth in early and mid adolescence.

Hints that white youth age out of gangs more quickly than blacks and Latinos begin to appear at the end of adolescence. Non-Hispanic whites were 3.5 times more likely to report having been a gang member by the age of 17 (7 percent) than to report current gang membership between the ages of 12 and 16 (2 percent). The ratios of current-to-ever gang membership were slightly smaller for blacks and Latinos (4 percent current and 12 percent ever), which could indicate lower turnover rates among nonwhites. But these differences are too small to draw any firm conclusions from them about the relationship between race and the persistence of gang involvement.

No comparable survey data exist for young adults, so it is impossible to determine whether, and to what degree, differences in gang attrition rates change the face of gang membership in the young adult years. John Hagedorn and other gang ethnographers have argued that the loss of jobs and social capital brought about by deindustrialization has kept young inner-city men involved in gangs into their adult years (Hagedorn 2005). It is certainly plausible that white gang youth who have better employment and educational opportunities available to them are more likely to give up gang life than African American and Latino youth with few prospects.

Yet even if the life courses of white and nonwhite gang members diverged sharply during the young adult years, it is not clear that such a divergence could fully explain the racial/ethnic disparity between youth survey and law enforcement depictions of the youth gang population. Law enforcement reports identify many more black and Latino gang members—and many fewer white gang members—than the survey data suggest should be out there. We can test this proposition by comparing NYGC gang population estimates to projections based on NLSY gang prevalence rates and 2000 U.S. Census data.

The white gang undercount

NYGC staff report that there were roughly 770,000 youth gang members in 2000, including around 250,000 African Americans, 370,000 Latinos, 90,000 whites, and 60,000 members of other racial groups. The application of NLSY prevalence rates to race and gender components of the 2000 youth population produces an estimate of 470,000 12- to 16-year-old gang members, including 130,000 African Americans, 110,000 Latinos, 200,000 whites, and 30,000 members of other racial groups. These competing estimates are not easy to reconcile.

Even if every white gang member quit by the age of 17, the white gang population would be two times the law enforcement estimate.

The first issue is the apparent undercount of white gang members, a problem that persists even if we accept the unproven hypothesis that whites age out of gangs faster than nonwhite peers. If we assume that *every single white gang member* left the gang by the age of 17, there would still have been 200,000 white youth gang members in 2000—nearly *twice* the law enforcement estimate. It is, of course, quite unlikely that white youth quit gangs en masse on their 17th birthdays. If just a third of 16-year-old

6 The GREAT survey findings are excluded because the entire sample was made up of eighth-grade students and age differences in the group could be a result of factors that correlate to gang membership (e.g., excellent or poor high school performance causing a youth to be advanced or held back a grade).

white gang members stuck around until the age of 24, the total white gang population would be 300,000—more than three times the law enforcement estimate.

The fact that many white youth gang members go undetected—or at least unrecognized—by law enforcement should not come as a surprise. Juvenile misbehavior may not be reported to police, and law enforcement agencies tend to focus their efforts on crimes committed by adults and older youth. It is plausible that most white gang youth are never identified as such by police because their behavior is not considered serious or persistent enough to attract notice or merit a gang enforcement response. But if we accept this explanation for the apparent white undercount, why should it not also apply to black and Latino gang youth, who are no more delinquent or deeply involved in gangs than white gang youth?

The nonwhite gang overcount

This point leads us to the second issue: an apparent overcount of black and Latino gang members. Based on NLSY prevalence rates, in 2000 there should have been 130,000 black gang members between the ages of 12 and 16—just about half the total law enforcement estimate of 250,000. If we assume that youth gang members fall in the 12- to 24-year-old age group,[7] then black young adults would have to remain involved in gangs at two-thirds the rate of 12- to 16-year-olds in order to meet law enforcement estimates.[8] There is no evidence that African Americans are joining gangs in large numbers after the age of 16, so the numbers would work only if a large majority of black 16-year-old gang members remained active well into young adulthood.

This scenario further depends on law enforcement correctly identifying *every single black youth gang member in the United States.* We know that juvenile misbehavior often goes unreported and undetected by law enforcement. We also know from the GREAT survey that many black youth have joined and left gangs by the time they reach the eighth grade. If we assume, as we did for white gang youth, that most 12- to 16-year-old black gang members stay below the law enforcement radar (at least until they get older), then the prevalence of gang membership among 17- to 24-year-olds would have to equal the prevalence among 12- to 16-year-olds to meet the law enforcement estimate.[9]

Finally, the gang population extrapolated from NLSY prevalence rates is nearly a quarter female, while law enforcement estimates put the female proportion of gang members at just 6 percent.

Figure 4.8. Scenario No. 1: Law enforcement ID 100% of gang males; 100% of blacks/Latinos and 0% of whites remain active from ages 17 to 24

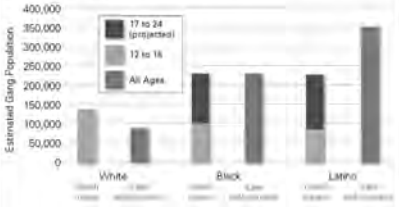
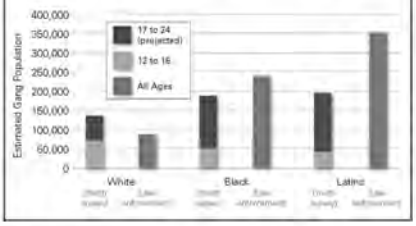


Figure 4.9. Scenario No. 2: Law enforcement ID 50% of 12- to 16-year-old gang males and 100% of 17- to 24-year-olds; 100% of blacks/Latinos and 33% of whites remain active from ages 17 to 24



7 This assumption may prove incorrect; however, the evidence from survey research efforts that followed Denver and Rochester youth into adulthood indicate that youth and young adults account for the overwhelming majority of gang activity (Huizinga and Thornberry, personal communication). There is general agreement among gang researchers that gang membership is more likely to persist into adulthood today than a generation ago. But we have found no evidence that older adults (age 25 and up) constitute a significant share of gang members.

8 NLSY results suggest that 4 percent (of the 5.2 million black 12- to 16-year-olds) were current gang members (6 percent of males and 2 percent of females), generating an estimated youth gang population of 130,000. In order to reach the law enforcement estimate of 250,000 black gang members within the 12- to 24-year-old cohort, the rate of gang membership among the 4.6 million black 17- to 24-year-olds would have to be 2.6 percent.

9 If half of black gang youth (ages 12 to 16) were not detected by law enforcement, the 12- to 16-year-old cohort would account for just over a quarter (65,000) of the law enforcement estimate (250,000), and the prevalence rate among 17- to 24-year-olds would have to rise to 4 percent.

In order to meet a law enforcement estimate of roughly 225,000 black *male* gang members (based on a population of 250,000 gang members that is 94 percent male), the gang prevalence rates for 17- to 24-year-old black males would have to go even *higher*. The numbers work only if black young adult males participated in gangs at a slightly greater rate than adolescents *and* all black male gang members were detected by law enforcement; or if young black men participated in gangs at much higher rates than black male youth and not all gang members were detected by law enforcement.[10]

The disparity between estimates based on law enforcement and those based on youth surveys is much greater for Latinos. NLSY prevalence rates indicate that there should have been 110,000 Latino gang members between the ages of 12 and 16, less than a third of the total law enforcement estimate of 370,000 youth gang members. The only way the number of 12- to 24-year-old Latino gang members could meet the law enforcement estimate is if Latinos participated in gangs at *higher* rates between the ages of 17 and 24 than between the ages of 12 and 16.[11]

This calculation assumes that *all* Latino youth and young adult gang members are identified by law enforcement. It also ignores the difference in the gender breakdown of law enforcement and youth survey gang population estimates. If half of youth gang members and all adult gang members were detected by law enforcement, the overall prevalence of gang membership would have to rise from 3.5 percent among youth to 5.5 percent among young adults. In order to generate a high enough estimate of Latino *males*, the gang prevalence rate among young adults would have to be nearly double the rate for adolescents.[12]

Figures 4.8 and 4.9 illustrate the difficulty of matching youth survey data to law enforcement estimates, even if one makes very broad assumptions about the divergence between paths of white and nonwhite gang members after the age of 16.

The current exercise is speculative. The available data do not allow us to definitively rule out the possibility that white gang membership is the exclusive province of youth, while black and Latino gang involvement continues unabated (or grows) well into adulthood. We have assumed that the 12- to 24-year-old cohort accounts for substantially all of the youth gang population. But we cannot completely discount the possibility that adults in their late 20s, 30s, or even 40s account for a significant proportion of "youth gang" members.

The relevance of work and family opportunities to the process of desistance from participation in gangs is well documented, and ethnographers have linked the disappearance of blue-collar jobs in urban minority neighborhoods to the extension of gang activity into young adulthood. Even without strong quantitative evidence, we can be fairly certain that the paths of white gang members diverge significantly from those of black and Latino gang members as they enter the adult years. Differences in attrition rates probably explain part of the disparity between youth survey and law enforcement depictions of youth gang populations.

Yet in order for differences in attrition rates to explain much of the disparity, the divergence in the life paths of white and nonwhite gang members would have to be so radical that it would pose its own set of troubling questions. Are the opportunities available to white gang youth as they enter adulthood so much better that they pull all of the white youth—but none of the minority youth—away from gangs? Are the responses of law enforcement and other social institutions to minority gang youth so much

10 NLSY prevalence rates suggest that in 2000 there were nearly 100,000 black male gang members between the ages of 12 and 16, while law enforcement sources estimate a total black male gang population of approximately 225,000. If all black male gang youth were detected by law enforcement, the gang prevalence rate among 17- to 24-year-old black males would have to be 5.5 percent (just below the 6 percent black adolescent male rate) in order to generate 125,000 additional gang members. The prevalence rate would have to rise to 7.6 percent if all of the young adult gang members, but just half of the youth gang members, were identified by law enforcement.

11 NLSY prevalence rates suggest that 3.5 percent of the 3.2 million Latino/Latina 12- to 16-year-olds (5 percent of males and 2 percent of females) were current gang members, generating an estimated youth gang population of 115,000. In order to reach the law enforcement estimate of 370,000 Latino/Latina gang members within the 12- to 24-year-old cohort, the rate of gang membership among the 5.7 million Latino/Latina 17- to 24-year-olds would have to be 4.5 percent.

12 NLSY prevalence rates suggest that in 2000 there were a little more than 80,000 Latino male gang members between the ages of 12 and 16, while law enforcement sources estimate a total Latino male gang population of around 350,000. If all Latino male gang youth were detected by law enforcement, the gang prevalence rate among 17- to 24-year-old Latino males would have to be 8.9 percent (well above the 5 percent Latino adolescent male rate) in order to generate 270,000 additional gang members. The prevalence rate would have to rise to 10.1 *percent* if all of the young adult gang members, but just half of the youth gang members, were identified by law enforcement.

more counterproductive that they severely delay, or completely arrest, the natural process of desistance from gang activity?

Do law enforcement agencies find the type of gang members they look for?

The mental gymnastics required to square law enforcement gang estimates with youth survey data are convoluted, forcing us to carefully consider the possibility that the law enforcement estimates are simply wrong. There are much simpler explanations for why law enforcement would tend to underestimate white gang populations and overestimate nonwhite gang populations.

First, suburban, small-town, and rural law enforcement agencies may be less capable of detecting and tracking gang activity than urban police agencies. Small-town officers may not recognize gang activity, and small-town police departments may find it more difficult to establish and maintain gang databases. These factors could contribute to the undercount of white gang members, who are more likely to live in majority white suburbs and towns than are nonwhite gang members.

Second, the practices employed by urban law enforcement agencies to identify and track gang members may contribute to the nonwhite overcount. Gang databases are notoriously unreliable because there are often too few controls on who is put in them and also because too little effort goes into removing from the database people who are no longer active gang members.

NYGC staff cite the second problem as one reason for the apparent aging of the youth gang population (Egley, Howell, and Major 2006). Jurisdictions that began tracking gang members at a given point keep people in their files long after they have ceased "banging," creating the false impression that the membership is steadily aging and growing. Egley also observes that law enforcement agencies have an institutional bias toward identifying older individuals as the source of gang problems: "The longer they have the problem ...the more police start focusing on the older members, thinking that it's going to solve the gang problem" (personal communication).

Third, there is ample evidence that police misidentify minority youth as gang members based on their race and ethnicity, style of dress, and association with gang peers. Loren Siegel notes that, according to a report prepared by the Los Angeles district attorney's office, "46.8 percent of the African American men between the ages of twenty-one and twenty-four in L.A. County have been entered into the police gang-tracking database" (2003). Siegel also cites a 1993 *New York Times* report that "two of three young black men in Denver were on a gang suspect list." As an NAACP official put it at the time: "They ought to call it a blacklist. ... It's not a crackdown on gangs: it's a crackdown on blacks."

Esbensen argues that minority youth are disproportionately identified as gang members because that is who law enforcement officers have been trained to see:

> You find what you're looking for. The training manuals for police departments; law enforcement experts that lecture to community groups and go to police officer trainings—they all perpetuate the myth that gang members are racial and ethnic minorities. Cops are trained to look and that's what they find. The same applies to boys and girls. The Orange County Sheriff's Department training manual says the best indicator of gang membership is self-affiliation except with girls because they're lying. The media reiterates the myths. (Personal communication)

Several years ago, a group of U.S. and European gang researchers launched the Eurogang Project, an effort to develop a common research framework—described by James Short and Lorine Hughes as "the most ambitious street gang research effort ever undertaken" (2006). In Europe, as in the United States, Esbensen reports, law enforcement officials consistently overestimated the role of minority youth and underestimated the role of majority youth in gang activity:

> The Eurogang group has been meeting since 1998 to try and get cross-national multi-site/method studies going. We have developed common measures and strategies and ... there has been incredible consistency in the results. In the Netherlands, for example, law enforcement claimed that the gang members were predominantly from Morocco and Antilles, but we found that over half were native-born Dutch. We found that the U.S. is not an anomaly. Everywhere we found a higher prevalence of gang involvement than law enforcement reported. We got a lot more females and majority group members. The results are incredibly robust. (Personal communication)

The failure of law enforcement to recognize white gang activity should not come as a complete surprise. There may be very good reasons for small-town and suburban police to avoid labeling youth as gang members. The overwhelming majority of gang members are not sociopaths but troubled youth. A police officer who looks at a delinquent 14-year-old and sees a future criminal has every reason to put him in a gang database. But an officer who sees a future solid citizen or the son of a family friend may conclude that "boys will be boys" no matter what gang signs the kids think they're throwing.

Perhaps suburban and rural law enforcement agencies have ignored the threat posed by white gangs. Or perhaps the phenomenon of ganging has been misunderstood—and its contribution to the crime problem exaggerated—by urban law enforcement agencies that treat every troubled youth wearing gang colors like an enemy of the state. The following chapters attempt to address this question by examining the process of joining and leaving gangs as well as the gang contribution to the overall crime problem.

Blood In, Blood Out? Why Youth Join Gangs and How They Leave

During the next 12 months, hundreds of thousands of adolescent boys and girls will join gangs or form new ones. That's the bad news. The good news: nearly all will tire of the violence or outgrow their gang fascination, and most will do so in a year or less. Contrary to popular myth, the vast majority will not face the threat of violence from their gang brethren when they leave, although they may continue to be targeted by rivals. And many will meet hostile treatment from social institutions that refuse to accept their status as former gang members.

Joining

Prevalence of gang membership

Most youth do not join gangs, but the appeal of ganging crosses demographic and geographic lines.

Malcolm Klein and Cheryl Maxson emphasize that gang members do not make up a majority of youth, even among high-risk groups in urban settings: "Perhaps the strongest message in this research is that even with unrestricted definitions in high-risk populations, most youth—7 or 8 out of 10—do *not* join gangs throughout adolescence" (2006). On the other hand, gangs claim a sizable minority of youth, and the appeal of ganging crosses demographic and geographic lines.

Nationwide, 7 percent of whites and 12 percent of blacks and Latinos report current or past gang membership by the age of 17 (Snyder and Sickmund 2006). Urban and rural adolescents were equally likely to report current or past gang membership, and white youth participated in gangs at high enough rates to make them the largest group of adolescent gang members. Gang involvement is greater among high-risk youth and in communities where gang activity is prevalent. For example, nearly a third of boys and girls who participated in the Rochester Youth Survey joined gangs at some point during their adolescence (Thornberry 2001a).

Most gang members join between the ages of 12 and 15.

The public is scandalized each time it is reported that gangs are recruiting children. Yet ganging has always been an adolescent pursuit—a developmental phase through which many youth pass on their way to adulthood. The overwhelming majority of gang members join between the ages of 12 and 15, according to Terence Thornberry (personal communication). Klein notes:

> For many decades, the initial entry into gangs has been at around 11 years of age (initial, not typical), and so there is little room for change downward. Although some writers and officials decry the 8- and 10-year-old gang member, they haven't been in the business long enough to realize that we heard the same reports twenty and forty years ago. (1995)

Risk factors

A number of risk factors are associated with gang membership, but no single factor or set of factors can successfully predict which youth will become gang members. The variables that correlated most strongly with gang membership among participants in the Rochester Youth Survey included negative life events, positive values about drugs, and association with delinquent peers (Thornberry 2001b).[1] The most powerful protective factors were education-related and included commitment to school, attachment to teachers, and parents' expectations for school.

Researchers working on the Seattle Social Development Project found similar results (Thornberry 2001b). Availability of drugs, externalizing behaviors, learning disabilities, having "bad" peers, hyperactivity, and low school commitment were

1 Delinquent behavior also correlates strongly to gang membership; this relationship is discussed in greater detail later in this chapter.

associated with gang membership.[2] Social competence, conventional beliefs, and attachment to conventional peers significantly reduced the likelihood of gang involvement.

Thornberry notes that gang membership is strongly associated with problems across multiple domains. The Rochester Youth Survey research team found that "a majority (61 percent) of the boys and 40 percent of the girls who scored above the median in seven risk factor domains were gang members" (cited in Wyrick and Howell 2004). The variables that predicted gang membership among Rochester and Seattle youth survey participants were concentrated in the peer, school, and personal domains. But the role of community factors (such as availability of drugs and neighborhood integration) and family factors (such as supervision, parental attachment to the child, proviolent attitudes, and family instability) was also significant. To put it another way, gang members are youth for whom everything is going wrong.

Thornberry's findings fit the experience of Jesuit priest Father Greg Boyle, who founded Homeboy Industries, a program that provides employment opportunities to current and former gang members who want to leave the gang life. Father Boyle observes that what sets gang members apart from other youth is their misery (Boyle 2005). According to Boyle, such youth do not need to be recruited—much less forced—to join a gang. They are the kids who hang around older gang members hoping to be noticed and invited into the circle.

Esbensen, Winfree, He, and Taylor also examined correlates of gang membership using a set of demographic, social learning, and self-control variables, along with the five definitions of gang membership described in chapter 4 (2001). The researchers found that race and family structure were statistically significant predictors of gang membership, but that these factors did not predict the intensity of gang involvement. There were no statistically significant relationships between measures of self-control (impulsivity, parental monitoring, and risk-seeking) and gang involvement under any of the five definitions of gang membership.

Youth who reported having delinquent peers were more likely to report gang membership under each definition. By contrast, having prosocial peers appeared to have no effect on the likelihood of gang involvement among GREAT survey participants. The other variables that successfully predicted gang membership under all five definitions were tolerance of fighting and a weak sense of guilt. The results suggest that what distinguishes the most deeply involved gang members from peers is a worldview in which fighting is a normal part of life and the rules of mainstream society do not fully apply.

Leaving

It is commonly believed that gang membership is a one-way street leading inevitably to death or jail. This myth is perpetuated not only by the media but also by gang members who exaggerate the stakes of membership in order to underscore the importance and permanence of their collective bond:

> During the course of the interviews, many gang members expressed the belief that it is impossible to leave the gang. A number of subjects told us that the only way to exit the gang was to be killed. Such beliefs have their foundation in the role of threats of violence for maintaining gang solidarity and membership in the face of threatened and informal sanctions. (Decker and Van Winkle 1996)

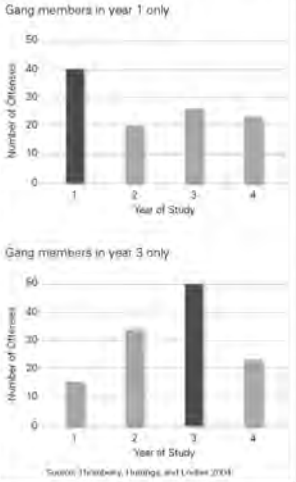
Nothing could be further from the truth. Decker and Van Winkle continue, *"Despite such statements, the majority of active gang members (63 percent) told us they knew at least one person who had left their own gang"* (emphasis added). Data from national and local youth surveys indicate that the typical gang member is active for a year or less. Esbensen and his colleagues identified as many former gang members as current gang members in a multisite sample of more than 5,000 eighth-graders (Esbensen et al. 2001). The Rochester Youth Survey research team, which tracked 1,000 high-risk youth into adulthood, found that a large majority of members quit after a brief stay in the gang:

> Gang membership turned out to be a rather fleeting experience for most of these youth. Half of the male gang members reported being in a gang for 1 year or less, and only 7 percent reported being a gang member for all 4 years. Two-thirds (66 percent) of the females were in a gang for 1 year or less and none reported being a member for all 4 years. (Thornberry, Huizinga, and Loeber 2004)

Huizinga reports similar results from the Denver Youth Survey sample of over 1,500 at-risk youth

2 Race and gender also correlate to gang membership, as discussed in chapter 6.

Figure 5.1. Offenses committed by youth during years of gang involvement and noninvolvement



Source: Thornberry, Huizinga, and Loeber 2004

(personal communication). Three in five males (60 percent) and nearly four in five females (78 percent) quit after one or two years. One in six remained involved for three to four years (15 percent of males and 18 percent of females). A quarter of males and just 4 percent of females stayed with the gang for five or more years. By way of comparison, the turnover rate among new gang members exceeded the 47 percent turnover rate for workers in the hospitality and leisure industry (U.S. Department of Labor 2006).

Leaving a gang is associated with a sharp reduction in delinquent activity. Thornberry and his colleagues observed that, among youth who were involved during a single year, overall delinquency fell by *half* after they left the gang (Thornberry, Huizinga, and Loeber 2004). The Rochester research team also found that gang youth report higher rates of offenses against persons only during years of active gang involvement (Thornberry 2001a).

Delinquency rates also fell sharply among Seattle youth who quit gangs for all offense types except drug sales (cited in Thornberry 2001a). Denver youth gang members committed the overwhelming majority of their delinquent acts (80 percent or more) during periods of gang involvement, even though most were active for a year or less (Thornberry, Huizinga, and Loeber 2004).

Why youth quit gangs

It is surprising that more attention has not been devoted to the question of why and how youth leave gangs. The salutary effect of desistance from gang membership is reason enough to pursue a research and policy agenda that aims to accelerate turnover among gang members. Yet the gang literature is practically devoid of research on desistance. The primary source of information on leaving the gang is a set of interviews conducted by Scott Decker and Barry Van Winkle in the early 1990s with 99 current and 24 former St. Louis gang members (1996). Results that are based on such a narrow sample cannot claim to be authoritative, but they do provide a helpful point of departure for thinking about desistance from gang activity.

A single factor dominated the responses of former gang members who were asked why they gave up the gang life: "All twenty-one individuals who answered this question told us, flat out, that their experience with violence had been the primary motivation for leaving the gang." This finding is at first surprising since researchers have long noted that violence can *strengthen* cohesion among gang members.

Decker and Van Winkle resolve the apparent contradiction by making a distinction between violence that brings gang members together and violence that splinters individuals from the group. They argue that "internal" violence (initiation rites, for example) and "mythic" violence (tales of battles between gangs) intensify gang bonds, but the impact of real violence—whether the gang members experience it directly, or indirectly by way of friends and family—is quite different. The following was a fairly typical response to the question "Why did you decide to leave the gang?":

> Well after I got shot, I got shot in my leg. You know how your life just flash? It like did that so I stopped selling dope, got a job, stayed in school, just stopped hanging around cause one day I know some other gang member catch me and probably kill me.

Interviews with gang members who participated in the Denver Youth Survey provide another glimpse of leaving a gang. Huizinga reports that 30 to 40 per-

cent of former gang members identified maturation as their main motive for leaving the gang (personal communication). These individuals described having "grown up," "grown out of it," taken on "new responsibilities," or simply "got[ten] too old" for the gang life. The maturation process was often linked to having children. Safety concerns accounted for the second-largest set of responses, and moves to new neighborhoods or out of the city also played a role in some cases.

The St. Louis and Denver interviews of former gang members share one critical feature: mention of motives related to law enforcement or the criminal justice system (fear of arrest or incarceration, for example) was almost entirely absent. Decker and Van Winkle make no reference to deterrence-related motives in their description of desistance from gang membership. Huizinga observes that such motives were mentioned by about 10 percent of those interviewed, often in conjunction with other motives (personal communication).

These findings point to a mismatch between traditional gang control policies, which seek to deter gang activity through the use of criminal justice sanctions, and the reality of gang membership. The research team that worked on the Denver Youth Survey found little evidence that arrest or incarceration can deter delinquency or gang membership (Huizinga, personal communication). Huizinga describes the group's findings:

> For gang members, it is the same as for other youth: very little effect, especially for incarceration. They don't see [the criminal justice system] as weak or a paper tiger…but there is a litany, especially from gang members, that being arrested and incarcerated is just to be expected—a rite of passage. In our qualitative research we asked what they learned. The answer was to run next time, to be more careful. They figured out one more thing to do to avoid apprehension. Some say they learned things, especially while incarcerated, and made contacts. (Personal communication)

Ironically, *active* gang members interviewed by Decker and Van Winkle were likely to endorse traditional gang control tactics as effective means to deter gang membership (1996). The gang members' top suggestions were to "(1) talk to individuals about the hazards of life in the gang, [and] (2) provide stricter punishments or discipline for those considering joining the gang." 8 Ball, a 15-year-old Hoover Gangster Crip, suggests that other youth could be "scared straight" despite the fact that the tactic had failed with him:

> 8 Ball: You have to talk to them so you have to catch them at an early age and show them. Bring in some guy that got shot up in a gang, "Look what happened to me, a broken jaw or broken bones and stuff." You got to talk to them. There was a movie called *Scared Straight* and I looked at that and it kind of changed my mind about everything.
>
> Interviewer: But you are still in the gang.
>
> 8 Ball: Yeah because I didn't trip off that because I was young then. I keep telling myself that I'm going to stop, that's what I be saying. I'm going to try to stop, but that's hard to do. You got your reputation.

When it came to eliminating the gangs, "the modal response was that violence would be the most effective means." One gang member asserted that authorities would have to "smoke us all," while another suggested the only solution would be to "put them in one place and blow them up." Conflict with authorities clearly fit easily within the apocalyptic worldview of active gang members, while the mundane reality of maturation did not.

How youth quit gangs

Current gang members interviewed by Decker and Van Winkle maintained that gang members must be "beaten out" or "shoot a close relative, usually a parent." But the researchers found "little evidence that leaving the gang requires group consent." Former gang members "scoffed at these notions, particularly the obligation to shoot a parent as a condition of leaving a gang."

Two-thirds of former members (13 of 19) indicated that they "just quit" the gang, while the next-largest group said that they had moved to another state (4 of 19). Just two former gang members reported having been formally "beaten out" of the gang. The following was a fairly typical exchange between an interviewer and a former gang member:

> Interviewer: How did you get out?
>
> Ex007: You just stop claiming.
>
> Interviewer: That's all?
>
> Ex007: See, that's stupid shit. Them young people. They fickle-minded, they don't know shit. I ain't got to kill shit [to get out of the gang].

Huizinga reports somewhat different results from interviews with former gang members in Denver (personal correspondence). Some interviewees described opting to be "beat out" of the gang, often for the sake of children whom they "don't want to end up like [themselves]." The process of being beat out did not appear to deter most youth from leaving the gang, since a large majority of Denver members quit before the age of 18.

The principal barrier to leaving a gang is not fear of punishment by the gang but the difficulty many gang members face when they try to make new lives for themselves. Decker and Lauritsen observe that leaving the gang may require "rejecting one's friends and peers" (1996). Yet mainstream social institutions are reluctant to embrace former gang members. Thus former gang members experience the worst of both worlds: "After all, what incentive is there to leave the gang when it is the source of their friends and when past criminal activities committed as gang members cause many groups to treat them as if they remained in the gang?"

Identification of gang members is seen as an essential tool in gang intervention efforts. But the gang label can make it more difficult for youth to leave the gang. Former gang members may be targeted by law enforcement long after their active participation in the gang has ended. Gang education efforts may dissuade employers from offering jobs to former gang members or youth who merely look like gang members. The refusal of major social institutions to recognize a former gang member's new status can even filter down to rival gangs:

> Police and school officials may not be aware of the decision of individuals to leave the gang or may not take such claims seriously, and records may not be purged of prior gang status. In such cases, the institution continues to treat the individuals as a gang member. When representatives of official agencies (e.g. police, school) identify an individual as a gang member, they are sending a powerful signal to rival gang members as well as to people in the community about the gang involvement of that person. Such a symbol may have consequences for how that individual is treated.

Consequences of gang membership

The negative consequences of past gang involvement persisted well into adulthood for participants in the Rochester Youth Survey (Thornberry, personal communication). At the age of 30, former gang members were much more likely to report being unemployed, receiving welfare, committing crime, or carrying a gun than peers who had never joined a gang.

Thornberry reports that the risk of negative outcomes varied significantly depending on the duration of gang involvement. Males who spent a year or less in a gang were no more likely than nonmembers to be unemployed or receiving welfare by the time they reached 30. "Transient" gang males were more likely than nongang peers to report higher rates of delinquency and gun carrying at the age of 30, but they were less delinquent than "stable" gang peers. The Rochester Youth Survey's pool of female gang members was too small to distinguish between the long-term consequences of transient and stable gang involvement.

Gang involvement clearly disrupts the lives of youth during a critical developmental period when they should be receiving an education, learning life skills, and taking on adult responsibilities. Thornberry's findings indicate that much of the damage might be avoided if policy makers could figure out how to quickly and successfully move youth out of gangs. Decker concurs that we should set a high priority on "[getting] them out as quickly as we can" (personal communication).

Gang control policies that fix the gang label on youth do just the opposite: they keep former gang members from acquiring the social capital they need in order to survive in mainstream society. And they deter youth from leaving the gang by ensuring that they will be treated as pariahs no matter what they do. The scarcity of research on this topic provides further evidence that policy makers have little interest in reclaiming gang youth, despite claims to the contrary.

Researchers who have spent their careers following the lives of gang youth argue strongly for both the elimination of policies that target gang members and the adoption of prevention approaches that have been proven effective with delinquent youth. Decker and Van Winkle conclude that public safety initiatives should "respond to the crimes of gang members, especially their violence, not to the group nature of the affiliations these individuals maintain" (1996). Esbensen, Winfree, He, and Taylor (2001) echo the call for a focus on behavior rather than gang membership:

> Given the permeability of gang membership, policies linking legal action to an individual's perceived status may erroneously criminal-

> ize that individual. As such, we suggest that legislation targeting gang status should be discouraged in favor of legislation focused on actual behavior.

Thornberry points out that there is a strong body of evidence on "what works" to keep youth on track, and that these approaches should be the focus of policy and research efforts:

> In contrast to the gang prevention literature, in the general literature on preventing delinquency and serious delinquency, there are model programs that have been shown to reduce delinquency and violence. Rather than deal directly with the gangs, use gang membership as a marker to get kids into high-impact treatment programs. Second, figure out which of those programs can be tailored and focused to problems of gang members. (Personal communication)

Public Enemy #1? Gang Crime Myths and Realities

Mayors and U.S. Attorneys are on the front lines in our communities and know better than anyone that gangs have become an increasingly deadly threat to the safety and security of our Nation's citizens.

—U.S. ATTORNEY GENERAL ALBERTO GONZALEZ, MARCH 31, 2006

For the most part, gang members do very little—sleep, get up late, hang around, brag a lot, eat again, drink, hang around some more. It's a boring life; the only thing that is equally boring is being a researcher watching gang members.

—MALCOLM W. KLEIN, 1995

Gangs can be understood in many ways. John Hagedorn (2005) and Sudhir Venkatesh (2003) describe gangs as replacements for mainstream institutions (the state, the family) that find themselves in crisis. Others such as Luis Barrios (2003) and David Brotherton (2003) argue that gangs take on aspects of social movements. Finally, many have observed that gangs proliferate and operate within the realm of youth culture, citing among other examples the role of the film *Colors* in the dissemination of Los Angeles gang culture (Klein 1995).

But the dominant public discourse treats gangs as a particularly virulent subset of the crime problem. James Short and Lorine Hughes argue that this tendency has affected gang studies, which largely "*regard gangs as a fractal of crime*" (2006, emphasis in original). The tendency to equate gangs with the most spectacular forms of crime has also generated a set of public myths about the relationship between gangs and crime. These myths hold that:

- Most or all gang members are hardened criminals.
- Gang members spend most of their time planning or committing crimes.
- Gang members are responsible for the bulk of violent crime.
- Gangs largely organize and direct the criminal activity of their members.

There may be a handful of gangs and gang members who meet this description. Researchers who study gangs generally find, however, that most "gang crime" is not well planned or centrally directed, but is instead committed by individual members or small groups on an ad hoc basis.

Ethnographic and survey research have fairly consistently shown that:

- The seriousness and extent of criminal involvement varies greatly among gang members.
- Gang members who engage in crime nonetheless spend most of their time in noncriminal pursuits.
- Gang members account for a small share of all crime (including violent crime), even within communities and neighborhoods where there are gang problems.
- Much of the crime committed by gang members is self-initiated and is meant to serve personal rather than gang interests.

What is a gang crime?

Law enforcement officials generally employ one of two definitions of gang crime for the purposes of tracking and measuring the problem. The first counts all crimes committed by individuals who are believed to be gang members as *gang-related*, regardless of the nature of the offense or the circumstances surrounding it. The second and more restrictive definition includes only *gang-motivated* crimes that are believed to have been committed for the benefit of the gang or as part of a gang function.

Many crimes committed by gang members are unrelated to gang activity.

Cheryl Maxson and Malcolm Klein examined police data in South Central Los Angeles and found that use of a motive-based definition generated half as many gang homicides as a member-based definition (2001). In other words, half of the homicides committed by

gang members were not committed for the gang or as part of gang activity.

Gang-motivated crimes can be further divided into two categories: *self-directed* crimes that are initiated and organized by individuals or small groups of rank-and-file gang members, and *gang-directed* crimes commissioned or orchestrated by gang leaders or the gang as a whole. Finally, gang-motivated crimes can be understood in terms of *instrumental* actions that are intended to advance the material interests of the gang or its leaders, and *expressive* actions that show gang pride and demonstrate that the group is more fearless than its rivals by defending turf, avenging past injuries, and so on.

Consider the following four cases:

1. A gang member gets in a fight with another man who makes a pass at his girlfriend at a party.
2. A gang member assaults a young man affiliated with a rival gang who has ventured onto territory claimed by the subject's gang.
3. A gang member is asked by older gang members to go on a "mission" into enemy territory to find and attack rival gang members.
4. A gang member is asked by gang leaders to punish a witness who testified against another member.

All four cases would fall under the member-based definition of gang crime, but the first would not meet the motive-based definition because the fight had nothing to do with the gang. The third and fourth cases could be considered gang-directed incidents, but not the second, which was initiated spontaneously by the individual in question.

The fourth case could represent an instrumental effort to advance gang members' material interests by deterring witnesses from testifying against the gang. The third case, by contrast, depicts what is probably an expressive use of gang violence that is more likely to harm than to help gang members' material interests by generating further violence and drawing unwanted attention from law enforcement.

Tales of sophisticated criminal conspiracies and calculated use of violence dominate the public discussion of gang crime. But gang-directed, instrumental activities are the exception, not the rule. Descriptions of gang activity drawn from ethnography and survey research provide little support for the view that gangs are a form of organized crime.

As a general rule, gang members do not spend

Figure 6.1. Definitions of gang crime

hours carefully planning out robberies and burglaries with their fellows. They do not turn drug revenues over to the gang to finance its activities, but instead spend their money on clothes and fast food, as many other teenagers do. And most do not wait for permission from higher-ups to attack members of a rival group. Many gang youth engage in violence, but it is overwhelmingly expressive in nature and often initiated by rank-and-file members—at times *against* the wishes of gang leaders who seek to keep a lid on conflicts. Drug sales are also common among gang members, but the activity generally ranges from a completely disorganized pursuit of individuals to loosely organized cooperative endeavors.

The disorganized character of most gang crime does not reduce its significance. Nor can we ignore the moments when the wrong set of circumstances generates the kind of gang threat that we most fear. Short (2006) recounts the efforts of Richard Brymmer to locate the large youth gangs that had been described to him by police and neighborhood residents. After encountering only small groupings of eight to ten youth (*palomillas*) for two years, Brymmer witnessed the sudden transformation of the *palomillas* into a "wall of young males" in response to a threat from a rival gang. The transformation of the *palomillas* into a gang was a rare occurrence, but one with potentially lethal consequences.

But the disorganized character of gang crime does raise the question of whether a gang is best understood as an organization with defined leadership, goals, and means to achieve those goals, or as an activity that orients youth toward crime and conflict with other gang members. Understanding the disorganized character of gang crime also makes it possible to consider the degree to which getting rid of gang leaders, or even the gang itself, is likely to affect the incidence of crime and violence.

Measuring gang crime and delinquency

There are three methods for measuring gang crime and delinquency:

- self-reports of delinquent activity by youth who identify themselves as gang members;
- self-reports of victimization by people who believe that their attacker was a gang member; and
- police reports of crimes committed by known or suspected gang members (typically generated at arrest).

Each type of data has methodological weaknesses. Youth self-reports may inflate or minimize delinquent behaviors if the respondents seek to exaggerate or conceal their involvement in them. Most surveys of youth gang activity target specific locations or segments of the youth population, making it difficult to derive general conclusions about the larger youth gang population. Finally, many of the relevant surveys include only youth under the age of 18 and ignore a young adult gang population that is of great interest to law enforcement, although the Denver and Rochester youth surveys have continued to collect information from participants into their adult years.

The respondents in the National Crime Victimization Survey (NCVS) report victimization by people whom they believe to be gang members, a belief that could be inaccurate or influenced by outside factors such as media reports of gang activity. Further, NCVS data are reported only at the national level and cannot be used to track regional or local trends.

Researchers have found that law enforcement gang membership and crime statistics are not a reliable basis for tracking trends or comparing jurisdictions.

Law enforcement gang crime numbers include only crimes that are reported to police and identified by the police as gang-related or gang-motivated. There is no agreed-upon definition of a gang or a gang crime, much less a uniform system for tracking and reporting it. Finally, the capacity and criteria for measuring gang crime vary greatly between law enforcement agencies and can shift from year to year as priorities change. A number of gang researchers have collaborated with police to improve data collection or used police records to conduct their own analyses of crime data, but these efforts are few and far between.

Deborah Lamm Weisel and Tara O'Connor Shelley warn that "while it is tempting to use law enforcement data about gangs and gang-related offenses to make comparisons between—or even within—jurisdictions, gang-related data are exceptionally unreliable for this purpose" (2004). Law enforcement data provide no more than a blurry snapshot of the scale of gang crime in a particular jurisdiction in a particular year. Nonetheless, law enforcement gang crime reports are frequently cited because they are often the only figures that can be compared to overall crime reports at the local level.

With the exception of law enforcement agencies that employ the less common motive-based definition, all three measures track crimes committed by gang members that may or may not be gang-motivated. The use of a broad membership-based definition overstates the contribution of gangs to the crime problem, since some members would engage in criminal activity whether or not they were affiliated with a gang.

How much crime and delinquency do gangs and gang members generate?

To repeat, most gang members' behavior is not criminal, and most gang members' crimes are not violent. And of course, most violent people are not gang members, so it's not very useful to define gangs in terms of violent crime alone.

MALCOLM W. KLEIN, 1995

Juvenile delinquency

Data from youth surveys indicate that gang members commit delinquent acts at much higher rates than nongang peers and account for a significant share of juvenile crime. The research teams that conducted the multiyear Denver Youth Survey and the Rochester Youth Survey found that gang members were responsible for a disproportionate share of self-reported delinquency (Thornberry, Huizinga, and Loeber 2004).

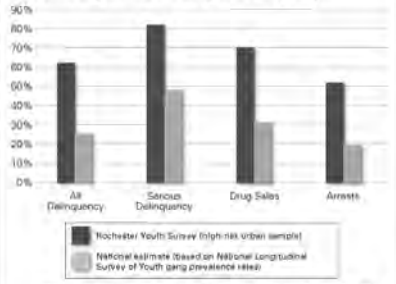
Youth who reported gang membership prior to the end of high school made up 30 percent of the Rochester youth sample but accounted for over half of arrests (54 percent), close to two-thirds of delinquent acts (63 percent), and 82 percent of serious delinquent acts. The divide between gang and nongang youth was even greater in Denver, where gang members account for a smaller share of the sample (18 percent of boys and 9 percent of girls) but roughly the same proportion of serious delinquency (80 per-

cent of serious and violent crime).

Gang members are responsible for a disproportionate share of delinquency, but most delinquent acts are committed by youth who are not gang members.

It would be incorrect to conclude from these findings, however, that gang members commit the majority of crimes in the United States. The Denver and Rochester teams conducted their surveys in high-risk neighborhoods and oversampled youth considered to be "at high risk for serious delinquency" in order to strengthen the statistical power of their findings on delinquency. The prevalence of gang membership in the Denver sample was roughly 50 percent higher than the rates generated by the nationally representative National Longitudinal Survey of Youth (NLSY) sample (11 percent of males and 6 percent of females), while rates of gang membership in Rochester were nearly four times the national rate (8 percent overall) (Snyder and Sickmund 2006).

Figure 6.2. Gang member share of youth delinquency



Sources: Thornberry, Huizinga, and Loeber 2004; National Longitudinal Survey of Youth

The number of gang members in a more nationally representative sample of youth would be too small to drive the overall incidence of crime. For example, gang youth who participated in the Rochester Youth Survey reported three times more arrests, five times more drug sales, 11 times more serious delinquent acts, and four times more overall delinquency than nongang peers. These results are largely consistent with findings from Esbensen and Winfree's research on a broader sample of 5,935 eighth-grade students (2001). Gang members who participated in the latter survey reported committing four to five times more property crimes—and three to five times more person crimes—than nongang peers.[1]

The Rochester Youth Survey results are also roughly consistent with findings from interviews conducted with a snowball sample of high school students and dropouts in San Diego, Los Angeles, and Chicago in the late 1980s by Jeffrey Fagan (cited in Thornberry 2001a).[2] Gang members made up 23 percent of the three-city sample but accounted for two-thirds of self-reported assaults and robberies, nearly seven times the rate for nongang peers.

A very rough estimate of the gang share of juvenile delinquency can be obtained by applying the gang-to-nongang offending ratios generated from the Rochester Youth Survey to NLSY gang prevalence data (8 percent of youth). The resulting picture is quite different: the proportion of delinquency attributable to gang members drops from 63 percent to 26 percent overall, from 82 percent to 48 percent for serious delinquency, from 70 percent to 32 percent for drug sales, and from 54 percent to 19 percent for arrests. Further, these proportions include crimes committed by gang youth before and after periods of gang membership. The Denver Youth Survey research team found that gang youth reported the bulk of their delinquent activity during periods of active gang membership, including 85 percent of serious violent offenses, 86 percent of serious property offenses, and 80 percent of drug sale offenses (Thornberry, Huizinga, and Loeber 2004). But the fact that 15 to 20 percent of delinquent acts attributed to "gang members" were committed during nongang years indicates that the contribution of *active* gang members to overall delinquency may be closer to 20 percent. The observation that young people who are not gang members commit most juvenile crimes does not diminish the seriousness of the problems posed by juvenile gang members. It does, however, remind us that "gang crime" occurs in a larger context of juvenile delinquency that crosses gender, race, and class as well as gang lines.

Youth typically begin to exhibit somewhat higher levels of delinquency before joining gangs, but their delinquent behavior peaks during periods of gang involvement.

Several research studies have sought to determine whether gang youth are more delinquent than nongang peers because gangs attract delinquent youth,

1 The pattern was somewhat different for drug sales. Esbensen and Winfree reported gang to nongang offending ratios of between 9 and 12 to one—much larger than the five-to-one ratio reported by Thornberry. One possible explanation is that the oversampling of at-risk youth in the Rochester project produced higher rates of drug sales among nongang youth.

2 A snowball sample is a nonrandom group of research subjects assembled through a referral process. Snowball samples are often used to reach population groups such as high school dropouts who may otherwise be difficult to locate.

or because the social dynamic of the gang facilitates delinquency among its members. The Denver and Rochester Youth Surveys, the Seattle Social Development Project, and a fourth longitudinal study of youth in Montreal all found that higher rates of self-reported delinquency preceded gang membership (Thornberry 2001a). These findings suggest that seriously delinquent youth select themselves, or are selected by peers, for gang membership.

But the group effect of gang membership appears to exceed the impact of factors that contribute to individual delinquency. Thornberry concludes that "prior to joining the gang, gang members have somewhat higher rates of violent offending than do nonmembers, but the predominant change in behavior patterns occurs during periods of active gang membership. A similar pattern is observed for general delinquency and property crime."

Gang youth are far more likely to commit delinquent acts during periods of active gang membership than during other years. Thornberry and his colleagues found that male gang members in the Rochester sample tended to report two times more person offenses in gang years than in nongang years. The Rochester team found a similar "gang facilitation effect" for general delinquency and drug sales, but not for property offenses.

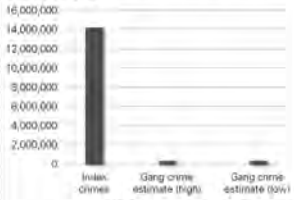
Gang youth also reported committing more offenses than other youth with delinquent peer groups. Thornberry and his colleagues found that average levels of self-reported delinquency were two to four times higher among gang members than among nonmembers with delinquent peers. The Seattle Social Development project data also show that gang youth committed three times more offenses than nongang youth whose best friends had been in trouble with the law (cited in Thornberry 2001b).

Crime

One estimate of gang crime amounts to less than 6 percent of all crime in the United States.

Reliable data on the extent of gang crime do not exist. David Curry, Richard Ball, and Scott Decker produced estimates of total gang membership and gang crime for 1993—a peak moment for juvenile crime in the United States—by tabulating data from law enforcement surveys and using statistical estimates for jurisdictions that failed to provide information in the surveys (1996). Their method produced a "conservative" estimate of roughly 380,000 gang members and 440,000 gang crimes, and a "reasonable" estimate of

Figure 6.3. U.S. index crime and gang crime estimates: 1993



Sources: FBI Uniform Crime Report; Curry, Ball, and Decker 1996

560,000 members and 580,000 crimes.

These gang crime numbers must be taken with fistfuls of salt. Even if all of the assumptions guiding the statistical estimates were accurate, Weisel and Shelley (2004) argue persuasively that there are serious problems with the reliability of the underlying data. Nevertheless, the numbers provide a point of departure for examining gang members' contribution to the total incidence of crime.

The Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program recorded more than 14 million serious (Part I) violent and property crimes in 1993.[3] If a range of 440,000 to 560,000 accurately captured the number of serious property and violent crimes committed by gang members in 1993, then gang members would have been responsible for 3.1 percent to 4.1 percent of serious crime in the United States.

This estimate could be low if police departments recorded in their gang statistics only the most serious and violent offenses—crimes that receive more attention and resources. But the estimate could be high if law enforcement agencies' gang crime reports counted less serious offenses (simple assault, disorderly conduct) or drug offenses that are not included in the overall index crime total.

The gulf between the estimate of gang delinquency obtained from youth survey data (20 to 25 percent) and the estimate of gang crime obtained from law enforcement surveys (3 to 4 percent) demands some explanation. One explanation is that law enforce-

3 The Uniform Crime Reporting program collects crime report data from local law enforcement agencies. Criminal offenses are classified according to a uniform system to facilitate compilation of national statistics and comparison of jurisdictions. Part I offenses include the most common serious person and property offenses and make up the UCR crime index.

ment agencies may underreport gang crime because many jurisdictions lack the capacity—or the political will—to carefully track the extent of gang involvement in criminal activity. Law enforcement underreporting may account for some of the gap, but the most compelling explanation is that gang activity peaks during early adolescence and drops sharply as youths approach adulthood.

The Rochester research team reports that the prevalence of active gang membership among male survey respondents dropped from 18 percent in the first year (average age 14) to 7 percent in the fourth year (average age 17) (Hall, Thornberry, and Lizotte 2006). Other surveys have found a more gradual drop-off in gang membership. Fagan (1990) reports gang prevalence rates that decline from 26 percent at age 15 to 22 percent at ages 17 and 18 (cited in Klein and Maxson 2006). Data from the Seattle Social Development Project show rates of gang membership that fall from 6 percent at age 15 to 5 percent at age 18 (Hill, Lui, and Hawkins 2001 cited in Klein and Maxson 2006). Nonetheless, it is clear that adults—who commit the vast majority of crimes—participate in gangs at substantially lower rates than adolescents.

It should not be surprising, given the small contribution of gang members to the crime problem, that there is little or no correlation between law enforcement gang population estimates and overall crime trends. An analysis of gang membership and crime data from North Carolina found that most jurisdictions reporting growth in gang membership also reported falling crime rates. Large, urban counties that apparently experienced the greatest growth in gang membership achieved some of the largest reductions in crime. The full results of this comparison can be found at the end of this chapter.

Homicide

Public concerns about gang crime often focus on well-publicized incidents of lethal violence. Many lives have been lost to gang violence over the past decades. African American and Latino parents in high-crime neighborhoods have good reason to fear for the well-being of their sons. Fifteen years ago, for example, the homicide rate for black males between the ages of 20 and 24 in St. Louis—one of the most violent cities in America—reached a shocking 626 per 100,000 residents (Decker and Curry 2003). Nevertheless, gang members are responsible for a relatively small share of the nation's homicides.

Author and activist Tom Hayden cites a 2001 figure of 1,335 gang-related homicides in 132 cities with populations over 100,000 provided by the staff at the National Youth Gang Center (2005).[6] The gang homicide total amounts to 8.4 percent of the 15,980 homicides reported to the FBI and is a little more than half the 2,387 people known to have been killed by family members or intimates in 2001.[7] Malcolm Klein and Cheryl Maxson cite a slightly smaller 2002 figure of 1,119 gang homicides—less than 7 percent of all homicides that year—based on the FBI's Supplemental Homicide Reports, which use criteria that "approximate a gang motive approach to defining gang homicides" (2006).

The reported prevalence of gang-related homicides varies widely by jurisdiction. In California, George Tita and Allan Abrahamse found that "gang killings accounted for 16 percent of all homicides between 1981 and 1991" (cited in Klein and Maxson 2006). Tita and Abrahamse also reported that three of every four California gang homicides took place in Los Angeles County. The most recent available National Youth Gang Survey data indicated that gang members were responsible for more than half of all homicides in Chicago and Los Angeles, and a quarter of homicides in 173 other large cities that reported gang problems and provided gang homicide information (Egley and Ritz 2006).

Gang-related homicides are a serious problem in a number of cities, but nationally just one gang homicide occurs annually for every 18 gangs and 570 gang members.

The National Youth Gang Center estimates that there are roughly 24,000 youth gangs with 760,000 members in the United States. If just one member of each youth gang committed a single homicide each year, the annual number of gang homicides would reach 24,000—nearly 10,000 more homicides than the nation experienced in 2005 under *any* circumstances.

The most recent available figure for gang-related homicides is 1,335 killings in 2001—one homicide for every 18 gangs and 570 gang members. At that rate, it would take 18 years for each gang to be responsible for a single killing, assuming that the homicides were divided evenly (they are not) and that the gangs

6 The total does not include smaller cities or rural areas, but the impact of the omission is small because gang-related homicides are rare in less-populous jurisdictions. A large majority of rural counties and small cities reported no gang problems at the turn of the century, and among those reporting gang problems, 60 percent reported no gang-related homicides (Egley and Ritz 2006).

7 The FBI does not include victims of the attacks of September 11, 2001, in the annual homicide count.

survived that long (many do not). Since a handful of cities and gangs account for a disproportionate share of killings, we can infer that most gangs will *never* have a murderer in their midst.

Most law enforcement agencies reported zero youth gang homicides between 2002 and 2004.

Most law enforcement agencies reported *zero* youth gang homicides between 2002 and 2004. Jurisdictions that experienced no gang homicides over the three-year period included two in five larger cities (50,000 or more residents), a majority of suburban counties, and four in five smaller cities and rural counties. Just one in 10 larger cities—and one in 37 suburban counties—reported 10 or more gang-related homicides in at least one of the three survey years. Gang-related homicides happen occasionally in a large number of jurisdictions and are a major problem in a handful of cities, according to the surveys. Murders committed by family members and partners are a more serious issue in most jurisdictions.

Policy makers and the public at large generally believe that gang killings are fueled by struggles for control of the illegal drug trade. Yet researchers have consistently found that drug motives are present in a very small proportion of gang homicides. Carolyn and Richard Block conducted a comprehensive analysis of gang homicides in Chicago at the height of the crack epidemic and concluded that guns, not drugs, were behind a spike in gang killings (2001).

Fewer than 3 percent of gang-motivated murders that took place between 1987 and 1990 were drug-related, according to Chicago homicide data, and just five of 288 cases (1.7 percent) were connected to drug business. There was also a much stronger correlation at the neighborhood level between gang-motivated homicides and nonlethal violence than was found between gang homicides and gang-motivated drug crimes.

A spatial analysis of violent incidents showed that gang-related homicides and nonlethal violence were much more likely to occur at the border of gang territories than in places with high levels of gang-related drug activity. The researchers found that "street gang-motivated homicides tended to occur within or close to the boundaries of turf hot spot areas, and only rarely in drug hot spot areas except when a drug hot spot area intersected with a turf hot spot area."

The number of gang-motivated homicides rose sharply in Chicago at the end of the 1980s, from 50 in 1987 to a record 101 gang-motivated homicides in 1990. The spike in homicides did not correlate to an increase in levels of nonlethal gang violence, which actually declined slightly over the period. Instead, the researchers report that "virtually the entire increase in the number of street gang–motivated homicides seems attributable to an increase in the use of high-caliber, automatic, or semiautomatic weapons."

Research teams in Boston and Los Angeles conducted extensive analyses of homicide patterns and came to the same conclusion. They found that youth and young adult gang members were killing each other in a cycle of violence that had no motive other than the perceived need to defend symbolic turf and retaliate for past violence. The Boston researchers who designed Operation Ceasefire (discussed in chapter 7) determined that most incidents "were not in any proximate way about drug trafficking or other 'business' interests" (Kennedy, Braga, and Piehl 2001). Further, youth known to be associated with homicides were more likely to have been arraigned in the past for violent, property, and disorder offenses than for drug offenses.

The RAND Corporation researchers who assisted in the replication of Operation Ceasefire in Los Angeles report that their findings "drew incredulous responses from members of the working group, including one law enforcement member who insisted 'these kids are . . . being killed because of [dope]' " (Tita et al. 2003). A review of the case files with the detective who assembled them confirmed the team's initial assessment: the kids were not being killed over dope. The findings from Chicago, Boston, and Los Angeles are supported by research studies that produced similar results in Miami, Pittsburgh, and St. Louis (cited in Howell and Decker 1999 and Tita et al. 2003).

In a recent summary of gang research literature, Short observes that both intergang and intragang homicides are associated with external challenges to group solidarity and internal challenges to group norms (2006). The perceived need to uphold a code of honor drives violence among gang members more than the interests of the gang or its members:

> Donald Black (1993) and Mark Cooney (1998) note that the violence associated with such concerns appears to be overwhelmingly "moralistic" rather than "predatory." That is, it occurs in response to "a violation of standards of acceptable behavior" rather than as a means of achieving personal gratification. (Cooney, p. 4)

The intention here is not to minimize the toll gang wars have taken on youth, especially youth of color, over the past two decades, but instead to place it in context. Lethal violence remains a serious problem in the United States, and it requires a thoughtful response. Blaming the problem on "gangs" may be politically expedient, but it does little to advance a solution.

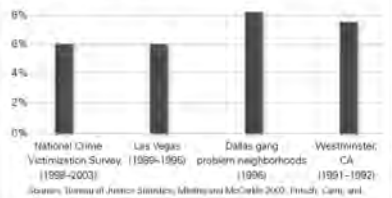
Violence

Research results in three gang problem cities show that gang members were responsible for less than 10 percent of violent crime.

Researchers working at the local level have also reported that known gang members account for a small fraction of violent criminal activity, even in cities and neighborhoods that report serious gang problems. Las Vegas law enforcement officials talked up the extent of gang violence prior to the passage of a law establishing enhanced sentences for gang-related crimes. But when researchers went back to examine police data, they determined that the prevalence of gang violence had been greatly exaggerated. Defendants identified by police as gang members accounted for just 6 percent of violent crime charges and 5 percent of drug charges filed in Las Vegas between 1989 and 1995 (Miethe and McCorkle 2002).

Data published by a team of researchers that evaluated a gang suppression effort in Dallas show that gang-related offenses accounted for less than 10 percent of serious violent crime in the year preceding the intervention, even in target areas that experienced "large amounts of gang violence" (Fritsch, Caeti, and Taylor 2003). The same conclusions can be drawn from data collected by investigators evaluating the efforts of a gang task force in Westminster, California (Kent et al. 2000). Gang-related offenses in Westminster peaked at roughly 7 or 8 percent of all crime during the preintervention period, and the researchers concluded that "violent gang crime is a relatively small proportion of violent crime" in the jurisdiction.

Figure 6.4. Proportion of violent crime committed by people believed to be gang members



Sources: Bureau of Justice Statistics; Miethe and McCorkle 2002; Fritsch, Caeti, and Taylor 2003; Kent et al. 2000

The data from Las Vegas, Dallas, and Westminster roughly correspond to previously reported findings from the National Crime Victimization Survey that gang members are responsible for a small share of violent crime (Ziedenberg 2005). The proportion of violent crimes in which the victim believed the perpetrator to be a gang member peaked at 10 percent of all victimizations in 1996 before declining 6 percent in 1998 and remaining stable thereafter.

One study of highly organized gangs in New York's Chinatown found that most violence was motivated by gang rivalries or personal disputes, and that it was initiated by rank-and-file members rather than gang leaders.

It is often assumed that gang leaders orchestrate violence in order to secure control of drug markets and other criminal enterprises. This notion has been challenged by findings from ethnographic research that gang violence is often expressive in nature and initiated from below. Ko-lin Chin interviewed 62 male members of Chinese gangs in New York's Chinatown in 1992 and found that, while fighting was common among the gang members he interviewed, the violence originated in personal disputes and gang rivalries rather than in instrumental concerns (1996). He also reported that leaders of Chinatown's youth gangs and adult criminal organizations were more likely to restrain than to encourage gang violence.

Law enforcement authorities had identified drug trafficking as a major gang activity and a leading cause of violence among Chinese gang members. But the gang members interviewed by Chin reported little involvement in drug sales; just one in six indicated that he had ever sold drugs. The top two reasons supplied by the interviewees for violence between members of rival gangs were "staring" during chance encounters in public locations (mentioned by 45 percent of respondents) and fights over turf (32 percent). Disputes over money (25 percent) and girls (21 percent) were the most commonly cited reasons for conflict between members of the same gang.

Chinatown gang leaders were more likely to intervene to restrain, rather than to promote, conflict between gang members.

Most gang members reported that gang leaders, sometimes joined by representatives of adult criminal

organizations, would intervene to resolve intergang and intragang conflicts. Chin concludes that "(a) violence between gang members is freelance and erupts rather spontaneously over personal matters, and (b) gang leaders strive to control and contain violence for purely pragmatic purposes. ... Drug use, drug trafficking, tong [organized crime] affiliations, protection rackets, and community politics appear to have little influence on gang violence in New York City's Chinatown."

Drug distribution

National and local law enforcement officials have long argued that gangs are heavily involved in drug trafficking and distribution, but the evidence behind the contention is thin. The National Drug Intelligence Center (NDIC) reported in the October 4, 2005, issue of *Narcotics Digest Weekly* that gangs (including street gangs, prison gangs, and outlaw motorcycle gangs) are "the primary retail distributors of drugs in the country." The National Alliance of Gang Investigators Associations (NAGIA) makes a similar claim in its most recent National Gang Threat Assessment, which is based on a survey of gang investigators at 455 law enforcement agencies (2005).

The NAGIA survey is not, as the authors readily admit, "representative of the nation as a whole, nor is it based on a statistically valid sample." Beyond problems with the representativeness of the sample, however, the NAGIA report clearly overstates the survey findings. Three in five law enforcement respondents (60.2 percent) reported "moderate" or "high" gang involvement in total street-level drug sales in their areas. But when the responses are broken down by substance, it becomes clear that the figures are driven primarily by marijuana distribution.

Marijuana is the only drug for which a majority of law enforcement respondents reported "moderate" or "high" gang involvement in distribution.

Marijuana is the only drug for which a majority of law enforcement respondents reported "moderate" or "high" gang involvement in distribution (64.8 percent). Close to half reported moderate to high levels of gang involvement in the distribution of crack cocaine (47.3 percent), while fewer than 40 percent of respondents identified a significant role for gangs in the distribution of methamphetamine (39.1 percent), powdered cocaine (38.2 percent), or heroin (27.9 percent). Just a quarter of law enforcement agencies in Southern states indicated moderate or high gang involvement in the distribution of methamphetamine (24.9 percent), despite local media reports that have suggested much closer ties between gangs and meth trafficking.

Researchers found that law enforcement officials overestimate gang member involvement in drug distribution.

Further, researchers Malcolm Klein and Cheryl Maxson found that law enforcement officials have an exaggerated perception of gang member involvement in drug distribution. In the mid-1980s the two conducted research on cocaine sales in South Central Los Angeles, where they were told that "upward of 90 percent" or "almost all" sales were gang-related (Maxson 1995).

A review of police records, however, showed that the share of arrests attributable to gang members ranged from 9 percent in 1983 to 25 percent in 1985. Despite stereotypes that gang drug activity is associated with "high levels of violence" (NDIC 2005), the researchers found that gang members were no more likely to carry firearms than nonmembers (Maxson 1995).

Maxson replicated these findings six years later when she used police records to examine 1,563 cocaine sale incidents and 471 other drug sale incidents in Pasadena and Pomona, California. Gang members accounted for just over a quarter of cocaine sale arrests (26.7 percent) and one in nine non–cocaine sale arrests (11.5 percent). The proportions of cocaine sales attributable to gang members—21 percent in Pomona and 30 percent in Pasadena—were consistent with the last year of the Los Angeles data (25 percent) and well below law enforcement estimates, which ranged from 30 to 50 percent.

The proportion of non–cocaine sale arrests attributed to gang members (one in nine) also failed to meet the expectations of law enforcement officials who reported that "gangs were prominent in the distribution of marijuana, heroin, and PCP, although less so than in the distribution of cocaine." Maxson further notes that these proportions may overstate the role of gangs in the drug trade since many gang members sell drugs independent of their gangs: "It should also be noted that these gang member arrestees might have been entrepreneurs. Involvement of the gang might have been minimal."

Gang members arrested for drug sales were no more likely than nonmembers to carry weapons or engage in violence associated with the sale.

Maxson's findings also belied the stereotype of heav-

ily armed gang members who use violence to control local drug markets. Gang members arrested for cocaine sales were no more likely than nonmembers to carry a firearm (10 percent) or to engage in violence in conjunction with the sale or arrest (5 percent). Cocaine sales by gang members were somewhat more likely to involve the rock form of cocaine. But the average amount of cocaine sold by nonmembers was twice that sold by gang members (6.95 grams and 3.55 grams, respectively). The only other significant differences between cocaine sale incidents involving gang members and those involving nonmembers were that gang members were disproportionately black, male, and young (a mean age of 22.5).

Youth survey and interview data suggest that a significant proportion of gang members participate in drug sales during their time in the gang. Members of gangs that were considered by law enforcement to be the most highly organized in Chicago and San Diego all reported drug sale activity to interviewers (Decker, Bynum, and Weisel 2001). A large majority of St. Louis gang members said that more than half of their gang peers sold drugs (Decker and Van Winkle 1996). Several other studies conducted during the early 1990s found rates of self-reported participation in drug sales that ranged from a low of 30 percent to a high of 95 percent (Maxson 1995).

One study found that just one Los Angeles gang member in seven sold drugs as often as once a month.

The character of gang-member-involvement drug sales is poorly understood. Drug selling is not typically a full-time occupation for gang members. A study conducted by the Los Angeles County district attorney's office in 1992 found that *just one gang member in seven sold drugs on a monthly basis* (Howell and Decker 1999). Scott Decker and Barry Van Winkle describe the drug sale activity of St. Louis gang members as "sporadic," observing that they sold drugs "when they wanted to make money, not at any fixed time" (1996). "It is probable," the authors conclude, "that the majority of the drug sellers in the St. Louis area are not gang members."

Instead, drug sales represent an occasional source of income that allows gang youth to obtain the consumer goods and services that are readily available to more affluent teens. Nearly two-thirds of St. Louis gang members said that most of their drug revenues were spent on clothing. San Diego gang members told interviewers that their drug profits were spent on fast food and parties (Decker, Bynum, and Weisel 2001).

Gang members are clearly not the primary retail distributors of drugs in the country. In Southern California cities with recognized gang problems, gang members accounted for roughly a quarter of drug sale arrests. It is safe to assume that gang members account for a much smaller share of drug sale arrests in jurisdictions with smaller gang problems. It is also likely that gang members are heavily underrepresented in the many drug transactions that take place in more affluent neighborhoods where police make fewer drug arrests.

Gang members do not even account for a majority among youth who have sold drugs. Sixteen percent of 17-year-olds report selling drugs at some point in their lives, while just 8 percent report past or current gang membership (Snyder and Sickmund 2006). The prevalence of drug sale activity was even higher among white youth (17 percent) despite the fact that white youth had a lower rate of gang involvement (7 percent).

Several researchers have described gang member involvement in drug sales as sporadic and poorly organized.

Law enforcement officials generally perceive the involvement of gang members in drug sales as a criminal conspiracy on the part of the gang to traffic in drugs. Most of the ethnographic and survey literature paints a very different picture of the relationship between gangs and the drug trade. They describe gang member drug activity as sporadic and disorganized—less Drug Traffickers Inc. than a fraternal association whose members network and occasionally do deals with one another.

Scott Decker, Tim Bynum, and Deborah Weisel interviewed 85 active members of the four most organized gangs in Chicago and San Diego (2001). All of the interviewees reported selling drugs, and most said that their gangs were involved in organizing drug sales. But their responses generally suggested low levels of organization with few defined roles or rules. According to one San Diego gang member:

> The gang don't organize nothing. It's like everybody is on they own. You are not trying to do nothing with nobody unless it's with your friend. You don't put your money with gangs.

Drug profits were not primarily used to finance gang activities but instead were retained by individual drug sellers. Even members of Chicago's Gangster Disciples—arguably one of the most highly organized street gangs in the United States—overwhelmingly reported that drug profits went into their own pock-

ets and not back to the gang. San Diego gang members were even more emphatic, with one responding, "A percentage of the drug money [to the gang]? Hell, no. You keep it to yourself."

Decker and Van Winkle found similar results in their investigation of St. Louis gangs: "Although every gang in our sample had some members who sold drugs (crack cocaine, in the main), gang involvement was generally poorly organized, episodic, nonmonopolistic, carried out by individuals or cliques on their own, and was not a rationale for the gang's existence and continuance" (1996). Gangs did not dominate the drug trade in St. Louis, nor did they attempt to do so. Gang members who were interviewed often referred to nonmembers who sold drugs, and to drug houses within gang neighborhoods that were not controlled by the gang.

The drug economy plays a significant role in the lives of many gang members, a fact that has been well documented by Hagedorn (2005) and others. But the drug trade is not responsible for the existence of gangs or the activities of their members. And gangs are not responsible for the flow of drugs and drug dollars into low-income communities.

Perception and reality

All of the available evidence indicates that gang members play a relatively small role in the crime problem despite their propensity toward criminal activity. Gang members appear to be responsible for fewer than one in four drug sales; fewer than one in 10 homicides; fewer than one in 16 violent offenses; and fewer than one in 20 index crimes. Gangs themselves play an even smaller role, since much of the crime committed by gang members is self-directed and not committed for the gang's benefit. The question, then, is why the problem of gang crime is so commonly overstated by law enforcement and media reports.

There are several possible explanations for why law enforcement and media reports consistently overestimate the role of gangs and gang members in crime and violence. First, gang members often make themselves highly visible, while others who commit crimes try to keep a lower profile in order to avoid arrest. Graffiti, colors, hand signs, and dramatic rivalries ensure that gang activity will be more memorable and more newsworthy than the less spectacular offenses that drive crime statistics.

Second, law enforcement and media depictions of gangs fuel gang crime myths by equating all gang activity with criminal activity and by tarring all gangs and members with the worst crimes committed by any gang member. Klein succinctly illustrates the tendency of law enforcement agencies to cram all drug crime in a gang box when he quotes the deputy chief of a large police department on the subject of crack sales:

> Look, this narcotics stuff is all a matter of gangs and conspiracy. To me, a gang is any two or more guys working on crime together. In a drug sale, you got at least the seller and the distributor involved. Now that means it's a conspiracy. And there's two guys, right. So all these crack sales are gang crimes.... Two or more guys conspiring to make crack sales means it's a gang affair...that's how we define gang around here. (1995)

Law enforcement and media accounts also tend to attribute to the gang any crime for which an alleged gang member stands convicted, charged, or even suspected. This practice implies that every member of a gang has committed, or is at least capable of committing, a laundry list of heinous offenses. Some agencies such as North Carolina's State Bureau of Investigations (SBI) go even further by lumping together the alleged activities of many gangs. The gangs of Charlotte/Mecklenburg County, for example, are said to engage in:

> homicides, threats against law enforcement, firearm possession, drug possession, assaults, fighting, kidnapping, carjacking, armed robbery, home invasions, vandalism (graffiti), auto theft, breaking into vehicles, restaurant robberies, gun trafficking, extortion, prostitution and gambling.

The list of alleged gang activities creates the impression that every Charlotte gang member is a sociopath with a long criminal record, or, at a minimum, that every gang contains murderers, drug traffickers, carjackers, armed robbers, and their ilk. A quick review of the national gang data dispels any such idea.

The typical gang is not an army of killers or even potential killers. It is a group of youth and young adults who are alienated from mainstream society and caught up in a mythical world of excitement and danger. The damage that these young people do to themselves, to each other, and to more than a few bystanders is very real. But as Klein and many other researchers have observed, most gang members are more talk than action. A more realistic assessment of the gang contribution to the crime problem is needed if policy makers are

to avoid playing into the gang myth by inflating the dangers to public safety posed by gangs.

North Carolina: More gangs, less crime

Mercer Sullivan contends that the focus on gangs distracts researchers and policy makers from the real problem of youth violence (2006). He points to the lack of a correlation between youth violence and the most solid measure of gang prevalence, the National Youth Gang Center gang population estimates:

> During the 1990s, youth gangs were widely reported to be increasing in numbers and membership throughout the United States (Miller 2001). Yet, during the latter part of the decade, youth violence decreased sharply (Butts and Travis 2002), while gang membership underwent but a slight decline and remained at historically unprecedented levels.... Given the choice, who would not prefer more gangs and less youth violence to the opposite combination.

A comparison of North Carolina crime data and gang membership estimates provides further evidence for Sullivan's argument, as well as an example of how gang hysteria can elicit counterproductive policy responses. Legislation introduced by Representatives Henry Michaux, a Democrat from Durham, and Phillip Frye, a Republican from Spruce Pine, in February 2005 declared that gang activity had brought North Carolina to a "state of crisis":

> The General Assembly, however, further finds that the State of North Carolina is in a state of crisis that has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected.

H.B. 50 would have made participation in a street gang a separate criminal offense; added 10 years to the sentence of anyone found to be an "organizer, supervisor or manager" of gang activity; required judges to make a determination on the record as to whether an offense was committed to benefit a street gang; allowed the state to seize property used for gang activity; added at least five years to the sentence of any defendant convicted of a serious felony committed to benefit gang activity if he or she was in possession of a firearm; and established a grant program for gang prevention and intervention efforts.

The legislature's Fiscal Research Division estimated that the proposed changes would cost the state nearly $80 million to implement over the first four years if just 1 percent of eligible offenses resulted in convictions. The monies would have gone largely to the construction and operation of nearly 400 new adult and juvenile corrections beds. The estimate did not include any costs associated with the penalty enhancement provisions of the bill. The legislation would also have exposed children as young as 12 to stiff penalties, prompting concern that troubled youth could suffer lasting damage at the hands of the criminal justice system.

The public often assumes that such harsh and costly measures would be proposed only in the face of a true public safety crisis. A review of the gang literature, however, shows that some jurisdictions have adopted tough gang control measures only to discover that the gang threat was greatly exaggerated. Nevada state lawmakers enacted strict gang sentencing enhancements based on law enforcement claims that arrest data did not support. A review of crime trends suggests that North Carolina risks repeating Nevada's mistake.

Families Against Mandatory Minimums organizer LaFonda Jones says that the gang panic was precipitated by several killings in Durham. Jones agrees that Durham has a youth violence problem. But she argues that youth violence is a long-standing local problem with roots in youth unemployment and the "severe gap between haves and have-nots" rather than a statewide crime epidemic.

Uniform Crime Report data support Jones's contention: statewide index crime rates *fell* by 12 percent during the five-year period that preceded the introduction of H.B. 50, dropping from 5,267 crimes per 100,000 residents in 1999 to 4,642 crimes per 100,000 residents in 2004. Violent crime rates saw an even greater 16 percent decline, dropping from 551 to 461 crimes per 100,000 residents over the period. Even juvenile violent crime arrests declined slightly, from 2,749 per year in 1999 to 2,574 in 2004.

Despite falling crime rates, two reports issued by state law enforcement agencies fueled fear of gangs by appearing to show rapid growth in gang activity. The North Carolina State Bureau of Investigations produced a report summarizing gang activity in 15 alleged "hot spots" for the General Assembly's Fiscal Research Division.

The language of the SBI report is alarming: Durham's

Hispanic gangs were "becoming more visible"; Charlotte/Mecklenburg County had a "growing number of Hispanic gangs" as well as Asian gangs that were "becoming more active"; Wake County had seen "a large influx of gang activity"; Hispanic gang activity had "increased significantly in the town of Angier" and "recently emerged in the Fayetteville area"; "gang members from Charlotte" were committing crime in Catawba/Iredell County, which was also witnessing the "development of MS-13 [Mara Salvatrucha gang] activity in the area"; gang activity had "erupted in the Kinston area…in the last three or four years"; Hispanic gangs were "emerging" in Wilmington/New Hanover County; and Henderson County had "seen Hispanic gangs move into the area." The report contains no references to gang membership decreasing, nor does it mention gangs becoming less active in any of the 15 hot spots.

The Governor's Crime Commission also released a report that compared local law enforcement estimates of gang activity in 2004 and 1999. Author Richard Hayes notes that apparent changes in gang activity over the period might in fact be changes in law enforcement *acknowledgment* of gang problems. Nevertheless, a more than 3,000-person jump in the estimated gang population—from 5,068 in 1999 to 8,517 in 2004—led the *News and Observer* to print a story headlined "Gangs on the Rise in N.C." (Manware and Wootson 2005). The article quoted Charlotte-Mecklenburg gang detective Joel McNelly, who told the paper that "the spike in gang numbers is as much about gang members who've moved to the city as about officers better documenting them."

Yet the pattern of rising gang activity and falling crime was evident at the local level. Most North Carolina counties either failed to report any gang activity or reported an "unknown" number of gang members in one or both of the surveys. But 22 counties did provide estimates of local gang membership in both 1999 and 2004. Nineteen counties, including some of the state's largest, submitted uniform crime reports for the same years, permitting comparison between

Table 6.1. North Carolina local gang membership and crime trends: 1999 to 2004

County	Members 1999	Members 2004	Members change (#)	Members change	Index crime change	Violent crime change
Cumberland	2547	259	-2288	-89.8%	7.3%	17.6%
Burke	154	12	-142	-92.2%	-12.8%	-51.3%
Guilford	144	88	-76	-52.8%	-17.0%	-22.9%
Stanly	58	18	-40	-69.0%	-37.0%	-6.4%
Avery	22	10	-12	-54.5%	-21.1%	-52.8%
Brunswick	9	7	-2	-22.2%	-0.5%	-21.0%
Lenoir	20	21	1	5.0%	16.4%	3.1%
Rowan	32	34	2	6.3%	8.8%	-4.8%
Duplin	23	30	7	30.4%	-13.4%	-16.0%
Northampton	15	22	7	46.7%	38.2%	11.0%
Franklin	16	27	11	68.8%	-19.4%	-23.3%
Rockingham	15	30	15	100.0%	-6.8%	-42.9%
Catawba	8	60	52	650.0%	-0.6%	5.1%
Davidson	187	263	76	40.6%	1.8%	22.2%
New Hanover	20	105	85	425.0%	-5.7%	1.0%
Nash	7	300	293	4185.7%	0.0%	-0.3%
Pitt	40	835	795	1987.5%	-13.8%	-11.3%
Mecklenburg	168	1739	1571	935.1%	-14.4%	-24.7%
Wake	30	1753	1723	5743.3%	-32.4%	-21.3%

Source: Governor's Crime Commission 2005; FBI Uniform Crime Reports 1999 & 2004

gang membership and crime trends.

The results are striking. Of the four counties reporting the greatest increase in gang membership, three (Wake, Mecklenburg, and Pitt) saw substantial drops in violent and overall crime rates, while the fourth (Nash) saw no change in its overall and violent crime rates. The county with the greatest reported *decrease* in gang membership—Cumberland County, where the number of reported gang members dropped by 90 percent—saw growth in overall and violent crime rates and a 62 percent spike in its murder rate. Other counties that reported declining gang membership also experienced falling crime rates. But only one (Stanly County) saw a greater reduction in overall crime than Wake County, where reported gang membership increased by nearly 6,000 percent as the index crime rate dropped by 32 percent.

Five of North Carolina's six largest counties were profiled by the SBI report. Gang membership and crime trends moved in opposite directions in four of the five counties.

Charlotte/Mecklenburg County

The SBI report indicated that the Charlotte area was plagued by a "growing number of Hispanic gangs," that MS-13 had become "the most violent gang" in the city, and that Asian gangs were "becoming more active." A comparison of law enforcement survey data from 1999 and 2004 shows that the number of alleged gang members grew tenfold, from 168 to 1,739, while the number of gangs shot from 15 to 65. Yet crime trends went in the opposite direction over the five-year period. The overall index crime rate decreased by 14.4 percent, and the violent crime rate fell by an even larger 24.7 percent.

Wake County

The SBI report notes that Wake County municipalities had seen a "large influx of gang activity," including United Blood Nation and Crips, as well as Hispanic gangs, which posed the "largest threat" to the county. Law enforcement survey data also indicate a tremendous proliferation of gang activity, with the number of gangs jumping from one to 39 between 1999 and 2004, while the population of gang members shot from 30 to 1,753. But crime trends moved in the opposite direction. Wake County's overall index crime rate was down by a third (32.4 percent) and violent crime fell by a fifth (21.3 percent) over the period.

Greensboro/Guilford County

The SBI report indicates that a number of gangs are involved in criminal activities in the Greensboro/Guilford County area, but it provides no information on recent trends. Law enforcement survey data show that gang membership actually dropped sharply between 1999 and 2004, falling from 144 to 68 known members (a 52.8 percent decrease). Crime rates also declined in Guilford County, although the overall reduction was smaller than that achieved in Wake County. Total index crime was down by 17 percent, and violent crime was down by 22.9 percent.

Fayetteville/Cumberland County

The SBI report notes that Fayetteville gangs have strong ties to other parts of the country and states that "Hispanic gangs have recently emerged" in the area. But law enforcement officials in Cumberland County actually reported a 90 percent *reduction* in youth gang membership—from 2,547 members in 1999 to 259 members in 2004—along with a drop in the number of gangs from 23 to 14. Crime trends moved in the opposite direction of reported gang membership; the index crime rate climbed by 7.3 percent and the violent crime rate jumped by 17.6 percent over the period.

Durham

The SBI reported that Durham's largest gang, United Blood Nation, had "ties to New York" and was engaged in "numerous" shootouts with rival Crips. Hispanic gangs were becoming "more visible" and had documented ties to the largest population of MS-13 members on the East Coast, located in Fairfax County, Virginia. The city of Durham was said to have "over 20 organized gangs" that were "constantly attracting new members from all ethnic backgrounds." The same year, the Governor's Crime Commission reported the existence of 10 "criminal youth gangs" in Durham based on law enforcement surveys, a threefold

increase over 1999. Yet again, crime trends moved in the opposite direction. Between 1999 and 2004, Durham's overall and violent crime rates dropped by a third—33.6 percent and 34.6 percent, respectively.

There are several possible explanations for the lack of correspondence between law enforcement reports of crime activity and crime trends. The apparent rise in gang membership may reflect a change in law enforcement priorities rather than new gang activity. A recent influx of Latino immigrants may have led officers to misidentify young Latino men as gang members. On the other hand, it is conceivable that gang activity could be growing even as crime falls, since gang members account for a very small share of the crime problem. In any case, the data provide no support for the notion that North Carolina is experiencing a gang crime crisis.

Getting Less for More: The Failed Legacy of Gang Enforcement

When the existence of a gang problem has been announced or acknowledged by public officials, the conversation generally turns to how law enforcement should solve it. The following are fairly typical policy responses to the emergence of a gang problem:

1. Form a specialized gang unit within the police department if one does not already exist.
2. Launch a crackdown in high-crime neighborhoods by adding police patrols, aggressively enforcing public ordinances, and using every available opportunity to stop and question local residents.
3. Target alleged gang "leaders" and "hard-core" gang members for heightened surveillance and stiff criminal justice sanctions.

Other policy makers may propose adoption of a fourth option—a "balanced" approach that combines the gang enforcement tactics described here with provision of services and supports to gang members and gang-afflicted communities. The choice of a gang enforcement strategy is frequently based on political and institutional considerations. Officials seek strategies that let the public know they are "doing something" about the problem without requiring fundamental changes in the police department's operations.

The official response to an emerging gang problem is rarely based on a solid understanding of gang issues or a coherent theory of what an intervention should accomplish. The hysteria that greets the sudden emergence of a gang problem creates a poor atmosphere for considering the questions that will determine the success or failure of a gang control strategy: What are its *objectives*? Whom will it *target*? And what *effect* will the initiative have on the targets in order to achieve the objectives?

The objectives of a gang control effort depend on whether the problem is defined as gang violence, gang crime, or the gangs' very existence. Law enforcement officials often take the public position that gangs must be eradicated. In the words of Captain Ray Peavy, who heads the Los Angeles sheriff's homicide bureau, "Everyone says: 'What are we going to do about the gang problem?' It's the same thing you do about cockroaches or insects; you get someone in there to do whatever they can do to get rid of those creatures" (Garvey and McGreevy 2007).

Others take a different perspective on what gang control efforts can, or should, set out to accomplish. As a representative of one urban community development corporation told a researcher, "The problem is not to get kids out of gangs but the behavior. If crime goes down, if young people are doing well, that's successful" (Villaruel, personal communication). Some law enforcement officers also acknowledge—usually in private—that their goal is not to eliminate gang *membership* but to reduce levels of gang *crime* and *violence* (Villaruel, personal communication).

The second important question for gang control efforts is whom to target. On one hand, an initiative may elect to target "leaders" or "hard-core" members who are believed to be the driving force behind gang crime. On the other hand, the initiative may target "fringe" members or even nonmembers whom policy makers believe can more easily be enticed or deterred from gang activity.

The most appropriate target depends on one's theory about how gangs operate. Some law enforcement officials subscribe to the view that gangs can be eliminated or at least neutralized by removing their leadership ("cutting the head off the snake"). Others argue that gang leadership is fluid, and that gangs—like the mythical hydra—are capable of growing new heads faster than law enforcement can decapitate them. Some contend that so-called "hard-core" members should be targeted because they do (and suffer) the most damage. But others believe that a focus on newer and more marginal members will not only save more youth but also limit gangs' ability to reproduce themselves over time.

If drive-by shootings and other spectacular acts of gang violence are committed by younger members

at the behest of leaders, then it is possible—although not certain—that removing the leaders from the community might reduce violence. If, on the other hand, drive-bys and other acts of violence are initiated by younger and more volatile members with poor impulse control and a desire to "prove" themselves, then removing leaders will do nothing to quell the violence.

The third critical question for gang control efforts is what effects they are intended to have on the targets. A gang control initiative may set out to *incapacitate* gang members who are deemed too dangerous to remain on the street due to their role in the gang or their personal involvement in crime and violence. An initiative may also seek to use "carrots" or "sticks" to *persuade* individuals to change behaviors ranging from gang membership to gun violence. Finally, a gang control initiative may try to *disrupt* gang activities by making it impossible for individuals or the group as a whole to function normally.

Boston's Operation Ceasefire is an example of a gang control effort with clear objectives, targets, and intended effects. The architects of Operation Ceasefire set *reducing gun violence* as the principal objective and stuck with that objective throughout the life of the project. They developed a strategy that was designed to *persuade* both *hard-core* and *fringe* youth gang members to stop engaging in acts of retaliatory violence.

Targeted youth were told that further acts of violence would place them and their gangs under heightened law enforcement scrutiny; they were offered supports and services designed to facilitate the transition from gang activities to other activities. Police also conducted saturation patrols and prosecuted targeted gang leaders, but these actions were considered components of the main "lever-pulling" strategy rather than competing strategies.

The conceptual clarity that characterized Operation Ceasefire is rare among gang control efforts. Few initiatives have proved capable of orienting their activities around realistic, measurable public safety objectives. And most are unable to articulate a viable theory of how gang control activities will have the intended effect on their targets. Gang enforcement efforts mounted in response to public concerns about gang and gun *violence* have driven up arrests for *nonviolent* offenses with no reduction in violence. Gang intervention programs that were intended to target active members wind up serving nonmembers because the staff is unwilling to work with "that kind of kid." Conceptual clarity is no guarantee of success. The failure of efforts to replicate the Ceasefire model in Los Angeles and Indianapolis cast doubt on the underlying theory of "lever pulling" and deterrence "retailing." But such clarity does make it easier to evaluate and debate competing proposals.

Further, the thrust of most gang enforcement efforts runs counter to what is known about gangs and gang members, rendering the efforts ineffectual if not counterproductive. Police officials make much of targeting reputed "leaders" while ignoring the fact that most gangs do not need leaders to function (not to mention the risk that removal of leaders will increase violence by destabilizing the gang and removing constraints on internal conflict). Research on the dynamics of gang membership indicates that suppression tactics intended to make youth "think twice" about gang involvement may instead reinforce gang cohesion, elevating the gang's importance and reinforcing an "us versus them" mentality. Finally, the incarceration of gang members is often considered a measure of success, even though prison tends to solidify gang involvement and weaken an individual's capacity to live a gang- and crime-free life.

It is easy to provide anecdotal evidence for the effectiveness of any one of these strategies: media reports are full of stories about cities where crime goes up, a crackdown is launched, and crime goes down. But a review of research on the implementation of gang enforcement strategies—ranging from neighborhood-based suppression to the U.S. Justice Department Office of Juvenile Justice and Delinquency Prevention's Comprehensive Gang Program Model—provides little reason for optimism. Findings from investigations of gang enforcement efforts in 17 jurisdictions over the past two decades yield few examples of success, and many examples of failure.

The problems highlighted in the research include:

- Lack of correspondence between the problem, typically lethal and/or serious violence, and a law enforcement response that targets low-level, nonviolent misbehavior.
- Resistance on the part of key agency personnel to collaboration or implementation of the strategy as designed.
- Evidence that the intervention had no effect or a negative effect on crime and violence.
- A tendency for any reductions in crime or violence to evaporate quickly, often before the end of the intervention period.

- Poorly designed evaluations that make it impossible to draw any conclusions about the effect of an intervention.
- Failure of replication efforts to achieve results comparable to those of pilot programs.
- Severe power and resources imbalances between law enforcement and community partners that hamper the implementation of "balanced" gang control initiatives.

The following sections describe common gang enforcement strategies and explore findings of program evaluations from 17 jurisdictions.

Institutional responses: The rise of police gang units

Over the past decade and a half, we have witnessed a proliferation within law enforcement agencies of specialized units that focus on gang enforcement. The formation of a gang unit is often viewed as a rational response to an emerging gang threat. But researchers have concluded that gang units are more often formed in response to pressure on police to "do something," or as a way to secure additional resources for the agency. Once gang units are launched, the experts find they often become isolated from the rest of the department, a development that can render them ineffective or even facilitate corruption.

Roughly half of local law enforcement agencies with 100 or more sworn officers maintain special gang units, according to a 1999 survey, including 56 percent of municipal police departments, 50 percent of sheriff's departments, and 43 percent of county police agencies (Katz and Webb 2003a). In 2003 Charles Katz and Vincent Webb estimated that the total number of police gang units (including state police agencies) stood at 360, most of which (85 percent) were no more than 10 years old (2003b).

Why law enforcement agencies form gang units

The proliferation of specialized gang units has been justified as a natural response by police officials to the spread of gangs and growing public concerns over gang crime. The argument for such units is that they permit officers to develop the technical skills and expertise needed to diagnose local gang problems and to assist the rest of the agency and the community to address them. But the idea that the formation of a gang unit is "a result of *rational considerations* on the part of police agencies" that face "*real* gang problems" has been challenged by several researchers (Katz and Webb 2003a). Marjorie Zatz examined the establishment of a gang unit in Phoenix and determined that police officials had invented a serious gang problem in order to secure federal resources (cited in Katz and Webb 2003a).

Richard McCorkle and Terance Miethe found that the formation of a gang unit in the Las Vegas Police Department was driven by a search for resources and scandals within the department rather than an emerging gang crime problem (cited in Katz and Webb 2003a). Law enforcement officials fomented a "moral panic" by linking "national reports of a growing problem to local concerns of increasing crime in order to divert public attention away from problems within the police department and to justify an infusion of additional resources into the department."

Gang panics are not always generated by law enforcement. Carol Archbold and Michael Meyer document a particularly disturbing example of how a handful of troubling incidents can snowball into a full-scale moral panic (cited in Katz and Webb 2003b).

The researchers found that the public fear generated by a series of youth homicides in a small Midwestern city led police to begin designating local minority youth as gang members. Fear continued to rise as the number of documented "gang members" grew. The situation eventually "spun out of control, resulting in community panic, even though there was no actual evidence of any gang-related activity in the city."

Charles Katz, Edward Maguire, and Dennis Romcek examined factors that influenced the establishment of police gang units in about 300 large U.S. cities (Katz and Webb 2003b). The researchers found no relationship between the formation of a gang unit and "the size of a community gang or crime problem." Instead, they found that gang units were most likely to be formed in cities with larger Hispanic populations, and among police departments that received funding for gang control efforts. The authors "reasoned that police organizations might be creating units when the community feels threatened by a minority group." They also concluded that at least some of the gang units "might have been created prior to receiving external funding for the purposes of justifying the need for more resources."

Other investigations have emphasized the role of institutional factors in the formation and persistence of gang units. Katz conducted research into a police

gang unit in a Midwestern city and found that the unit "was created under pressure from influential community stakeholders" (Katz and Webb 2003b). Katz's finding fits previous research that demonstrates that the creation of specialized police units is "offered as a symbolic act to show the community, potential offenders, and police officers that the police department is taking a particular problem seriously (Meyer 1979; Scott 1995)."

This finding was strengthened in subsequent research by Katz and Webb examining police responses to gangs in four Southwestern cities: Albuquerque, New Mexico; Inglewood, California; Las Vegas; and Phoenix (2003b). The authors concluded that the creation of gang units was largely a reaction to "political, public, and media pressure" rather than a response to an objective problem *or* a strategy for securing additional resources or controlling marginalized populations. Katz and Webb report that "much of the data suggested that minority communities played a major role in shaping the nature of the police organizations' responses to gangs."

Their conclusion that public pressure influenced the formation of gang units fit with the findings of Weisel and Painter, who conducted interviews with police gang specialists in five cities and determined that "most police agencies had responded to gang problems because of well-publicized gang homicides and fights. They reported that the police departments in their study typically had responded by establishing specialized units that emphasized suppression" (cited in Katz and Webb 2003b).

What gang units do

It should be no surprise that gang units whose formation was precipitated by external pressures or opportunities rather than a coherent law enforcement strategy would have difficulty establishing a role within the agency. Katz found that "once the gang unit was created it was often required to incorporate competing ideas and beliefs into its organizational structure and operational strategy to communicate an image of operational effectiveness when it otherwise was unable to demonstrate success" (cited in Katz and Webb 2003b).

Katz and Webb found that most gang units gravitated toward intelligence-gathering and enforcement/suppression activities while devoting less attention to investigations and very little to prevention (2003a). The authors' conclusions on the operation of gang units are not encouraging. The majority of the police departments they studied lacked formal mechanisms to monitor gang unit officers and hold them accountable for job performance.

The gang units tended to engage in "buffet-style policing," accepting only cases that involved high-profile crimes such as homicides, drive-by shootings, and aggravated assaults. Priorities were not set by a well-articulated vision of the unit's mission but instead were determined by a "unique workgroup subculture…that reflected internally shared beliefs about the nature of the local gang problem and the appropriate response to that problem" (2003b). The chief of one police department admitted to the researchers that he had "little understanding of what the gang unit did or how it operated" (2003a).

The absence of strong departmental oversight and the physical separation of gang units from the rest of the police force—three of four units operated from "secret" off-site facilities that were known only to gang unit officers—contributed to a "decoupling [that] led gang unit officers to isolate themselves from the rest of the police organization and from the community and its citizens." Although gang units are supposed to afford an opportunity for officers to develop specialized expertise, the authors found that the officers were poorly trained and had little direct exposure to gang members: an average of just one to three contacts per eight hours worked.

Gang unit officers "rarely sought citizen input" or partnerships with community organizations, according to the researchers: "None of the gang unit officers in any of the study sites appeared to value information that *non*–criminal justice agencies might provide, nor did they recognize potential value in sharing their own information and knowledge with non–criminal justice personnel." Gang units appeared instead to have adopted a Spy vs. Spy worldview that extended to their own departments. Some gang officers professed that "regular precinct stations or police headquarters were subject to penetration by gangs, purportedly rendering intelligence files vulnerable to destruction and manipulation."

Given the isolation of gang units from their departments and their communities, it is not surprising that interview participants "were hard-pressed to offer specific evidence of the units' effectiveness" and "rarely commented on the gang units' impact on the amelioration of local gang problems." Lack of confidence in the gang units' effectiveness was most pronounced on the topic of suppression. The researchers found that "almost no one other than the gang unit

officers themselves seemed to believe that gang unit suppression efforts were effective at reducing the communities' gang problems."

The isolation of gang units from host agencies and their tendency to form tight-knit subcultures—not entirely unlike those of gangs—also contributes to a disturbingly high incidence of corruption and other misconduct. The Los Angeles Police Department's Rampart scandal is only the most famous example of a gang unit gone bad. Katz and Webb cite several other places where police gang units have drawn attention for aggressive tactics and misconduct, including Las Vegas, where two gang unit officers participated in a drive-by shooting of alleged gang members; Chicago, where gang unit officers worked with local gangs to import cocaine from Miami; and Houston, where gang task force officers were found to routinely engage in unauthorized use of confidential informants, warrantless searches, and firing weapons at unarmed citizens.

Katz and Webb conclude by recommending that police departments with gang units take steps to make them more effective, including better integrating gang units into the department's patrol and investigative functions; strengthening managerial controls and accountability; and incorporating community policing strategies. But their research findings also suggest that police officials should reconsider whether gang units are an effective law enforcement tool or a potentially dangerous distraction from the real work at hand.

Neighborhood gang suppression

The 1980s and 1990s saw a significant shift away from prevention and treatment responses to gang activity in favor of suppression (Katz and Webb 2003a). The specific aims of suppression programs differ: some aim to halt potentially lethal behaviors such as gun carrying, while others seek to drive youth out of gangs entirely. But suppression efforts generally share a focus on specific geographies or gangs, and they require the investment of law enforcement resources in stepped-up efforts to monitor gang members.

The purpose of suppression is to reduce gang-related activity by current gang members, and to reduce the number of people who choose to participate in gangs, by providing for swifter, severer, and more certain punishment. The guiding assumption is that, in the words of Malcolm Klein, "the targets of suppression, the gang members and potential gang members, will respond 'rationally' to suppression efforts [and] will weigh the consequences of gang activity, redress the balance between cost and benefit, and withdraw from gang activity" (Katz and Webb 2003a).

The reality of gang suppression is more complicated. Father Greg Boyle, founder of Homeboy Industries, argues that gang membership is not a rational choice but rather a desperate response to profound misery (2005). He believes that police attempts to deter gang activity by making life more difficult for gang members miss the fact that youth join gangs because they are already miserable. The research literature on gangs also indicates that suppression efforts can be counterproductive. Such tactics can increase gang cohesion by reinforcing an "us versus them" mentality, and by providing external validation of the gang's importance:

> Gang researchers have noted the potential for gang suppression programs to backfire in the face of group processes that undermine deterrence messages through status enhancement, building cohesion within the gang, and invoking an oppositional culture, all of which lead to increased gang activity (Klein, 1995). A member of the 18th Street gang in Los Angeles makes the same point succinctly: " 'We're not taking it seriously.'...He said that the official attention on the gang—which the police say has up to 20,000 members in Southern California—united members and helped attract recruits. 'Other gangs are getting . . . into 18th Street,' he said. 'It's growing' " (Lopez and Connell, 1997). (Maxson, Hennigan, and Sloane 2003)

Suppression efforts face other challenges as well. Suppression campaigns tend to cast a wide net that catches gang members and nonmembers alike. Stepped-up enforcement of public ordinances and the use of aggressive stop-and-search tactics can increase tensions between law enforcement and community members who feel that police are targeting the wrong people or engaging in racial profiling. Community members may feel less inclined to cooperate with police, making the task of law enforcement even more difficult.

Suppression efforts also require the investment of significant law enforcement resources in activities, like saturation patrolling, that are designed to prevent crime. Such investments may strain the capacity of police to solve crimes elsewhere, or limit the ability of local officials to provide other services that could have a greater long-term impact on crime and violence.

The combination of police-community tensions and high cost can make suppression efforts difficult to sustain. Unless the community has been transformed during the period of active suppression, gang activity is likely to resurface—if it ever went away in the first place—as soon as the police presence diminishes. Finally, suppression efforts may simply displace gang activity from target neighborhoods to surrounding areas.

Suppression is a popular response to perceived gang problems, despite the challenges outlined here and the lack of evidence of either short- or long-term reductions in crime. Suppression-oriented activities can provide a feeling of efficacy to law enforcement officers frustrated by their inability to rein in crime and violence, and they create the public impression that policy makers are "doing something" about crime.

The public discourse on gang enforcement is full of anecdotal accounts that credit suppression efforts with reducing gang crime. The typical scenario begins with a spike in violence or high-profile crime that triggers a "crackdown" on gang activity. If crime begins to fall, officials credit the suppression effort. If crime does not fall, new enforcement efforts are mounted until it does.

As long as suppression campaigns are launched during crime surges, success is virtually assured. The odds of crime falling back toward normal levels after a sharp increase would be good even if the police took no unusual steps. And as long as officials continue to announce new gang initiatives, it is all but certain that one of them will eventually correspond with a drop in crime.

When suppression efforts are subject to more rigorous evaluation, however, researchers often find that celebrated drops in crime are attributable to larger trends, seasonal fluctuations, or chance. Studies of gang suppression programs in three jurisdictions highlight the limitations of suppression tactics as well as weaknesses in the research literature on suppression.

The Anti-Gang Initiative: St. Louis, Dallas, and Detroit

St. Louis, Dallas, and Detroit were among 15 cities that received federal funds for gang suppression under the Anti-Gang Initiative of the U.S. Department of Justice Office of Community Oriented Policing Services. All three efforts centered on targeted patrol operations in limited geographic areas with identified gang crime problems.

St. Louis

Violent crime has long been a problem in St. Louis. During the 1990s, the city's homicide, robbery, and aggravated assault rates were consistently among the top five in the nation (Decker and Curry 2003). Young black men were disproportionately represented among homicide suspects and victims. In 1995 the St. Louis police recorded 52 gang homicides and 1,573 gang-related assaults.

St. Louis police used a $500,000 grant from the Department of Justice to implement a "zero-tolerance" gang suppression program in the College Hill and Fairground Park neighborhoods during 1996 and 1997. The neighborhoods were reported to be the home of five active gangs and 200 gang members. The strategy developed by the police combined aggressive curfew enforcement; the use of consent-to-search tactics to reduce the availability of guns; and the targeting of known gang members by the Gang Intelligence Unit. The activities actually undertaken by officers differed from the plan, however, due to resistance on the part of some police units to assigned tasks.

Scott Decker and David Curry gathered data on Anti-Gang Initiative activities and crime outcomes in St. Louis. The researchers found that the initiative generated a considerable amount of police activity within the target neighborhoods, resulting in 301 pedestrian and traffic stops conducted under the curfew enforcement program and 63 arrests of known gang members conducted under the zero-tolerance program. But many of the activities did not fit within the stated goals of the initiative.

The conflict between the priorities set forth in the initiative and the priorities of the enforcing officers is evident in the curfew enforcement program. Officers were assigned to curfew enforcement and directed to send juveniles they encountered to a "curfew center," but no juveniles were referred to the center on 24 of 31 nights of operation. Police officers were reluctant to enforce the curfew because they "didn't regard curfew enforcement as 'real police work,' and [believed] that it was unlikely to address 'real' gang problems."

A memo generated by the lieutenant in charge of the initiative shows similar resistance to the notion that police should enforce curfews. The lieutenant proposes that officers find ways to use curfew enforcement as an opportunity to do "real" police work: "Once the car is stopped…only time will tell what may be found….While our roll [*sic*] is curfew enforcement, the manner in which we carry out our

roll [*sic*] is strictly up to us. As you can see…the above-mentioned activities plus the ones you and your officers think up can all be conducted from the Anti-Gang Initiative Curfew Car."

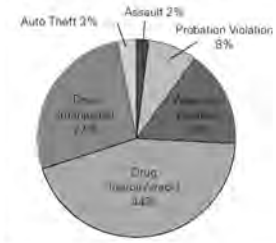
Problems also plagued the gun enforcement component of the Anti-Gang Initiative. The researchers found that the unit charged with gun enforcement "served a record number of warrants in the second half of 1996" and "actively implemented its mandate to sweep target neighborhoods for suspected gang members." But the unit failed to use consent searches and "subverted" the goals of the program, according to the researchers, by using the process as an opportunity to make arrests. During 1996 the Mobile Reserve Unit conducted just 39 consent searches and made arrests in *more than half* of cases. Further, on two occasions, researchers conducting "ride-alongs" noted that Mobile Reserve Unit officers were "unable to identify the target neighborhoods."

The activities of the Gang Intelligence Unit officers conformed more closely to the "zero-tolerance" strategies set forth under the initiative, perhaps because the officers saw the arrest of known gang members as "real" police work. The unit was responsible for 77 arrests over a 14-month period. Nearly all (91 percent) of the arrestees were African American males, and most (71 percent) of the resulting charges were for drug offenses. Weapons offenses accounted for 16 percent of arrest charges, and violent offenses accounted for just 2 percent. Probation violations (8 percent) and property offenses (3 percent) accounted for the remainder of the arrest charges. The arrests resulted in the seizure of 37 weapons.

The researchers compared the incidence of crime during the 12 months leading up to implementation of the Anti-Gang Initiative to the incidence of crime during the 15 months of program operations. They found no statistically significant changes across nine crime categories in College Hill, and just one statistically significant change in Fairground Park—a drop in unarmed robberies from three per month in the preintervention period to just under two per month during the suppression program. The researchers also examined crime trends in two comparison neighborhoods with similar results. The comparison areas each saw a statistically significant change in just one of nine crime categories—an increase in assaults and an increase in unarmed robberies, respectively.

Decker and Curry conclude that the results were "somewhat discouraging given the targeted suppression focus and high levels of activity in small geographic areas with modest populations." They suggest that the participation of the St. Louis Metropolitan Police Department in a federally funded initiative put

Figure 7.1. Charges resulting from the St. Louis Anti-Gang Initiative Zero Tolerance Program



Source: Decker and Curry 2000

Table 7.1. Change in crime (gang and nongang) associated with St. Louis Anti-Gang Initiative

Crime category	Target neighborhoods		Control neighborhoods	
	College Hill	Fairground Park	O'Fallon Park	Hyde Park
Murder	NS	NS	NS	NS
Robbery	NS	NS	NS	NS
Robbery—weapon	NS	NS	NS	NS
Robbery—no weapon	NS	-35.7%	NS	+57.6%
Assault	NS	NS	+64.0%	NS
Gun assault	NS	NS	NS	NS
Person crime	NS	NS	NS	NS
Property crime	NS	NS	NS	NS
Index crime	NS	NS	NS	NS

NS Statistically nonsignificant

Source: Decker and Curry 2000

the agency on the map as "an important and capable institution," but that it also "continue[d] the department's isolation from social intervention strategies."

The St. Louis case study starkly illustrates the potential downside of suppression efforts. Officers failed to follow strategies set forth under the initiative because they did not consider the prescribed activities "real" police work. Dozens of targeted arrests and hundreds of police stops failed to yield meaningful crime reductions in the targeted neighborhoods, *even during the period of intense police activity*. Finally, a half-million-dollar federal grant—not to mention untold resources expended by local and state authorities to process and punish individuals targeted under the initiative—failed to generate much more than a few dozen drug arrests.

Dallas

Eric Fritsch, Tory Caeti, and Robert Taylor report contradictory results from their evaluation of a parallel antigang initiative that was mounted in Dallas during 1996 and 1997 (2003). Gang-related violence fell in target areas, but violent crime levels remained stable and the incidence of robbery increased. Target areas achieved larger reductions in gang-related violence than control areas but underperformed the control areas on broader violent crime measures.

The Dallas Police Department reported 79 gangs and 1,332 gang-related crime incidents in 1996. The Dallas Anti-Gang Initiative set out to reduce violent activity in five target areas by funding aggressive curfew and truancy enforcement, along with saturation patrols. The gangs targeted under the initiative were believed to account for 18 percent of the city's known gang members and for 35 percent of all gang-related violent crime.

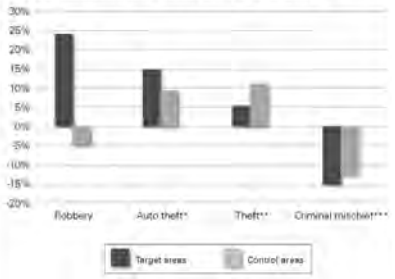
Fritsch, Caeti, and Taylor matched the five target areas with four control areas not covered by the initiative and compared changes in monthly reports of gang-related violence. The results were mixed: three of five target areas saw statistically significant reductions in gang-related violence, but so did two of four control areas. The overall incidence of gang-related violence dropped significantly in both target and control areas, although the decline was greater in the target areas (57 percent versus 37 percent). Because reports of gang-related violence were relatively infrequent even before the intervention, the total gang crime reduction in the target areas amounted to 12 fewer incidents per month, compared to a reduction of eight incidents per month in control areas.

The researchers sought to explain the difference in target area outcomes by analyzing the specific activities of police patrols. They found that police patrolling the target areas where gang violence fell significantly had devoted 80 to 90 percent of their overtime hours to curfew or truancy enforcement. Police units in target areas that did not see statistically significant reductions in gang violence, by contrast, had engaged primarily in saturation patrols. The researchers concluded that "saturation patrol to increase police presence only was not effective in decreasing the level of gang violence in these areas."

Fritsch and his colleagues also compared overall crime trends in target and control areas, expecting to find both a drop in reports of violent and property crime and an increase in the number arrests for weapons and drug offenses generated by officers freed from responding to calls for service. The data showed the opposite result: the only statistically significant violent crime trend in the target areas was a 23.8 percent *increase* in the number of reported robberies. The target areas actually *underperformed* the control areas, which saw no significant change in violent crime reports.

Target and control areas performed equally, and poorly, in the area of property crime. Target areas experienced a statistically significant 15.4 percent increase in auto thefts. And control areas saw a statistically significant 11.4 percent rise in other thefts.

Figure 7.2. Statistically significant changes in crime (gang and nongang) associated with Dallas Anti-Gang Initiative



* Significant in target area only
** Significant in control area only
*** Significant in both areas

Source: Fritsch, Caeti, and Taylor 2003

The *only* statistically significant crime reduction in the target areas was for criminal mischief. This trend was evident in the control areas as well, which suggests either a citywide drop in "criminal mischief" or a change in charging policies.

Finally, arrests for weapons offenses actually *fell* by a statistically significant 29 percent in the target areas while remaining stable in the control areas—an indication that the initiative may have been *less* effective than policing-as-usual at catching weapons-related activity. The target areas did see a 24 percent jump in drug arrests while control areas saw a much smaller 8.3 percent increase. The changes in drug arrests were not statistically significant and therefore may not be meaningful. But the results fit the pattern seen in St. Louis, where drug charges accounted for the overwhelming majority of arrests made under the "zero-tolerance" gang policing initiative.

There are several potential explanations for the apparently contradictory outcomes of the Dallas Anti-Gang Initiative. First, it is possible that apparent reductions in gang violence were a consequence of changes in the way offenses were reported by the police department rather than a drop in violence. The classification of an offense as "gang-related" can be highly subjective, and the integrity of the classification process can easily be compromised by changes in staffing or reporting procedures. Such problems have led some researchers to warn against the use of law enforcement gang data to track trends or make comparisons between jurisdictions, as discussed in chapter 6.

Second, the apparent contrast between sharp drops in reports of gang violence and the lack of change in overall crime rates could be explained by the fact that gang-related incidents accounted for a small share of violence, even in the target areas. The five areas targeted under the initiative were selected, in part, because they "experienced a large amount of gang violence in the preceding year" (Fritsch, Caeti, and Taylor 2003). But even before the initiative began, reported incidents of gang-related violence represented less than 10 percent of all violent incidents in the target areas.

On a monthly basis, target area residents reported an average of 61 robberies, 92.3 aggravated assaults, and 181.6 simple assaults. Yet the police department recorded an average of just 20.9 incidents of gang-related violence per month. It is possible that the target neighborhoods became less safe despite a real decline in gang-related violence, with the monthly increase in robberies (up 14.5 per month) exceeding the drop in gang-related violence (down 12 per month).

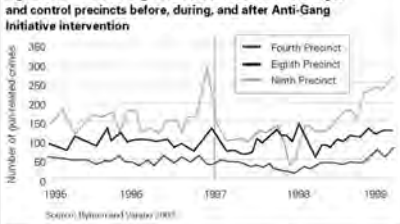
Regardless of whether the results are an artifact of reporting problems or evidence that police in Dallas won the battle with gangs while losing the war on crime, they do not speak well for the effectiveness of gang suppression. Residents of the target neighborhoods experienced *higher* levels of violent crime, including a statistically significant increase in robberies, during the intervention period than during the previous year, while police made significantly *fewer* arrests for weapon offenses. The outcomes suggest that the Dallas Anti-Gang Initiative was, at best, a distraction from the real problem and, at worst, a counterproductive exercise that increased levels of violent crime.

Detroit

Timothy Bynum and Sean Varano examined a third federally funded antigang initiative in Detroit and concluded that the effort contributed to a substantial reduction in violence (2003). But this conclusion appears to have been biased by the selection of the evaluation time frame. A comparison of crime trends over a longer period suggests that violent gun crime trends in the target precincts may have matched or underperformed a comparison district.

Detroit launched its Anti-Gang Initiative in 1997. Police estimates of gang membership were somewhat inconsistent at the time (ranging from a high of 3,500 in 1997 to a low of 800 in 1998), and the department did not track the incidence of gang-related crime. The research team used gun crime as their primary measure of the problem, based on a finding that self-reported gang members were more likely than other arrestees to report carrying guns most or all of the time (13 percent versus 4 percent).[1] More than 12,000 gun-related crimes were

Figure 7.3. Incidence of gun-related crimes in Detroit target and control precincts before, during, and after Anti-Gang Initiative intervention



Source: Bynum and Varano 2003.

1 The data on gang membership and gun carrying was collected through Detroit's Arrestee Drug Abuse Monitoring program.

reported to Detroit police in 1996, including 5,293 aggravated assaults, 4,877 robberies, 1,801 weapon offenses, and 346 murders.

Federal funds provided to Detroit's Anti-Gang Initiative were used to establish the Gang Specialist Unit within the Detroit Police Department's Special Crime Section (SCS). The new unit was staffed by both SCS gang specialists and patrol officers from the targeted precincts. The main activities undertaken by the Gang Specialist Unit were:

- "aggressive enforcement of city ordinances, including curfew and truancy sweeps" in target geographic areas;
- joint police-probation operations targeting gang members for possible violations of probation conditions; and
- regular visits to local schools to speak with school administrators and question people "hanging around" the school perimeter during the school day.

The Wayne County prosecutor's office also assigned a staff person to serve as a liaison to the unit and oversee the prosecution of gang-related crimes.

The research team sought to assess the impact of the initiative by examining arrest patterns in the two target precincts and by comparing gun-related crime trends in the target precincts and a third "control" precinct. Most of the arrests that took place in the target precincts were for disorderly conduct or violations of local ordinances. Drug offenses accounted for 17 percent of arrests, while person and weapon arrests were 9 percent and 7 percent, respectively, of the total.

The research team also compared the monthly incidence of violent crime during the quarter preceding the launch of the operation to the incidence of violent crime a year later. They found that the number of assaults, robberies, burglaries, and gun assaults had fallen drastically, led by a drop in gun assaults of more than two-thirds. The control precinct, by contrast, saw growth in the incidence of assaults and burglaries, along with a more modest drop in robbery reports.

In order to control for the effects of seasonal fluctuations and external variables, Bynum and Varano conducted a time-series analysis of gun-related crime trends. They found that the initiative was associated with a statistically significant reduction in gun-related crime in the Ninth Precinct. Gun crime also fell in the Fourth Precinct, but the decline was nonsignificant—a result that the researchers attributed to the low incidence of gun crime in the area. The researchers concluded that the Detroit Anti-Gang Initiative had reduced the number of gun-related offenses in the Ninth Precinct by 112 crimes per month, and that it may also have reduced the level of gun-related crime in the Fourth Precinct by eight crimes per month.

These results may say more about the researchers' selection of a time frame for comparison than about the effectiveness of gang suppression efforts in Detroit. The three-month period the researchers selected to measure levels of crime "before" the intervention included a dramatic spike in gun crime in one of the target precincts. Monthly gun-crime reports reached roughly *300 per month* in the Ninth Precinct at the end of 1996 before dropping back to a more typical 150 per month at the beginning of 1997.[2] The selection of a time period that includes such a dramatic crime spike inflates estimates of preintervention crime and all but guarantees that the intervention will "succeed" when crime returns to historic levels.

The three-month period selected to measure postintervention crime levels is similarly problematic. The authors explain that they picked the last quarter of 1997, rather than the end of the intervention period, in order to control for seasonal variations, and because "most of the components had been implemented" by that point. The choice is fortuitous for proponents of the Anti-Gang Initiative since both the Fourth and Ninth Precincts saw gun-related crime hit four-year *lows* during the last quarter of 1997 before beginning to climb back toward preintervention levels. The number of gun-related crime in the "control" precinct, by contrast, hit a four-year *high* at the end of 1997.

The time frame selection problems could be solved by comparing the incidence of crime during the second and third quarters of 1996—a time period that immediately preceded the spike in gun crime—with the incidence of crime during the second and third quarters of 1998, when the intervention ended. The results would look quite different, as is evident from Figure 7.3, depicting gun crimes in the target and control precincts.

Figure 7.3 shows that the incidence of gun-related crime was *higher* in the Ninth Precinct at the end of the intervention period than during mid-1996. By the time the intervention ended, the Ninth Precinct was receiving more than 200 reports of

2 Gun-related crime information is derived from Figure 9.2 Comparisons of Pre- and Postintervention Effects for Target and Control Precincts in Bynum and Varano 2003.

gun-related crimes per month—well above typical preintervention levels.

The incidence of gun-related crime in the Fourth Precinct at the end of the intervention period was a bit below mid-1996 levels. But within three months of the program's end, the number of monthly gun-related crime reports in the Fourth Precinct hit a four-year record *high*. Large investments of money and time in gang suppression clearly did not achieve substantial and lasting reductions in levels of gun crime in Detroit's Fourth and Ninth Precincts—a result that casts further doubt on the notion that aggressive "public order" policing (use of traffic laws and city ordinances to stop and question residents, for example) can deliver community safety.

Suppression remains a popular response to gang violence, despite the failure of such tactics to reduce crime. A recent spike in gun violence led Boston police to launch a series of neighborhood sweeps. Of approximately 1,250 people taken into custody during an eight-month period, only 16 percent were arrested on violent crime charges and just over 4 percent were arrested on gun charges (Smalley 2006). The operations angered community leaders, who alleged that police were targeting the wrong youth. Police officials eventually acknowledged that "the sweeps were not as effective as they had hoped and led primarily to arrests for trespassing, drug possession, and other misdemeanors.... [Some suspects] were taken into custody just on motor vehicle violations."

Gang injunctions

Civil gang injunctions are legal tools that are designed to enhance targeted suppression efforts. The injunctions treat gangs as unincorporated associations whose members can be held responsible by civil courts for creating a public nuisance and enjoined from otherwise lawful behaviors. Enforcement of gang injunctions requires a heavy and sustained police presence, much like other suppression tactics. But injunctions apply only to named (alleged) gang members rather than to all youth who hang out on the street, skip school, or violate city ordinances.

The American Civil Liberties Union (ACLU) sued unsuccessfully to block enforcement of a gang injunction in San Jose, California, in the mid-1990s (Siegel 2003). Individuals named in the original San Jose injunction, or subsequently added to it, were prohibited from "standing, sitting, walking, driving, gathering, or appearing anywhere in public view" with a suspected gang member. Alleged gang members were also prohibited from "approaching vehicles, engaging in conversation or otherwise communicating with the occupants of any vehicle." Violation of the injunction could result in arrest, a six-month jail sentence, and a fine of $1,000.

Gang membership is often established based on very loose criteria. In the San Jose case, police admitted that "a person could be labeled a gang member if he or she were seen on just one occasion wearing clothing indicative of gang membership, such as a blue jean jacket, cut-off sweat pants, any clothing associated with the Los Angeles Raiders, or white, blue, gray, black, khaki, or any other 'neutral' colored item."

The use of gang injunctions is most widespread in Southern California, where, Cheryl Maxson, Karen Hennigan, and David Sloane report, "at least 30 gang injunctions were issued" between 1993 and 2000 (2003). More than two-thirds of the injunctions were issued in Los Angeles County. Maxson and her colleagues conducted a survey of Southern California gang officers to gather information on their use of injunctions. Most considered gang injunctions a "last resort" when "a gang is entrenched in a small area or ...gang-related violence is so far out of authorities' control that it is worth the resources that are required to obtain and maintain an injunction." One officer described injunctions as a measure that "severely restricts [the] movement of citizens—like martial law."

The restrictions to civil liberties that accompany a gang injunction are justified by a perceived need to save communities from a gang-imposed "state of siege." But community residents often play little or no role in the process. Two-thirds of Southern California law enforcement respondents told the researchers that they "did not feel that community support was crucial" to the success of an injunction. Roughly half "did not suggest that the community played any role at all in the development of injunctions."

Law enforcement and the media report impressive reductions in crime and fear through the use of gang injunctions. Maxson and her colleagues observe that these stories "are often compelling, but are never buttressed with supporting evidence that meets minimal scientific standards of evaluation." A typical gang injunction implemented in Inglewood, California, is "cited as a success in the practitioner literature." But Maxson and Theresa Allen found "little support for a positive effect" when they examined crime patterns before and after the injunction (Maxson, Hennigan, and Sloane 2003).

The ACLU Foundation of Southern California examined trends in San Fernando Valley police reporting districts covered by the Blythe Street gang injunction and came to an even more disturbing conclusion. The organization reported that implementation of the injunction was associated with an *increase* in violent crime: "The Blythe Street gang injunction was preceded, and has been followed, by elaborate claims for its effectiveness in cutting crime and making communities safer. According to statistical materials provided by the LAPD, the truth is precisely the opposite" (cited in Maxson, Hennigan, and Sloane 2003).

An analysis by Jeffrey Grogger of 14 Los Angeles County injunctions, on the other hand, provides evidence that the injunctions were associated with modest 5 to 10 percent reductions in violent crime. The impact of the injunctions appeared to be "concentrated in reductions in assault, rather than robbery" and did not extend to property crimes (cited in Maxson, Hennigan, and Sloane 2003).

Maxson, Hennigan, and Sloane also found that a gang injunction in San Bernardino had reduced "the visibility of gang members, gang intimidation, fear of gang confrontation, and fear of crime." But the researchers determined that the injunction had not led to improvements in indicators of "neighborhood efficacy, social cohesion, or informal social control" (Klein and Maxson 2006). The positive effects were limited to areas that were described as "most disordered." Less disordered areas experienced "more gang visibility and property victimization and less belief that the neighborhood could solve its own problems."

Klein and Maxson conclude that changes in residents' experiences and perceptions of their communities brought about through gang injunctions could "evolve into increased collective efficacy and the buttressing of social control via expanded social linkages." In other words, gang injunctions could empower community members and provide breathing room to rebuild community institutions that have been weakened by neglect. But they caution not only that such an outcome would require time and "vigilant attention to ongoing implementation," but also that it "appears unlikely in the face of a lack of investment in the social fabric of communities":

> [The San Bernardino] injunction was largely a one-man show, and that man was the police, employing the new injunction penalties in a suppression operation. To do otherwise would have required law enforcement to engage community members in a process that promoted social ties, provided a forum for the development of mutual trust or social cohesion among neighbors, and reactivated the mechanisms of informal social control. Admittedly, this is a lot to ask of law enforcement, but community engagement is the sole parameter that distinguishes injunctions as an innovative strategy for improving gang neighborhoods from a run-of-the-mill gang suppression strategy.

Targeting "hard-core" gang members

The "targeting" of selected gang members by the criminal justice system is a second popular response to gang problems. Proponents argue that focusing attention and resources on "hard-core" gang members will deter them from criminal behavior by increasing the certainty and severity of punishment, or prevent them from committing new crimes in the community through incarceration.

The tactics employed to target gang members can include sentencing enhancements, special prosecution units, and stepped-up surveillance by law enforcement and corrections officials. Some jurisdictions focus on a single targeting tactic, while others set up comprehensive programs. A task force initiative launched in Westminster, California, under the acronym TARGET (Tri-Agency Resource Gang Enforcement Team) is a good example of a comprehensive program. The primary components of TARGET were:

(1) Vigorous arrests of identified target subjects;

(2) Effective prosecution and conviction of target subjects;

(3) Vigilant supervision of target subject probationers;

(4) Expanded intelligence and information-sharing between cooperating agencies;

(5) Development and implementation of innovative crime reduction tools.

(Kent and Smith 2001)

Targeting, like suppression, faces a number of challenges. The first and foremost is the difficulty of identifying the right targets. One common approach is to target alleged gang "leaders," but gang researchers largely report that leadership functions are fluid in youth gangs. Many have also found that gang violence is more likely to be initiated by rank-and-file members than by leaders.

A second approach targets so-called "hard-core" gang members who are believed to be responsible for the bulk of gang crime. This task is easier said than done. The majority of youth who join gangs remain involved for periods of a year or less. Their delinquent behavior rises sharply during periods of gang activity and falls thereafter. There is no way to predict how long an individual will remain in a gang, which makes it difficult to distinguish those who continue to pose a risk to public safety from others whose days of serious offending are behind them.

Further, research findings indicate that young gang members with limited criminal records may be responsible for a disproportionate share of serious gang violence. A RAND Corporation research team found that "new baldies"—new gang members intent on proving themselves to older members—were committing much of the violence in the Hollenbeck area of Los Angeles (Tita, Riley, and Greenwood 2003). These individuals are difficult to target successfully because much of the damage is done before they are identified by law enforcement.

The second challenge is to intervene with targeted gang members in ways that do not exacerbate the problem over the long run. The most likely outcome of targeting is the incarceration of gang members in youth detention facilities, jails, or prisons. And there is evidence that these institutions not only weaken the capacity of incarcerated individuals to lead law-abiding lives upon release but also strengthen gang ties. Jeremy Travis has documented the many obstacles to success that face former prisoners when they return to their communities, ranging from difficulty securing housing to a paucity of medical, mental health, and addiction treatment services (2006). A report recently released by the Justice Policy Institute found that the detention of juveniles is associated with a number of negative outcomes, including higher rates of future offending (Holman and Ziedenberg 2006).

Nor does incarceration necessarily suspend gang involvement. Some incarcerated gang members remain active participants in the life of their old gangs, some develop new gang affiliations behind bars, and some do both. Incarcerating the "right" gang members often does little more than postpone the community's day of reckoning until the incarcerated individual returns. And incarcerating the "wrong" individuals risks trapping youth who would otherwise have outgrown gang activity in a life of crime. Decker notes that the "latent consequence [of incarceration] is to get them together in prison. [Gang members] get out largely unchanged, maybe worse, with more contacts and older" (personal communication).

The research literature on targeting is much weaker than the literature on neighborhood-based suppression efforts. Just three studies were found in the current literature survey, and two of them suffer from serious methodological problems. Neither study of gang task force initiatives could show that the programs examined had actually changed the treatment of targeted individuals in the criminal justice system, much less that the programs had reduced crime.

Gang task forces in San Diego and Westminster, California

San Diego

Jurisdictions United for Drug Gang Enforcement (JUDGE) was formed in California in 1998 as a multijurisdictional task force to combat drug trafficking by gang members in San Diego County. Researchers with the San Diego Association of Governments attempted to conduct a process and impact evaluation of the program in the early 1990s and published their results in 1996 (Pennell and Melton 2002).

When the JUDGE program began, San Diego County reported 27 active street gangs with an estimated 2,300 members in an initial grant application. The document described the county's gang problem as follows: "The current situation of gang related narcotics control has created a wave of violence involving several drive-by shootings and homicides. Street gangs have begun to resemble modern organized crime operations in terms of sophistication and tactics." It is worth noting that this diagnosis is at odds with the results of in-depth studies of gang violence in several jurisdictions (including nearby Los Angeles), which found that the role of the drug trade in gang violence has been vastly overstated by law enforcement (see Kennedy, Braga, and Piehl 2001, and Tita, Riley, and Greenwood 2003).

Task force members responded by targeting juvenile gang members who were either on probation for narcotics offenses or known to be involved in drug distribution. Youth were considered to be documented gang members if they met one of five criteria, which ranged from admitted gang membership to having a close association with known gang members. Targeted individuals were subject to:

- intensive supervision by the probation department's Narcotics Task Force;

- special enforcement operations by law enforcement; and
- stepped-up prosecution by the district attorney's office, which committed to "vertical" prosecution, opposing pretrial release, and seeking the most severe possible sentence.

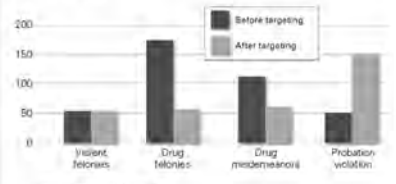
During the first two years of the program, nearly all of the JUDGE targets were black (45 percent) or Hispanic (52 percent); and male (98 percent). The overwhelming majority were between the ages of 14 and 17 when they were targeted, with 16- and 17-year-olds constituting the largest group (56 percent of JUDGE targets). All were identified as gang members, and 96 percent had been convicted or arrested for a drug offense. Just one in five (22 percent) had been arrested for a violent offense.

The research team initially sought to compare recidivism outcomes for JUDGE targets with outcomes for gang members who were not targeted by the program. This approach proved impracticable because too many control group members were eventually targeted. Instead, the researchers compared the criminal records of JUDGE targets before and after they were targeted.

A large majority (83 percent) of JUDGE targets were rearrested in the two years after targeting. Felonies accounted for just 30 percent of new arrests, down from 58 percent in the two years before targeting. Probation violations accounted for 37 percent of new arrests, up from 10 percent in the earlier period.

The researchers determined that under the program, JUDGE targets were assigned a greater number of probation conditions, ranging from drug-testing requirements to prohibitions on riding in vehicles with other juveniles. The average number of probation violation arrests per youth jumped more than threefold, from 0.3 to 1.0, while the average number of felony and misdemeanor arrests fell from 3.7 to 2.0.

Figure 7.4. San Diego JUDGE targets arrested before and after targeting



Source: Fennell and Mattson (1992)

The research team also found that JUDGE targets "spent a considerable amount of time behind bars during their JUDGE tenure." Two in five spent a year or more in a juvenile hall or other local institution, while another 25 percent spent six months to a year in custody. But the absence of a suitable control group made it impossible for the team to determine whether the JUDGE targets spent more time behind bars as a result of the program than they would have without the program. The researchers note that the harsher treatment youth received after being targeted could have been the result of longer exposure to the criminal justice system and the advancing age of the targets rather than an effect of the program.

Concerns about youth gang violence were put forward as part of the initial rationale for the program. But the arrest data do not indicate that the program reduced violent behavior. The number of JUDGE targets arrested for violent felonies was identical before and after targeting (62 in each period).

In 1995, four years after the initial evaluation period, the research team reviewed updated files on the 279 JUDGE targets. They found that new court cases had been filed against two in three (64 percent) targets, with an average of three cases per person. This finding suggested to the researchers that "many JUDGE targets remained involved in criminal activity and that the task force had appropriately focused on isolating a small segment of offenders who appear particularly crime-prone, monitoring their behavior closely, and applying sanctions swiftly and with certainty."

Yet swift and certain application of sanctions apparently failed to deter the large majority of JUDGE targets from committing further crimes. The researchers acknowledge that the program might have done more harm than good: "[The long-term recidivism] finding is difficult to interpret because not enough is known about this group of offenders to determine whether they are particularly crime-prone or the extent to which an enforcement approach actually contributes to reoffending because it does not address other issues such as drug treatment, education, and employment."

The notion that JUDGE may have *increased* recidivism among targeted youth is supported by research findings on the dangers of juvenile detention. If the program did meet goals to "resist the release of defen-

dants from custody before the trial or hearing" and "ensure that the most severe possible sentenced is imposed," it may have increased the likelihood that targeted youth would be detained and made them more, rather than less, prone to crime.

A recent literature survey on the impact of incarcerating youth in detention and other secure facilities found that first incarceration experiences make youth more likely to commit new crimes. Research on youth committed to state facilities in Arkansas found that prior incarceration was a stronger predictor of future recidivism than gang membership, carrying a weapon, or a poor parental relationship (Benda and Tollett 1999).

Such targeting efforts also run the risk of devoting a greater and greater share of resources to detecting and imposing sanctions on less and less serious criminal conduct. This is a particular risk with juvenile gang members, who may go through periods of heightened offending followed by sharp drops in delinquent behavior that are associated with maturation and the weakening of gang ties.

The majority of youth targeted by JUDGE had already passed the age of peak gang participation (15 years old) by the time they were identified by the program, and most became adults during the two-year follow-up period. It is possible that many who came to the attention of San Diego law enforcement during periods of heightened offending continue to be targeted and punished for minor delinquent behavior despite posing little risk to public safety. There is some evidence to support this view: before targeting, half of arrests involved felony charges and just over half (52 percent) of youth were held in custody at arrest. After targeting, the proportion of felony arrests fell to just 30 percent while the proportion of youth held in custody at arrest rose to more than two in three (68 percent).

Westminster

Criminal justice officials in Westminster, California, adopted a similar approach to reducing gang crime. The Tri-Agency Resource Gang Enforcement Team (TARGET) was launched in 1992 as a collaborative effort of the Westminster Police Department, the Orange County district attorney's office, and the county probation department to identify "repeat gang offenders" and remove them from the community.

A team of researchers examined program results and declared TARGET a successful model that should be considered for replication (Kent et al. 2000). But a closer analysis reveals that the researchers failed to gather enough information to determine whether the program had any impact at all on the target population.

On its face, TARGET appears to have achieved remarkable results. The number of reported gang crimes dropped sharply in the first year of the program—from nearly 30 per month at the beginning of 1992 to fewer than 15 per month at the end of the year—and remained below preintervention levels for the entire evaluation period. By the end of 1997, the researchers found a 47 percent cumulative reduction in gang crime.

The drop in gang crime that took place during the first year of the program coincided with a nearly fivefold jump in the number of target subjects in custody, appearing to confirm the hypothesis that removing "repeat gang offenders" from the community was an effective crime-control strategy. The researchers also examined overall crime trends and determined that gang crime had fallen more rapidly than nongang crime during the first year of the program, lending support to the notion that the drop in gang crime was due to the intervention rather than part of a larger decline in crime.

Finally, the research team found that violent crime rates fell further in Westminster than in two comparison communities during the intervention period. The researchers conclude based on these findings that the program was successful in reducing gang violence and that it should be considered for replication.

There are serious flaws, however, in the TARGET evaluation design that undermine the research findings. The researchers argue that an experimental research design, which compares outcomes for a "treatment" group and a nontreatment control group, is neither practical nor desirable in the context of gang enforcement.

They instead employ a "logic model" research design that tracks variables related to the program's ultimate goals and intermediate variables related to how the program proposes to achieve its goal. If both sets of variables move in the expected direction, and if the evaluation can demonstrate a positive relationship between them, then the program is deemed a success.

The TARGET evaluators selected the number of targeted "repeat gang offenders" in custody as their intermediate variable and the number of monthly gang-related crimes as their final outcome variable. Their logic model proposes that the TARGET program will increase the likelihood that "repeat gang

offenders" will end up in custody and that incapacitating more "repeat gang offenders" will reduce levels of gang crime.

But the research team never provides evidence that the intervention increased the time targeted individuals spent behind bars. Gang members with prior criminal convictions would have been strong candidates for detention and incarceration under any circumstances. The relevant measure of the program's effect is not how many of the targets end up in custody, but how many *more* are placed into custody as a result of the intervention. Unfortunately, without a control group or a baseline, it is impossible to assess the program's impact on the disposition of target cases.

Nor can the research team demonstrate that more people who met the "repeat gang offender" profile were in custody during the intervention period than before the intervention because they track only the custody status of the targets and not the larger pool of "repeat gang offenders." Their data show that roughly 40 targets were added to custody at the end of the first program year.

But the researchers fail to examine how many previously detained or incarcerated "repeat gang offenders" were released back to Westminster during the same year.[3] In order to prove the logic model, the researchers would have to change their measure from the number of *targets* in custody to the total number of "repeat gang offenders" in custody *including* those who were detained or incarcerated before the program began.

There are also problems with the researchers' use of gang crime as a primary measure of the project's success, since the police department did not track gang crime before the program began. The researchers produced a retrospective count of gang crime during the preintervention period using 12 months of police data. These data show a sharp spike in gang-related crime immediately preceding the intervention.

Without more than a year's worth of data, it is impossible to know whether the change that took place during the intervention period represented a real change or merely a return to normal levels of gang crime following a temporary surge. As the researchers note, "because baseline observations are limited to 12 months, and because the baseline trend is not stable, interpretation of the gang crime pattern is subject to plausible alternative explanation."

Gang prosecution units in Las Vegas and Reno, Nevada

An evaluation of the use of gang prosecution units in Las Vegas and Reno, Nevada, bolsters the suspicion that programs setting out to "target gang offenders" may have little concrete effect. Terance Miethe and Richard McCorkle found that gang members prosecuted by specialized gang units were no more likely to be convicted or imprisoned than defendants whose cases were handled by prosecutors in traditional "track" units (2002).

The Clark County district attorney's office, which serves the Las Vegas metropolitan area, established a gang prosecution unit in 1991. State lawmakers had recently enacted a series of penalty enhancements for crimes that were considered gang-related, including a statute that doubled penalties for felonies committed to further gang activity. Three full-time deputy district attorneys screened and prosecuted felony complaints involving gang members. The unit worked closely with the Special Enforcement Detail of the Las Vegas Police Department and attempted to enhance communication between law enforcement and other agencies concerned with gang activity.

Three years later, the Washoe County district attorney's office, which serves Reno, launched a Dangerous Youth Offender prosecution team to handle gang and nongang cases involving youth who were "considered a threat to the community." The team "rapidly became a specialized gang unit after the number of gang-related offenses in Reno rose from 77 to 193 in the last 6 months of 1994." The unit's goals were to "rigorously prosecute the minority of gang members who commit serious crimes" and to provide "community alternatives for at-risk youths who are just marginally involved in gang activity."

Both the Clark and Washoe County gang prosecution units employed vertical prosecution "whereby the same attorney follows a case through successive stages of criminal processing." Vertical prosecution is often promoted as a more effective means for handling gang cases than horizontal prosecutions because it permits prosecutors to become more familiar with the details of a case and address gang-specific concerns (the possibility of witness intimidation, for example).

3. The researchers can no more determine whether the total population of "repeat gang offenders" in custody has increased or decreased than a new clerk can tell whether the number of hotel guests has increased or decreased based solely on how many people he or she checked in and how long they stay.

Miethe and McCorkle found no evidence that consolidating gang-related cases in the gang unit resulted in more successful prosecutions or tougher penalties than the traditional process. Defendants prosecuted by gang units were more likely to be imprisoned than defendants whose cases went to track units, and they also received longer prison terms. But these differences were entirely attributable to factors such as prior record, age, and the number of charges. There were "no statistically significant differences between gang units and track units in the likelihood of conviction and imprisonment upon conviction" after controlling for relevant variables.

The establishment of Clark County's gang prosecution unit also failed to increase the conviction rate for gang members, which remained stable before and after the change. The researchers concluded that "gang prosecution units do not enhance the success of criminal processing beyond that provided by other nongang prosecution units." These results reinforce a point that should be obvious: gang members who commit serious crimes and have extensive criminal records are likely to receive harsh penalties whether or not they have been "targeted" by a task force or special prosecution unit.

Gang sentencing enhancements in California and Nevada

California's Street Terrorism Enforcement and Prevention (STEP) Act

In 1993 California enacted a far-reaching piece of legislation designed to heighten penalties for gang crime. The Street Terrorism Enforcement and Prevention Act has two relevant provisions. One makes "knowing participation and willful furtherance of felonious conduct by members of a criminal street gang" a separate crime. The other creates a sentencing enhancement that applies to "any felony or misdemeanor committed for the benefit of a criminal street gang" (Jackson 2004). The penalties under the second provision are severe: an extra two to four years of imprisonment for "garden-variety" felonies; five years for "serious" felonies, 10 years for violent felonies, and life terms for crimes such as carjacking and committing drive-by shootings.

Proving the elements of the second enhancement provision is simple. The prosecutor must show that the defendant is a member of—or that his or her actions benefit—a group of three or more people with a common sign or symbol, and that two or more of the group's members have been convicted of or adjudicated for one of 25 designated crimes.[8] And as Los Angeles County deputy district attorney Alan Jackson notes, "*the prosecutor does not even have to prove that the defendant is a member of the gang*, as long as his conduct promotes or benefits the gang" (emphasis added).

State policy makers have never evaluated the effectiveness of the STEP Act, but a glance at the daily news from Los Angeles indicates that the statute has done little or nothing to resolve the city's gang problems.

Nevada's gang sentencing enhancements

Several years before STEP took effect, Nevada's legislature enacted an even tougher set of gang penalties and sentencing enhancements. The lawmakers were spurred on by a series of high-profile gang crimes and dire statements by law enforcement officials about the growing gang menace. A subsequent analysis determined that gang members were responsible for a small share of the crime problem: just 6 percent of violent crime charges and 5 percent of drug trafficking charges were filed against known gang members (Miethe and McCorkle 2002).

Miethe and McCorkle examined the use of Nevada's antigang statutes and found that the charges were comparatively rare (2002). An enhancement doubling the length of confinement for crimes committed to promote the activities of a criminal gang was charged 263 times in Clark County and 24 times in Washoe County over a four-year period, resulting in just 41 convictions. A statute prohibiting the discharge of a firearm from a motor vehicle (i.e., a drive-by shooting) was charged 199 times in Clark County and 26 times in Washoe County over a six-year period, resulting in a total of 23 convictions. The authors note that many of the drive-by shooting charges were multiple counts filed against the same defendant for a single criminal incident.

Prosecutors and judges argued that the enhancements played an important role in plea bargaining, but the researchers could find no evidence of such an effect. Conviction rates did not change in gang cases after enactment of the enhancement statute. Nor did the enhancements appear to affect the use of other felony charges in cases involving gang members.

8 The three offenses required to prove the STEP enhancement—the current offense and the two predicate offenses committed by members of the gang that "benefits" from the current offense—must have taken place within three years of one another, which means that neither the time between the first and second predicate offense nor the time between the second predicate offense and the current offense can exceed three years.

"Balanced" approaches to gang enforcement

Public officials who recognize the failure of traditional suppression and targeting efforts to reduce gang violence have sought to develop more "balanced" models of gang enforcement. The two best-known models for balanced gang enforcement are Operation Ceasefire, an initiative launched in Boston to reduce youth gun violence, and the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) Comprehensive Gang Model, which was developed by researcher Irving Spergel in Chicago.

Both models require law enforcement and other key institutions to change how they work with one another, and how they respond to gang problems. Each aims to:

- "Balance" suppression and other enforcement activities with efforts to provide services, supports, and opportunities to both gang-involved youth and gang problem communities.
- Specify the role of law enforcement by delineating which tactics support the overall initiative and which should be avoided because they could be counterproductive.
- Engage a broader group of stakeholders—including schools, social service providers, and grassroots community groups—in the development of gang policy.
- Collaborate with researchers on the design, implementation, and evaluation of the initiative.
- Keep the focus on reducing gang *violence* rather than mounting a fruitless effort to eliminate gangs or gang crime.

The Ceasefire and Spergel models appear to have achieved notable successes in their pilot phase, but the results of replication efforts have been much less promising. Replications of the Ceasefire model in Los Angeles and Indianapolis produced no evidence that efforts to "retail" a deterrence message—communicating the message directly to targeted individuals—had changed the behavior of gang members, casting doubt on a central premise of the Ceasefire model. Meanwhile, replications of the Spergel model in five cities produced mixed results, with just two sites reporting reductions in participants' violent behavior that approached statistical significance.

There are several possible explanations for the failure of the replication efforts to achieve the desired results. The results of the Ceasefire replication efforts strongly suggest flaws in the theory behind "retailing deterrence." It is equally possible, however, that the models work, but only under a narrow set of circumstances. The Ceasefire and Spergel model replication efforts both attempted to transplant successful initiatives to cities with very different demographics, geographies, and gang problems.

Finally, the fundamental problem may be that the models require unrealistic changes in the behavior of the institutions charged with implementation. Results from several of the replication efforts suggest that law enforcement agencies may be unwilling to abandon "real" police work in favor of activities that produce fewer arrests, or to share power with community groups. On the other hand, the replication efforts demonstrate that most of the community stakeholders lack the resources necessary to become real partners in collaborative gang control efforts.

The Ceasefire model: "Pulling levers" and "retailing deterrence"

Boston

Killings rose dramatically in Boston at the end of the 1980s, peaking at 152 homicides in 1990. Roughly half of homicide victims that year were under the age of 25. The incidence of such youth homicides fell sharply between 1990 and 1991 but remained substantially above 1980s levels throughout the early 1990s (Kennedy, Braga, and Piehl 2001).

City officials, law enforcement, and community allies launched a number of initiatives in response to the surge in violence committed both by and against youth. Police and probation officers conducted joint patrols as part of the well-publicized Operation Night Light. The police department began to collaborate with the Ten Point Coalition, a group of black clergy formed after a gang attack on mourners at a funeral. But none of the measures implemented prior to Operation Ceasefire appeared to significantly affect youth violence.

In 1994 Boston police commissioner Paul Evans invited Harvard University researchers Anthony Braga, David Kennedy, and Anne Piehl to examine the problem of youth homicide and design an intervention. The research team conducted a review of homicides involving youth offenders and victims. They found that a majority of cases (60 percent or more) were gang-related, but that the cases did not fit the stereotype of gang violence motivated by "drug trafficking or other 'business' interests." Instead, the researchers concluded that youth homicides had been driven up

by chronic "beefs" between gangs, as well as spiraling fear of violence that led more youth to carry and use handguns.

The research results were presented to a working group made up of researchers and frontline staff from key law enforcement and social service agencies. The working group concluded that the best way to reduce the number of youth homicides was to begin persuading gang members to break the cycle of retaliatory violence. The group believed that this aim could be accomplished through an exercise in focused deterrence that provided strong incentives for aggrieved gang members not to retaliate. They proposed:

- Targeting gangs engaged in violent behavior.
- Reaching out directly to members of the targeted gangs.
- Delivering an explicit message that violence would not be tolerated.
- Backing up that message by "pulling every lever" legally available (i.e., applying appropriate sanctions from a varied menu of possible law enforcement actions) when violence occurred. (Kennedy, Braga, and Piehl 2001)

At the same time, social service agencies, probation and parole officers, and community groups (including churches) were to offer gang members services and opportunities that might provide a viable alternative to gang life. The hope was that a combination of "sticks," "carrots," and efforts to get the word out about the new initiative could create a "firebreak" that would allow fear and violence to reach a new, lower equilibrium point. The strategy was dubbed Operation Ceasefire.

The Operation Ceasefire approach was inspired by a 1994 police effort to reduce gun violence among members of the Wendover Street gang. The street was quiet by the time the operations ended, and gang members were reportedly "walking up to [the Youth Violence Strike Force's] Warren Street headquarters with paper bags full of guns and dropping them off."

Officers credited the success of the operation to a combination of focused attention and "honesty." They pulled every legal lever at their disposal to disrupt the gang and make its members uncomfortable. But they also told the gang members how to make it stop: end the violence and hand over the illegal guns. "'We're here because of the shooting,' the authorities had said. 'We're not going to leave until it stops. And until it does, nobody is going to so much as jaywalk, nor make any money, nor have any fun.'"

The tactics employed in the Wendover Street action and adopted by Operation Ceasefire are largely familiar: saturation patrols, home visits by police and probation officers, enforcement of local ordinances, and so on. But the strategy of trading zero-tolerance fantasies of eradicating gangs, drugs, and low-level criminality for leverage over youth violence was a radical departure from law enforcement orthodoxy:

> Operation Ceasefire's Working Group understood that law enforcement agencies do not have the capacity to "eliminate" all gangs or powerfully respond to all gang offending in gang-troubled jurisdictions. Pledges to do so, although common, are simply not credible. (Braga et al. 2001)

The researchers argue that the strategy entailed not a "deal ...[to] win gangs the freedom to deal drugs or commit other crimes" if they refrained from violence but rather a "promise" to bring the weight of the justice system down on gangs whose members engaged in gun violence (Kennedy, Braga, and Piehl 2001). Yet the strategy was premised on the belief that youth gang members would rather "make money" (read "sell drugs") and "have fun" (read "engage in low-level delinquency") than spend all of their time fighting with the police.

Most gang enforcement initiatives view the existence of gangs and the persistence of gang crime as the problem. The architects of Boston's Operation Ceasefire saw an opportunity to use the gang structure as a means for transmitting their message, and they saw nonviolent delinquency as a source of leverage for addressing the real problem of youth violence. Their strategy aimed to turn "gang offenders' behaviors against themselves, taking advantage of the vulnerabilities created by their chronic misbehavior and turning them into a violence prevention tool." And it sought to use the same group dynamics that contributed to the rise in violence to constrain gang members, if not for themselves then for the sake of the gang.

The research team conducted a time-series analysis of crime trends before and after the first lever-pulling meeting and concluded that the intervention was associated with statistically significant reductions in youth and gun violence (Braga et al. 2001). These reductions included a 63 percent decrease in youth homicides; a 32 percent reduction in shots-fired calls; and a 25 percent drop in gun assaults. A comparison of violent crime patterns in 39 major U.S. cities and 29 major New England cities showed that the

crime reduction could not be explained by national or regional trends, although a large number of cities also experienced a "sudden, significant reduction in youth homicides" during the 1990s.[5]

These results should be interpreted with caution because they are based on a relatively small number of incidents and occurred during a time when violence was trending down. Richard Rosenfeld, Robert Fornango, and Eric Baumer conducted their own analysis of the numbers, comparing Boston's reduction in youth homicides to trends in other cities (2005). Rosenfeld and his colleagues integrated homicide data for the nation's 95 largest cities into a statistical model that incorporated other explanatory variables, including measures of economic disadvantage, population density, policing levels, and incarceration rates. They report that Boston appeared to outperform the average, but that the difference did not reach the level of statistical significance:

> After adjusting the changes for the effects of the covariates, Boston's youth firearm homicide rate fell an estimated 30% per year during the intervention period [while] the [95-city] average rate fell by 16%. Although the estimated decline in Boston's rate was nearly double that of the sample average in the conditional model, the difference is not statistically significant. . . . The lack of statistical significance reflects Boston's low youth firearm homicide counts during the intervention period (ranging from 21 in 1996 to 10 in 1999).

The failure of replications of the Ceasefire model in Los Angeles and Indianapolis to achieve comparable results provides further cause for caution. Evaluations of these efforts cast doubt on the effectiveness of retailing deterrence and suggest that the model may work under a very narrow set of circumstances, if it works at all.

Los Angeles

The RAND Corporation led an effort to determine whether elements of the Boston model could be used to address gang violence in Los Angeles (Tita, Riley, and Greenwood 2003). A team of researchers began collaborating with law enforcement and community groups in early 1999, with support from the National Institute of Justice, to identify places in Los Angeles County where an intervention might have the greatest impact. The working group eventually settled on Hollenbeck, an area with entrenched gangs and high levels of youth violence despite relatively low overall crime rates.

Law enforcement and community sources attributed the violence to the narcotics trade, which was said to be "the underlying cause of nearly every violent act involving a gang member." The research team's analysis of homicide data found, however, that the killings had very little to do with drug activity. A drug motive was present in just one in five homicides committed by gang members and fewer than one in ten homicides defined by investigators as "gang-motivated." Further, the motives in drug-related gang homicides typically related to disputes between business partners, or the attempted robbery of drug sellers, rather than to struggles to control drug markets.

Gang homicides in Hollenbeck were being driven instead by gang rivalries. The researchers described the typical killing as one in which a gang member "drives up or walks up to a youth from a rival neighborhood and asks the question, 'Where are you from?' " The research team mapped the social networks of 37 Hollenbeck street gangs and identified the Boyle Heights community as a place where a coordinated intervention might break a relatively self-contained cycle of retaliatory violence.

The working group found it difficult to identify levers for changing the behavior of targeted members of the four most active gangs. Few of those identified by law enforcement as "shot-callers" or "shooters" had probation or parole conditions that could serve as a source of leverage. More than 70 gang members had outstanding warrants—many for nonviolent offenses—but personnel were not available to serve them in a coordinated fashion. Finally, a disproportionate number of violent crimes were committed by "new baldies"—a term for recently initiated gang members who "act brazenly or outside the control of the more established gang members in an effort to gain the respect of their older peers." The "new baldies" were less likely not only to consider the consequences of their actions, but also to be subject to probation conditions or outstanding warrants.

The limited capacity of Operation Ceasefire to generate individualized responses to outbreaks of gang violence forced the initiative to rely heavily on the use of police patrols in the territory of gangs whose members were responsible for violent incidents. The Boyle Heights community was concerned by the possibility that Operation Ceasefire would be another heavy-

5 The authors report that Dallas, Jacksonville, Los Angeles, New York, Philadelphia, and Tucson all reported sharp drops in youth homicides during the period.

handed exercise in gang suppression. Community leaders insisted that pulling levers should be paired with violence prevention programming and other services designed to support the efforts of gang members and their families to break the cycle of gang violence.

But events overtook the development of the community's capacity to provide gang prevention and intervention services. An escalation in violence between the Mob Crew and Cuatro Flats gangs culminated in a walk-by shooting that left a gang member and a 10-year-old girl dead. The police increased patrols in the five reporting districts that encompassed the two gangs' territory and the site of the homicide, and placed two officers on mounted patrol. Additional officers were deployed from specialized units including Metro Unit (home of the SWAT team) and the Special Enforcement Unit and Traffic Bureau working out of the Operations Central Bureau.

Police and probation officers visited the residences of more than 30 members of both gangs over the next three months, making eight arrests. The city deployed health and child welfare agency staff to inspect the properties where gang members gathered. Speed bumps were installed in the area of the homicide, and a nearby alley was fenced off. A $5,000 reward was posted for information related to recent violent incidents between the two gangs. Operation Ceasefire was up and running without the ability to offer carrots alongside the enforcement sticks.

Before the intervention, police and community groups collaborated in efforts to retail the message that violence would no longer be tolerated in Boyle Heights. They promised to meet each incident of gang violence in the neighborhood by pulling levers on members of the offending groups, while offering services to those who were willing to refrain from violence. Once the operation was launched, however, "the working group members did not constantly reprioritize and reallocate resources after each violent incident, but rather focused almost exclusively on the two gangs involved in the triggering incident." Other shootings took place in the week following the walk-by killings, for example, but the incidents did not produce a similar response from Operation Ceasefire.

The RAND research team conducted an extensive analysis of crime patterns to determine whether the intervention had reduced violent, gang, or gun crime in the six months following the triggering incident. The researchers set up three comparisons to test whether the intervention had generated greater reductions in crime than would have taken place in its absence:

- Boyle Heights versus the remainder of Hollenbeck;
- the five police reporting districts where the bulk of the enforcement actions were taken versus the remainder of Boyle Heights; and
- the target census blocks versus a matched set of census blocks in Boyle Heights.

The first comparison was designed to test the effectiveness of efforts to retail the message throughout Boyle Heights. The second and third were designed to measure the effect of the police suppression and follow-up deterrence efforts. The results of the analysis are mixed at best. Violence declined in Boyle Heights and the rest of Hollenbeck at exactly the same rate—a 28 percent reduction between the six months that preceded the intervention and the six months that followed—indicating that the intervention had no effect on the neighborhood as a whole. The target areas saw modest reductions in violence compared to the rest of Boyle Heights and large gains compared to the matched comparison blocks, which suggests a localized impact.

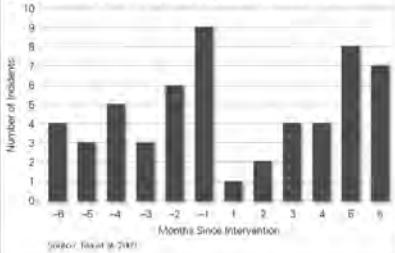
Gang and gun crime reports dropped much more

Table 7.2. Findings of RAND analysis of Los Angeles Operation Ceasefire intervention effects

Crime type	Boyle Heights vs. rest of Hollenbeck	Target districts vs. rest of Boyle Heights	Target blocks vs. matched blocks
Violent	None	Positive	Positive
Gang	Positive	Mixed	None
Gun	Positive	None	None

Source: Tita et al. 2003

Figure 7.5. Hollenbeck Area Crimes involving TMC or Cuatro Flats Gang Members Before and After Operation Ceasefire



Source: Tita et al. 2003

quickly in Boyle Heights than in the rest of Hollenbeck during both the four-month "suppression" period and the two-month "deterrence" period of the intervention. The apparent effect vanishes, however, in the target areas, where patterns of gang and gun crime did not differ significantly from those of either the rest of Boyle Heights or the matched comparison blocks.

The researchers reported that the target districts outperformed the rest of the neighborhood in reducing gang crime during the suppression period of the intervention. Yet the *net* drop in gang crime between the pre- and post-intervention periods was *smaller* in the target reporting districts (19 percent) than in the rest of Boyle Heights (45 percent).

A comparison of violent, gang, and gun crime trends during the suppression and deterrence phases of the project also produced inconsistent results, particularly with regard to gang crime. The researchers found statistically significant reductions in gang crime *only during the deterrence phase* in the interneighborhood comparison; *only during the suppression phase* in the first intraneighborhood comparison; and *not at all* in the second intraneighborhood comparison.

There are several ways to interpret such varied results, but the most compelling interpretation is that the intervention simply did not work. An analysis of crimes involving the Mob Crew and Cuatro Flats gang members in the pre- and postintervention period provides a clearer picture. The number of incidents spiked immediately before the intervention began, dropped sharply in the first month of suppression activities, and climbed steadily thereafter. By the fifth and sixth months of the operation (the deterrence period), crime committed by members of the targeted gangs exceeded preintervention levels. If the intervention worked at all, it did not work for long.

The RAND report authors conclude that efforts to retail the message had "no discernible effect on crime in the immediate aftermath of implementation or during the suppression period." They have a more positive evaluation of law enforcement activities in the target areas, noting that four of six violent and gang crime comparisons showed "reductions of crime in these areas during the suppression period to be significantly greater than in the comparison areas."

There are several reasons to question the meaning and significance of these conclusions. First, it is possible that the drop in violence following the trigger incident was nothing more than an example of regression to the mean—a built-in tendency of numbers to trend from high and low points back toward average levels. Sudden drops in gang violence are common and may have no more to do with law enforcement activity than the surges that preceded them. Second, there are methodological problems with the use of gang crime as a measure, since gang crime statistics are sensitive to changes in law enforcement practice.

Third, the findings are based on a small number of incidents: an average of just 25 violent crimes, nine gun crimes, and five to six gang crimes per month in the targeted areas during the preintervention period. The targeted areas saw a drop in violence that was 13 percent greater than the drop in the rest of Boyle Heights (37 percent versus 24 percent), and 31 percent greater than the matched comparison blocks (34 percent versus 3 percent). This means that the intervention might have averted between three and eight violent crimes per month. A larger *number* of violent incidents were averted in the *nontargeted* sections of Boyle Heights, where the monthly average fell from 67 in the preintervention period to 51 in the postintervention period.

At best, Operation Ceasefire can lay claim to a modest, localized, and temporary reduction in gang violence, a program effect that was too small to affect violent crime rates in Boyle Heights and too insubstantial to persist after police scaled back suppression activities. At worst, Operation Ceasefire did nothing more than dump law enforcement resources on a neighborhood *after* violence had peaked and then claim credit for an inevitable return to normal—if unacceptable—levels of violence. In either case, the fears of local residents were realized: the initiative became yet another suppression-heavy, "Band-Aid" response to entrenched gang violence.

The latter point is particularly important. Despite the best intentions of the plan's architects, Los Angeles' Operation Ceasefire was unable to balance law enforcement suppression with opportunities for gang members seeking a new life or supports for residents who wanted to rebuild their community. The RAND research team concluded that a resource imbalance between law enforcement and community groups made this outcome all but inevitable:

> Thus the stick side of the intervention, when it finally developed, had a lot of power and force behind it. This is not the case with our community partners. Although equally committed to the goals of the project, they have far less flexibility in terms of resources committed to the project, and less experience in mounting a

coordinated ongoing effort with other agencies. *We suspect that the carrot side of these interventions will always lag far behind the stick side in spite of the best intentions that it not do so, unless some extraordinary efforts are made to provide the community-based organizations with additional resources and the kinds of training that can help them become much more effective partners.* (Tita, Riley, and Greenwood 2003, emphasis added)

Indianapolis

Indianapolis experienced a rise in homicides during the late 1990s. The number of murders, which had fluctuated from 60 to 90 per year during most of the 1980s, rose steadily and peaked at 157 in 1997 (McGarrell and Chermak 2003). Conventional wisdom held that the violence was produced by the late arrival of crack cocaine to Indianapolis, although researchers Edmund McGarrell and Steven Chermak note that the proportion of arrestees testing positive for cocaine peaked three years earlier.

City leaders began to search for possible solutions to the homicide epidemic and quickly seized on Boston's Operation Ceasefire. A multiagency working group, the Indiana Violence Reduction Partnership (IVRP), was formed with the participation of corrections; the courts; and local, state, and federal law enforcement agencies.

The group began its investigation with a review of 1997 homicide cases and determined that a majority of cases involved drugs (52.7 percent); that many suspects were young (median age 23); and that most suspects belonged to groups of "known, chronic offenders" (58.9 percent). Use of the term "known, chronic offenders" reflected "the lack of a consensual definition of a gang and the reality that much gang activity in Indianapolis is of relatively loose structure." McGarrell and Chermak observe that many groups of known, chronic offenders "have names and colors, but their membership is fluid and many are not territorial."

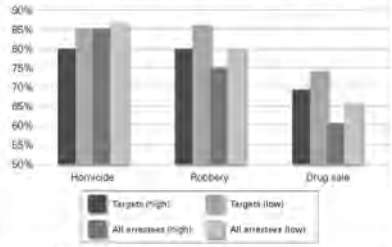
The working group's conclusion that drugs were involved in half of homicides is at odds with the findings from Boston and elsewhere that drug motives and efforts to control drug markets play a minor role in gang-related killings. The difference may reflect particular local circumstances. It may also result from the use of an extraordinarily broad definition of "drug-involved," which included not only homicides with drug motives but also any homicide involving a known drug user or drug seller.

The working group settled on two strategies for reducing homicide levels: first, to increase "the arrest, prosecution, and incarceration of the most violent offenders" through a program with the ominous name of VIPER (Violence Impact Enhanced Response); and second, to engage in "lever pulling" with high-risk individuals by persuading them that they faced serious criminal sanctions and offering them "legitimate opportunities and services." The latter strategy, inspired by Boston's Operation Ceasefire, generated a series of meetings launched in late 1998 in which 220 probationers and parolees received presentations from law enforcement officials about the legal consequences for violent crime and presentations from community representatives to express their concerns about elevated levels of violence.

The plan called for "regular responses to homicides involving groups or gangs, chronic hot-spot locations, and/or drug markets" in the form of "directed police patrol, narcotics enforcement, warrant service, and similar enforcement efforts." McGarrell and Chermak report that these responses took place "fairly regularly" in 1999 and "much less frequently" during 2000. The meetings and responses were organized by neighborhood but not, as in Boston, by gang. IVRP also launched a public ad campaign in 2000 that was "designed to communicate the dangers of violent crime as well as advertise the punishments available to the criminal justice system when offenders commit violent crimes" (McGarrell and Chermak 2004).

The research team used several measures to gauge the effectiveness of the IVRP and VIPER initiatives. First, the researchers tracked homicide and other vio-

Figure 7.6. Proportion of Indianapolis arrestees who perceived the chances of being sanctioned for a crime as "good" or "very good"



Source: McGarrell and Chermak 2004.

lent crime trends to determine whether the intervention was associated with a reduction in killings. They report that homicide levels remained high in Indianapolis "from the beginning of the project in 1998 through early 1999." The pattern changed around the time of a crackdown on a major drug-dealing organization. The April 1999 bust was the result of a separate long-term investigation and not the efforts of IVRP, but the working group nonetheless used the publicity surrounding the operation in their efforts to retail the deterrence message.

The arrests of 16 alleged Brightwood Gang members were associated with a decline in homicides from 149 in the prior 12 months to 101 in the following 12 months. The researchers conducted time-series analyses of violent crime trends and concluded that the timing of the Brightwood arrests correlated to statistically significant reductions in both citywide homicides and incidents of serious violence in Brightwood.

The research team's statistical models explained 22 percent of the variation in monthly citywide homicide totals and show an estimated 42 percent drop in homicide levels at the time of the intervention. The models also explained between 5 and 17 percent of the variance in armed robbery and gun assaults within the Brightwood neighborhood, producing an estimated reduction in serious violence of two to three offenses per month. The models showed no statistically significant effect of the Brightwood arrests on the citywide incidence of armed robbery and gun assaults.

Second, McGarrell and Chermak measured arrestees' perceptions of law enforcement efforts by adding questions about various program components to the Arrestee Drug Abuse Monitoring (ADAM) survey, which is given quarterly to a random sample of arrestees. Arrestees reported low awareness of both initiatives: between 3 and 10 percent had heard of IVRP and 8 to 17 percent knew of VIPER. One in five was familiar with the lever-pulling meetings in the first wave of interviews, although the ratio fell to one in 11 by the end of 2001. More arrestees reported knowledge of probation contacts and sweeps (roughly a third) and police stops (over half).

Awareness of program components did not increase with successive waves of interviews, although it did spike during the second quarter of 1999, when the Brightwood arrests took place. Lever-pulling meeting attendees demonstrated greater familiarity with the initiatives and probation activities than other arrestees but were slightly less likely than their counterparts to report knowledge of police stops. One in five meeting attendees was familiar with IVRP (20.5 percent), and just over a third knew of VIPER (35.9 percent). Surprisingly, just three in four lever-pulling meeting attendees (74.4 percent) reported that they had heard of the lever-pulling meetings.

A large majority of arrestees reported having seen television commercials (77.1 percent), billboards (63.7 percent), or bus signs (62.9 percent) sponsored by the initiative after the ad campaign was launched in January 2001. But the significance of this finding is undermined by the fact that most arrestees from the previous wave of interviews *thought* that they had seen IVRP television commercials (56.9 percent), billboards (51.4 percent), or bus signs (41.1 percent) *before* the campaign was launched. The false-positive responses to questions about a media campaign that did not yet exist indicate that the popular culture may already be so saturated with tough-on-crime messages that the impact of new messages is marginal.

Meeting attendees were more likely than other arrestees to report that their chances of being arrested, charged, convicted, or imprisoned for a robbery or drug sale were "good" or "very good." The researchers considered this finding "evidence that the direct communication of the lever-pulling message to probationers and parolees had some effect" (2003). The fact that the respondents had just been arrested, however, suggests that the effect was not the intended one. The meeting attendees appear to have continued to engage in criminal conduct even after "getting the message"—an indication that there may be serious flaws in the theory of retailing deterrence or its application in Indianapolis.

Meeting attendees also appear to have received the wrong message. The Boston Operation Ceasefire and IVRP initiatives were purportedly designed to deliver the message that *homicides* would trigger a robust law enforcement response. Yet the IVRP meeting participants were slightly *less* likely than other arrestees to believe that the chances of being sanctioned for homicide were "good" or "very good."

Meeting participants rated their chances of being sanctioned for a homicide (80 to 85 percent "good" or "very good") *the same* as their chances of being sanctioned for a robbery (80 to 87 percent "good" or "very good"), and *not much higher* than their chances of being sanctioned for a drug sale (69 to 74 percent "good" or "very good"). Other arrestees, by contrast, had a more accurate picture of the response of the justice system to various crimes. They perceived the

chances of being sanctioned as "good" or "very good" 85 to 87 percent of the time for a homicide; 75 to 80 percent of the time for a robbery; and 60 to 66 percent of the time for a drug sale.

Perhaps meeting attendees were simply more likely than other arrestees to have been arrested for a robbery or a drug sale, raising their perceptions of the likelihood of sanctions for those crimes. But it is also possible that the intended message, "We're coming after you if the killings don't stop," was heard simply as "We're coming after you." The latter message may be music to the ears of police, but it violates a core principle of the Ceasefire model that law enforcement responses focus on—and be directly tied to—lethal and potentially lethal violence. In place of a laser focus on homicide, IVRP communicated a deterrence message about everything *but* homicide.

Third, the research team attempted to assess the impact of the lever-pulling meetings by comparing attendees' behavior to that of other probationers convicted of similar offenses. This effort was hampered by difficulty in finding a suitable comparison sample and reaching the target probationers, many of whom failed to show up for appointments or had moved without providing a forwarding address. But the researchers were ultimately able to collect surveys from 69 meeting participants and criminal record information for the whole group. And they were able to identify a control group that matched the attendee group in terms of gender, age, marital status, and education (but not race or income).

The researchers found that the meeting attendees surveyed were not only more likely than control group members to have heard of the IVRP program elements, but also "more likely in *every case* to believe more strongly in the effectiveness of the strategies for deterring crime" (emphasis in original). But the meeting participants were just as likely as their counterparts to commit new offenses.

Close to half (44.6 percent) of meeting participants were arrested while they were on probation for the current offense, and nearly a third (31.3 percent) were arrested after attending a lever-pulling meeting. Control group members were rearrested on probation at a slightly lower rate (36 percent). None of the differences between meeting participants and control group members on measures of criminality (arrests, convictions, sentences to probation or incarceration) were statistically significant. As the researchers observe:

> It seems that the offenders who attended the meetings were slightly more likely to be aware of the initiatives of the Indianapolis Violence Reduction Partnership and to believe in their effectiveness. Unfortunately, their corresponding behavior does not reflect a change in their willingness to change their offending habits. Similarly, most attendees understood and remembered at least one of the lever-pulling messages though, again, their behavior did not correspond to the lever-pulling message.

A comparison of attendees' and control group members' perceptions of the likelihood of criminal justice sanctions produced results that were nearly identical to those generated by the ADAM surveys. Lever-pulling meeting participants were more likely than control group members to rate their chances of being sanctioned for a robbery or drug sale as "good" or "very good," but there were no meaningful differences when it came to homicide—further evidence that IVRP targets got the reverse of the intended message.

Finally, IVRP appears to have failed miserably in its efforts to link meeting participants with services and opportunities that could draw them away from a life of crime. Less than a third (29 percent) of meeting participants reported getting a job or employment training. Less than a quarter (23.2 percent) said that they were "hanging out with different friends." And fewer than 15 percent of attendees had started school, entered substance abuse treatment, or begun going to church regularly. Worse, these figures may exaggerate the successes of meeting attendees because they include only those who could be located and persuaded to complete a survey.

Control group members were far more likely to report positive changes in their lives over the previous six months. Close to half (44.9 percent) got jobs or training; two in five (40.4 percent) had begun treatment and/or were hanging out with a different crowd (42.9 percent); and a quarter had enrolled in an education program (29.6 percent) and/or started going to church (24.4 percent). The only area in which control group members reported worse results than meeting attendees was missed meetings with probation officers: one in five control group members reported missing a meeting compared to one in 10 attendees.

Limitations in the research design make it impossible to draw strong conclusions from the differences between outcomes for attendees and control group members. But the results do suggest that the meetings did little or nothing to connect at-risk individuals with opportunities and services.

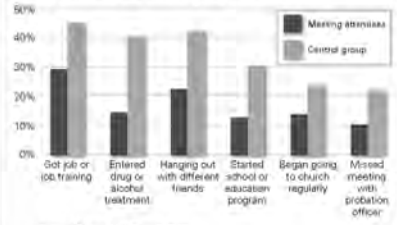
The murder rate fell sharply in Indianapolis during the time when an initiative based on the Boston model was active. McGarrell and Chermak provide some evidence that an operation unrelated to the Ceasefire replication could have contributed to the reduction in violence. The arrest of 16 Brightwood Gang members may have helped to facilitate a return to more normal levels of serious violence in the Brightwood neighborhood, and more normal levels of homicide throughout Indianapolis.

But the evidence collected by the research team strongly indicates that the drop had nothing to do with activities undertaken by IVRP. Probationers who participated in lever-pulling meetings were as likely as their counterparts to commit new crimes. They were no more likely to anticipate that committing a homicide would result in criminal justice sanctions. And they were much *less* likely than control group members to report recent positive life changes. Finally, there is no reason to believe that the Brightwood arrests had an impact on other forms of serious or gun violence outside the Brightwood neighborhood, or that IVRP had any impact on crime whatsoever.

There are two likely explanations for the failure of lever-pulling and deterrence-"retailing" strategies to change the behavior of probationers in Indianapolis. The first is that the strategies simply do not work, and that the sharp reduction of homicides in Boston is attributable to other law enforcement activities or unrelated factors.

The second possibility is that the lever pulling and message retailing worked in Boston due to a unique set of circumstances that were not present in Indianapolis. The Boston working group built its strategy around youth and young adults in small, highly territorial gangs that were involved in long-standing disputes with local rivals. The strategy gave the gang members an incentive to constrain lethal violence in order to avoid law enforcement interference with activities that were more pleasurable ("hanging out") or lucrative (drug sales). Indianapolis authorities had to contend with youth gangs and groups that were more fluid and less territorial, making it more difficult to exert leverage over any one group.

Figure 7.7. Changes in lives of Indianapolis "lever-pulling" meeting attendees and control group members



Source: McGarrell and Chermak 2004

Two important lessons can be drawn from the Indianapolis and Los Angeles Ceasefire replication efforts. The first is that there is no such thing as a "balanced" approach to gang enforcement. The structural imbalance in power and resources between law enforcement and community groups ensures that suppression tactics will never be matched with an adequate level of services and supports. The continuing imbalance also ensures that community stakeholders will have little role in decision making. At the end of the day, the police will do what they think best, and residents will have no choice but to hope that it works.

The scale of the imbalance is evident from the evaluations of the Indianapolis and Los Angeles initiatives. Providing services and building community were clearly afterthoughts in Indianapolis, where the researchers failed to present an adequate measure of the supports provided to targeted probationers. The RAND research team made a much more concerted effort to engage community stakeholders and support their efforts. But Tita and his colleagues provided no concrete evidence of changes in the availability of critical services to gang members and their families. Further, the researchers concluded that such changes were unlikely to take place without a major infusion of resources.

The failure of Ceasefire replication efforts to demonstrate any gains in the provision of services to gang members or gang communities should not come as a complete surprise. The architects of Ceasefire incorporated carrots in their model but failed to report on how availability of services changed as a result of the program. Nor did Kennedy and his colleagues demonstrate a relationship between provision of services and the reduction in violence. The Ceasefire model pays lip service to a balance between sticks and carrots, but the program is really about using sticks to enforce compliance—and not about growing carrots.

The imbalance between law enforcement and social service responses to gang problems is not unique to

Ceasefire but is structural. As Decker observes:

> Give police money and they are ready to go tomorrow. But it takes six months to get an after-school program. Go to agencies that do intervention with active gang members, and those take six to nine months to roll out. We can get suppression out on the street tomorrow but other resources take longer to pull together. (Personal communication)

The second lesson is that lever pulling and deterrence retailing work under narrow and specific circumstances, if they work at all. Efforts to sell the deterrence message had no impact on violence in Boyle Heights, nor did they affect the behavior of probationers in Indianapolis. The Indianapolis lever-pulling meetings did leave an impression on participants, but it was not the intended one. These results may indicate that lever pulling and deterrence retailing never worked. Or the results may show that the strategies work only with small, territorial youth gangs whose members would rather sell drugs with minimal interference than fight with the police.

This is not to say that a coordinated law enforcement and community effort to target youth violence could not establish a "firebreak" that would allow violence to reach a new and lower equilibrium point. It is also conceivable that a single police operation against a criminal group (the Brightwood bust, for example) could facilitate a return to more normal levels of violence by changing the dynamic of conflict in a city.

Instead, we would argue that such successes are impossible to replicate because they depend on too many factors that are not only unknown but also beyond the control of policy makers. Criminologists know little about what produces drastic changes in murder and violent crime rates. They can produce models that attempt to measure the effect of an intervention after the fact but have been unable to develop a model that successfully predicts future spikes in violence.

The Comprehensive Gang Program Model

The Comprehensive Gang Program Model (also known as the "Spergel model" for its architect, Irving Spergel) is designed to provide both social controls and supports to gang members and youth at high risk of gang membership. The model was developed in Chicago's Little Village neighborhood during the early and mid-1990s and replicated in five cities with support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). It requires extensive collaboration between law enforcement, schools, social service agencies, and community organizations.

The Little Village pilot program provided direct services to gang youth who were "active in carrying out or planning violent activity," along with other youth considered at risk for gang involvement (Spergel, Wa, and Villareal Sosa 2006). Police and probation officers and youth workers were the frontline staff:

> The youth workers emphasized individual youth and family counseling, referrals for jobs, and social services. Police and probation officers carried out their traditional law enforcement and supervision activities, targeting many of the same youth as the outreach youth workers and also referring target youth (and youth to be targeted) back to the youth workers for services. Youth workers clarified information about serious gang assaults, aiding project police to determine who were, and were not, offenders.

The research team tracked the behavior of program participants as well as the incidence of crime in the target neighborhood. Participation in the program was associated with a statistically significant reduction in serious violent crime arrests among older youth (ages 17 and up), although the differences were not significant among 14- to 16-year-old youth. The researchers also found a significant reduction in arrests for gang-motivated aggravated battery and assault at the neighborhood level. A higher rate of worker contacts was associated with reductions in violent behavior.

Drug arrests and gang involvement also declined among program youth, although the research team found no significant effect on the larger neighborhood. Program youth experienced fewer drug arrests in the program period than in the preprogram period, even though the number of gang-related drug arrests in the neighborhood rose by 1,000 percent. Program youth were more likely than their counterparts outside the program to reduce their gang activity; youth who received successful job placements or who were reenrolled in school showed the greatest reductions.

The organizers had difficulty institutionalizing the model in Chicago despite these accomplishments. The Chicago Police Department "chose not to integrate the project into its regular operations or its community policing program ...[because according to police officials] the department's primary mission

was suppression not community organization or social work." But OJJDP picked up the model and funded replication efforts at five sites: Mesa, Arizona; Riverside, California; Bloomington-Normal, Illinois; San Antonio, Texas; and Tucson, Arizona.

The results of the replication efforts were mixed at best. No site fully implemented the model, and most of the projects did not reduce arrests at either the individual youth or the neighborhood level. None of the sites achieved statistically significant reductions in arrests for violent offenses among program youth compared to nonprogram youth, although Mesa and Riverside both reported decreases that were marginally significant.[6] Program youth increased their gang involvement at three sites (Mesa, Bloomington-Normal, and Tucson), while gang involvement remained unchanged in the remaining two sites. The effect of the program on arrests did not vary by level of gang involvement: gang members, gang "associates," and nongang youth were equally likely to benefit (or not) from their participation in the program.

Target neighborhoods in Mesa and Riverside saw greater reductions in violent crime and drug crime arrests than comparison areas, but no significant changes in gang membership. Bloomington-Normal and San Antonio target neighborhoods experienced larger *increases* in overall and violent crime arrests than comparison areas, despite significant decreases in reported gang membership.

The largest effect found by the researchers across all six sites was not a program effect but regression to the mean. Arrests of youth with the greatest number of arrests during the preprogram period were likely to decline to more typical levels during the program period. The converse was true of youth with the smallest number of arrests in the preprogram period, who tended to be arrested more often in the program period. Age also had a significant effect on arrests. The oldest group of youth (age 19 and up) saw arrests decline in the program period, while the youngest group (16 and under) saw arrests rise.

The researchers collected extensive information covering not only program outcomes but also the nature of the specific services provided. They concluded that the comprehensive gang program model was poorly implemented in Bloomington-Normal, San Antonio, and Tucson. Implementation problems at these sites ranged from lack of commitment on the part of the lead agency to difficulty engaging the criminal justice system to an overemphasis on suppression.

The research team found that implementing the model in San Antonio was a low priority for both the police department, which served as the lead agency, and neighborhood residents (Spergel, Wa, and Sosa 2005a). Bloomington-Normal law enforcement used the project as an opportunity to "mount an aggressive, no-nonsense campaign to repress African-American gangs" but solicited little input from grassroots groups (Spergel, Wa, and Sosa 2005b). Tucson's program failed to involve a broad range of stakeholders and failed to develop education and employment opportunities (Spergel, Wa, and Sosa 2005c).

The researchers' evaluation of implementation efforts in Riverside and Mesa was more positive, but both projects rated poorly on scales of grassroots involvement and received only "fair" marks for provision of educational, employment, and cultural opportunities (Spergel, Wa, and Sosa 2005d, e). Malcolm Klein and Cheryl Maxson argue that in its attempt to be comprehensive, the Spergel model may inadvertently have made implementation impossible: "The very complex process is both the source of the Spergel Model's strength *and* a prescription for inadequate implementation. Every opportunity to bring about an effective component is at the same time an opportunity for things to go wrong" (2006).

The results of the Comprehensive Gang Program replications broadly correspond to those of the Los Angeles and Indianapolis Ceasefire replication efforts. In neither case could the replication site reproduce the positive outcomes attained at the pilot site. Both cases highlight the difficulty (if not the impossibility) of achieving a balance between criminal justice agencies and suppression tactics on the one hand, and community stakeholders and services on the other. Finally, each case highlights the challenge of transplanting model programs to places with different gang problems and political cultures.

6 The researchers define a "marginal decrease" as a difference between program and comparison group outcomes where the P value falls between .06 and .15 (*i.e.*, a 6 to 15 percent chance that the program had no effect on the outcomes).

Real Solutions to Youth Violence: Evidence-Based Practices

First, we must address the personal, family, and community factors that cause young people to choose gangs over more productive alternatives. The more success we have in prevention, the fewer people we'll have to prosecute for violent activity down the road.

—U.S. ATTORNEY GENERAL ALBERTO R. GONZALES, 2006

Although there is no clear solution for preventing youth from joining gangs and participating in gang-sanctioned violence, there are evidence-based practices that work with at-risk and delinquent youth, the same youth who often join gangs. Whether these programs work with gang members depends more on the individual youth than on whether he or she belongs to a gang.

Evidence-based practices are practices that have undergone rigorous experimental design, have shown significant deterrent effects on violence and serious delinquency, have been replicated, and sustain their effects over a period of time. For example, an intervention like multisystemic therapy (MST) provides intensive services, counseling, and training to young people, their families, and the larger network of people engaged in young people's lives through schools and the community. MST has been shown to produce positive results for youth and their families, including improved mental health and substance use outcomes, reduced recidivism, and improved educational performance. While the United States surgeon general has named only three "model" programs for treating violent or seriously delinquent youth—multisystemic therapy, functional family therapy, and multidimensional treatment foster care (U.S. Department of Health and Human Services 2001)—policy makers continue to fund and use hundreds of programs that either have not been adequately evaluated or have been evaluated and found to be ineffective or even harmful (Greenwood 2006). Peter Greenwood, former director of the RAND Corporation's Criminal Justice Program and author of *Changing Lives: Delinquency Prevention as Crime-Control Policy*, warns that "delays in adopting proven programs will only cause additional victimization of citizens and unnecessarily compromise the future of additional youth" (Greenwood 2006).

Studies have shown that evidence-based practices that work with violent and seriously delinquent youth are more cost effective and produce more benefits than traditional punitive measures. A recent study by the Washington State Institute of Public Policy reported lower recidivism rates and higher monetary benefits to taxpayers and crime victims when these "model" programs were administered instead of detention or unproven alternatives (Aos, Miller, and Drake 2006). Furthermore, a meta-analysis of juvenile intervention practices found that these evidence-based programs were more effective when they were implemented in community settings than when they were used in custodial settings (Lipsey and Wilson 1998). A report by the surgeon general found that "the most effective programs, on average, reduce the rate of subsequent offending by nearly half (46 percent), compared to controls, whereas the least effective programs actually increase the rate of subsequent offending by 18 percent, compared to controls" (U.S. Department of Health and Human Services 2001).

This reduction in recidivism leads to substantial monetary benefits to taxpayers (and emotional benefits to those who avoid being crime victims) equal to thousands of dollars per participant (Aos, Miller, and Drake 2006). Spending just one dollar on evidence-based programs can yield up to fifteen dollars in benefits to society, whereas more punitive approaches like detention and juvenile boot camps yield less than two dollars in benefits. Utilizing these programs for at-risk and seriously delinquent youth, including gang members, can substantially increase public safety while saving money.

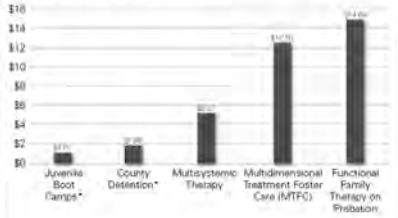
Given the very high cost that citizens appear to associate with any victimization in their community, it would be foolish to put money into a crime-prevention effort that did not maximize the size of the crime-prevention effect.

—PETER GREENWOOD

Public opinion on the issue of rehabilitation versus incarceration for youthful offenders is mixed, but recent polls indicate that people are more willing to pay for rehabilitation programs than for longer prison sentences when the programs are proven to reduce crime. A 2006 poll of 1,500 Pennsylvania residents found that, given the option of using tax dollars for either rehabilitation or incarceration of young people in conflict with the law, the average person was willing to pay 21 percent more of his or her tax money for rehabilitation programs for delinquent youth than for increasing a young person's length of incarceration (Nagin et al. 2006). Another recent poll of 1,300 U.S. households found that the average household would be willing to spend between $100 and $150 per year "for crime prevention programs that reduced specific crimes by 10 percent in their communities, with the amount increasing with crime seriousness" (e.g., robberies versus murders) (Cohen et al. 2004).

The finding that taxpayers are willing to pay for prevention and rehabilitation programs is in contrast to the belief popular among politicians that their constituents are demanding more punitive responses to criminal activity. One reason this view persists is that much of society is still unaware of the effectiveness of rehabilitation alternatives for delinquent youth (Greenwood 2006). Once the success of these programs is better publicized, lawmakers and politicians may be more willing to give them a chance, as some have already done. For example, the Pennsylvania Commission to Address Gun Violence recommended in its 2005 report that the state continue to implement "evidence-based programs to address violence, which, in turn, impacts gun violence, and encourage the selection of those programs proven to be cost-effective."

Figure 8.1. For every dollar spent on Functional Family Therapy, there are almost $15 worth of benefits to taxpayers and victims of crime. In comparison, placing juveniles in county detention provides less than $2 in benefits.



In 1996 the Center for the Study and Prevention of Violence (CSPV) at the University of Colorado at Boulder designed and launched a national violence prevention initiative to identify effective violence prevention programs. The project, called *Blueprints for Violence Prevention*, has identified 11 prevention and intervention programs that meet a strict scientific standard of program effectiveness and have been effective in reducing adolescent violent crime, aggression, delinquency, and substance abuse. Soon after *Blueprints*' initiation, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) became an active supporter of the project and provided funding to sponsor program replications in sites across the United States. When *Blueprints* was first published in 1998, functional family therapy had been evaluated 14 separate times and has since been replicated at hundreds of sites across the country; multisystemic therapy has been replicated in more than 80 sites and evaluated in four randomized trials; and multidimensional treatment foster care has been evaluated in four trials and now has been replicated dozens of times across the country, with plans for more program sites in the works (Greenwood 2006; TFC Consultants undated).

Over the past decade, criminal-justice agencies were provided with ample opportunities and funding to develop prevention programs through the federal Office of Justice Programs and the COPS program established by the 1994 crime bill. Very few of the programs attempted have been identified as promising, and not one is considered proven.

—PETER GREENWOOD (EMPHASIS ADDED)

The Bureau of Justice Assistance noted in its evaluation of gang programs that traditional law enforcement efforts are in the long run not effective at addressing gang violence and that "most stand-alone gang prevention, intervention and suppression programs in the community that have generated positive results have generally produced modest and/or short-term impacts" (Bureau of Justice Assistance

website). Greenwood warns that one entity should not share the responsibility of both prevention and punitive activities, which blurs the boundaries between them; one may start to overrun the other, rendering both ineffective.

Primary responsibility for developing and operating delinquency-prevention programs should be assigned to an appropriate agency in HHS [health and human services] unless immediate public protection is an overriding concern.

—PETER GREENWOOD

One of the reasons criminal justice programs are ineffective is the primary focus of law enforcement on immediate solutions to threats to public safety rather than long-term solutions to underlying problems. In contrast, health and human services (HHS) agencies focus on the long-term goals of educating and training individuals to learn how to deal with their own lives with their well-being in mind. Greenwood notes that "the primary capabilities of [HHS] agencies lie in assessing and prioritizing individual risks and needs, and ensuring that those plans are carried out to the extent permitted by available resources."

HHS staff members are better equipped to handle delinquency problems, as is evidenced by their track record of outperforming law enforcement staff at some of the same programs while also better monitoring the outcomes, despite chronic underfunding for these services. There are several prevention and intervention programs run in residential settings that are similar to those used in the community, but they have not been shown to render the same results. Treatment in residential settings may include milieu therapy, which utilizes the entire environment to be therapeutic, and programs such as individual counseling and social casework. These programs have been found to be ineffective, for many reasons, when they are implemented in residential settings; one of the most prevalent reasons is that the programs are run in an artificial setting, making it hard for the young people to apply the skills they learned in the program when they return to the community (Greenwood 2006). Community-based versions of these programs, such as multisystemic therapy and functional family therapy, which are run by HHS agencies, dig deeper into the social and everyday issues that young people face, and they work on problem-solving skills that are more applicable to life in the community. These programs have been critically evaluated and proven to work with at-risk and delinquent young people—in contrast to similar programs in residential settings that have not been evaluated.

"Criminal justice agencies," Greenwood writes, "rarely evaluate the effectiveness of their programs or activities, while HHS programs are more often evidence-based and subject to evaluation." In other words, law enforcement programs have not been and cannot be evaluated in the same manner as evidence-based programs provided through HHS, so there is no evidence in support of their effectiveness at preventing and deterring crime. Therefore, funding should be reallocated from the criminal justice system to proven programs through HHS, in order to get the maximum benefits.

Additionally, providing education and employment services has been shown to correlate with lower crime rates. According to the OJJDP, "If, as research has found, educational failure leads to unemployment (or underemployment), and if educational failure and unemployment are related to law-violating behavior, then patterns of educational failure over time and within specific groups may help to explain patterns of delinquent behavior" (Snyder and Sickmund 2006). Providing education and employment services for at-risk youth to increase graduation rates, as well as wages and employment rates, could greatly reduce crime, benefiting both young people and society as a whole (Raphael and Winter-Ebmer 2001; Grogger 1998; Lochner and Moretti 2004).

As the evidence that punitive responses to youth crime do not effectively increase public safety mounts, lawmakers and law enforcement should support implementation of evidence-based practices to treat young people who are in conflict with the law. Furthermore, policy makers must realize that funding for such programs should be routed through the health and human services system, where they have been proven to be more effective than in the criminal justice system, and implement such policies accordingly.

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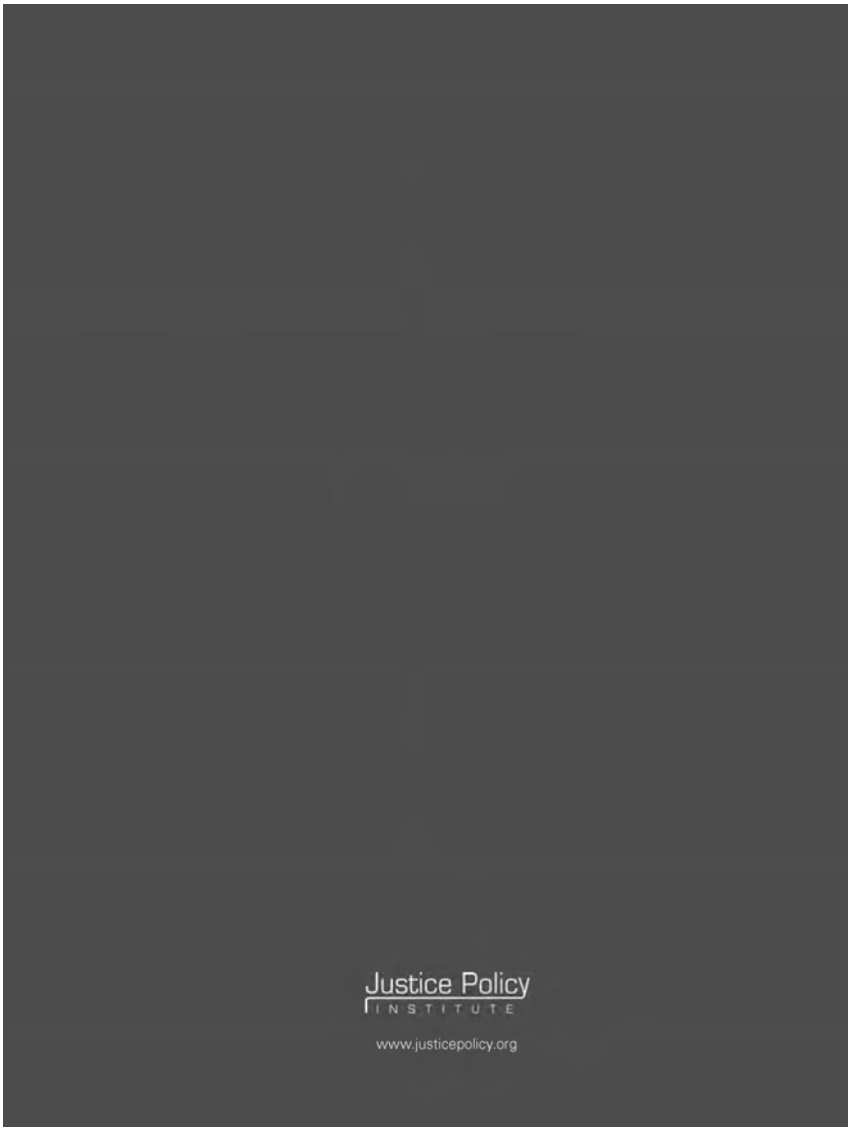
Justice Policy
INSTITUTE
www.justicepolicy.org

Resolution No.35

The Honorable Michael R. Bloomberg
Mayor of New York

The Honorable Mayor Manuel A. Diaz
Mayor of Miami

The Honorable Ronald Dellums
Mayor of Oakland

The Honorable Bill Bogaard
Mayor of Pasadena

The Honorable Greg Nickels
Mayor of Seattle

The Honorable Sheila Dixon
Mayor of Baltimore

SUPPORT THE YOUTH PRISON REDUCTION THROUGH OPPORTUNITIES, MENTORING, INTERVENTION, SUPPORT AND EDUCATION ACT (YOUTH PROMISE ACT)

1. **WHEREAS,** The U. S. Conference of Mayors is committed to ensuring that youth lead productive, safe, healthy, gang-free and law-abiding lives; and

2. **WHEREAS,** gang crime has taken a toll on a number of urban communities, and senseless acts of gang-related violence have imposed economic, social, and human costs; and

3. **WHEREAS,** the use of a wide range of evidence-based and promising programs, offered under the auspices of a broad-based and informed collaborative of social services, schools and education programs, health and mental health organizations, Boys and Girls Clubs, law enforcement, faith-based organizations and other public and private entities working with at-risk youth in a community, has been demonstrated to prevent and reduce youth violence, delinquency, and crime and keep communities safer; and

4. **WHEREAS,** criminal justice costs have become overwhelming in many communities throughout the United States, preventing necessary investments in educational, economic development,

social, child and family development, mental health, and related services; and

5. **WHEREAS**, the investment in evidence-based and promising prevention and intervention programs for children and youth, including quality early childhood programs, comprehensive education programs, including school, summer school, and after school and summer recreational programs, mentoring, health and mental health, substance abuse prevention and treatment, job training, and other prevention and intervention programs, has been shown to lead to decreased youth arrests, decreased delinquency, lower recidivism, and greater financial savings from an educational, economic, social, and criminal justice perspective; and

6. **WHEREAS**, evidence-based and promising prevention and intervention practices have been proven to build individual, family and community strength and resiliency; and

7. **WHEREAS**, investment in youth and communities holds the promise of making U.S. cities safer and stronger economically, environmentally and socially; and

8. **WHEREAS**, the Youth PROMISE Act establishes a PROMISE Advisory Council to assist the Office of Juvenile Justice and Delinquency Prevention in:

   - Assessing and developing standards and evidence-based and promising practices to prevent juvenile delinquency and criminal street gang activity;
   - Collecting data in designated geographic areas to assess the needs and existing resources to prevent and address juvenile delinquency and criminal street gang activity; and

9. **WHEREAS**, the Youth PROMISE Act authorizes grants for local governments in cities throughout this country to:

   - Plan, assess and implement plans for evidenced based and promising programs to prevent and intervene in juvenile delinquency and criminal street gang activities to redirect involved youth;
   - Hire and train law enforcement officers as youth-oriented police to work in collaboration with local PROMISE Coordinating Councils, community-based organizations and

youth at risk of or involved in delinquency or criminal street gang activity; and

- Create and expand juvenile witness and victim protection program;

10. **NOW, THEREFORE, BE IT RESOLVED** that by the adoption of this resolution, the United States Conference of Mayors affirms its support for the Youth PROMISE Act and calls upon the United States Congress to enact the Youth PROMISE Act in the 111th Congress.

Projected Cost: Unknown

KAREN E. KALFAYAN
Interim City Clerk

HOLLY WOLCOTT
Executive Officer

CITY OF LOS ANGELES

ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

KONRAD CARTER
Acting Chief, Council and Public Services
Division

www.cityclerk.lacity.org

March 3, 2009

Honorable Antonio Villaraigosa, Mayor
Chief Legislative Analyst

I HEREBY CERTIFY that City Council adopted the action(s), as attached, under

Council file No. 08-0002-S60, at its meeting held February 20, 2009.

Karen E. Kalfayan

City Clerk
os

cc: 8 Certified copies sent to Washington Representatives

Mayor's Time Stamp
RECEIVED
2009 FEB 24 AM 8:37
CITY OF LOS ANGELES

FORTHWITH

City Clerk's Time Stamp
RECEIVED
CITY CLERK'S OFFICE
2009 FEB 24 AM 8:35
CITY CLERK
BY _____ DEPUTY

SUBJECT TO THE CONCURRENCE OF THE MAYOR

COUNCIL FILE NO. 08-0002-S60 COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE FEBRUARY 20, 2009

RE: THE CITY'S POSITION ON THE YOUTH PRISON REDUCTION THROUGH OPPORTUNITIES, MENTORING, INTERVENTION, SUPPORT, AND EDUCATION ACT

LAST DAY FOR MAYOR TO ACT MAR 06 2009
[10 Day Charter requirement as per Charter Section 231(h)]

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED ✓ *DISAPPROVED _____

*Transmit objections in writing pursuant to Charter Section 231 (h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL MAR 02 2009

MAYOR

Steno/080002s60.ml/srb

RECEIVED
CITY CLERK'S OFFICE
2009 MAR -2 PM 2:
CITY CLERK
BY _____ DEPUTY

24 24

File No. 08-0002-S60

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your **AD HOC COMMITTEE ON GANG VIOLENCE AND YOUTH DEVELOPMENT**

report as follows:

AD HOC COMMITTEE ON GANG VIOLENCE AND YOUTH DEVELOPMENT REPORT relative to the City's position on the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth Promise Act).

Recommendation for Council action, pursuant to Resolution (Smith for Parks – Cardenas), SUBJECT TO THE CONCURRENCE OF THE MAYOR:

ADOPT the accompanying RESOLUTION to include in the City's 2009-10 Federal Legislative Program SUPPORT of HR 1064 (Scott): Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth Promise Act), which would provide funding for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst. The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

(Rules and Government Committee waived consideration of the above matter)

SUMMARY

Resolution (Parks - Cardenas) states that evidence-based practices related to juvenile delinquency and gang prevention and intervention are needed to help communities plagued by gangs. In a report dated August 1, 2008, the Chief Legislative Analyst notes that the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth Promise Act) would provide federal funding to cities to help support local gang prevention and intervention efforts. The Youth Promise Act would permit communities to establish local councils charged with developing targeted strategies for dealing with their gang issues. Resolution (Parks - Cardenas) recommends that the City support the Youth Promise Act.

At a special meeting held on February 19, 2009, the Ad Hoc Committee on Gang Violence and Youth Development considered the City's position on the Youth Promise Act. United States Congressman Robert "Bobby" Scott, the author of the legislation, and various community groups provided testimony on the matter. An opportunity for public comment was provided. After the discussion, the Committee moved to approve the Resolution. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

AD HOC COMMITTEE ON GANG VIOLENCE AND YOUTH DEVELOPMENT

MEMBER	VOTE
CARDENAS:	YES
WESSON:	ABSENT
HAHN:	YES
HUIZAR:	ABSENT
REYES:	YES

SG
2/20/09
#08/080002.60.doc

Not Official Until Council Acts

ADOPTED

FEB 20 2009

LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

Item No. 2
Submitted in Committee 2/19/2009
CF 08-0002-S60
From CLA

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies to or pending before a local, state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City is committed to ensuring that youth lead productive, safe, healthy, gang-free and law-abiding lives; and

WHEREAS, evidence-based and promising practices related to juvenile delinquency and criminal street crime activity prevention and intervention is needed to help build individual, family, and community strength and resiliency in youth; and

WHEREAS, H.R. 1064, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), introduced by Congressman Robert "Bobby" Scott on February 13, 2009, which would amend the Juvenile Justice and Delinquency Prevention Act of 1974 and the Violent Crime Control and Law Enforcement Act of 1994; and

WHEREAS, the Youth PROMISE Act establishes a PROMISE Advisory Panel to assist the Office of Juvenile Justice and Delinquency Prevention in:

- Assessing and developing standards and evidence-based practices to prevent juvenile delinquency and criminal street gang activity;
- Collecting data in designated geographic areas to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention; and

WHEREAS, the Youth PROMISE Act authorizes awarding grants to local governments to:

- Plan, assess, and implement PROMISE plans and programs for juvenile delinquency and criminal street gang activity prevention and intervention, especially for at-risk youth, in local communities;
- Hire and train law enforcement officers as youth-oriented police to work with local PROMISE Coordinating Councils, other community-based organizations, and high-risk youths;
- Extend and increase funding for juvenile accountability block grants through Fiscal Year 2013;
- Create and expand state, local, and tribal juvenile witness and victim protection programs; and

WHEREAS, the City should support HR 3846 because it could provide additional resources to support the City's gang prevention and intervention efforts;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles, hereby includes in its 2009-10 Federal Legislative Program support of HR 1064 (Scott): Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), which would provide funding for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

I CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED BY THE COUNCIL OF THE CITY OF LOS ANGELES AT ITS MEETING OF FEB 20 2009 BY A MAJORITY OF ALL ITS MEMBERS.

KAREN E. KALFAYAN
CITY CLERK
BY Sharon Bruce
DEPUTY

RESOLUTION NO. 43-08

A RESOLUTION URGING THE UNITED STATES CONGRESS TO ADOPT THE REFORMS PROPOSED IN THE YOUTH PROMISE ACT TO REDUCE YOUTH VIOLENCE AND DELINQUENCY.

Requested By: Councilwoman Joy A. Jordan
Sponsored By: Councilwoman Joy A. Jordan
First Reading on July 15, 2008

Passed Second Reading on August 19, 2008

WHEREAS, this bill is a gang,.delinquency and crime prevention and intervention bill, which addresses the root causes of youth and gang violence before crime occurs; and

WHEREAS, the Youth PROMISE Act builds upon evidence-based and promising practices proven to reduce youth violence and delinquency, Rather than creating additional and duplicative punitive approaches that do little to prevent youth from engaging in delinquent conduct; and

WHEREAS, under the Youth PROMISE Act, communities facing the greatest youth gang, delinquency and crime challenges will come together – via the PROMISE Coordinating Council, which is comprised of community-based organizations, schools, faith organizations, health, social services, law enforcement, the courts, and mental health providers – to develop and implement a comprehensive local plan to support young people and their families and make our communities safer, reduce victimization, and help at-risk young people to lead law-abiding and healthy lives, free from gangs, delinquency and/or criminal involvement; and

WHEREAS, the Youth PROMISE Act provides for a one year planning grant for each community facing a high risk of crime and gang activity that will enable each community to assess unmet needs for preventing crime from occurring; and

WHEREAS, The Youth PROMISE Act builds upon the broad array of evidence-based and promising strategies that are proven effective to reduce and prevent youth violence and delinquency by requiring thorough assessment and evaluation measures be implemented to ensure that resources are directed toward communities faced with the highest levels of crime and gang activity; and

WHEREAS, the Youth PROMISE Act provides for thorough evaluation, including analyses of the cost savings to society yielded by investing in prevention and intervention rather than in more costly and ineffective prosecution and incarceration.

WHEREAS, the Youth PROMISE Act allows for savings from investments in prevention and intervention programs such as early childhood education, after-school, mentoring, and other programs to be reinvested in prevention and intervention efforts funded under the Act.

WHEREAS, the Youth PROMISE Act also provides for the hiring and training of Youth Oriented Policing (YOPS) officers to prevent and address juvenile delinquency and criminal street gang activity in a manner that is responsive to the research on juveniles and adolescent brain development.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of East Cleveland, Ohio, three-fifths (3/5) concurring:

SECTION 1. This Council urges the United Stated Congress to adopt the reforms proposed in the Youth PROMISE Act to reduce youth violence and delinquency.

SECTION 2. That the Clerk of Council is hereby directed to transmit a copy of this Resolution to the congressional office of Congressman Bobby Scott of Virginia.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of it committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

PRESIDENT OF COUNCIL
GARY NORTON, JR.

ATTEST:

APPROVED:

CLERK OF COUNCIL
MELVIN DAVIS

MAYOR

APPROVED AS TO FORM:

VETO: YES_____NO_____

DIRECTOR OF LAW

	First Reading Date 7-15-08		Second Reading Date 8-19-08	
	Yea	Nay	Yea	Nay
Councilor Nathaniel Martin			X	
Councilor Barbara J. Thomas			X	
Councilor Joy A. Jordan			X	
Councilor Mildred Brewer			X	
Councilor Gary Norton, Jr.			X	

City of Philadelphia

Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 090393)

RESOLUTION

Calling on the Pennsylvania Congressional Delegation to support the Youth PROMISE Act of 2009.

WHEREAS, Senators Bob Casey and Olympia Snowe have introduced the federal Youth PROMISE Act (Youth Prison Reduction through Opportunities Mentoring, Intervention, Support, and Education); and

WHEREAS, Communities will create PROMISE Coordinating Councils which will create neighborhood specific strategies involving education, job training, substance abuse counseling, mental health services, and family therapeutic interventions; and

WHEREAS, These Councils will aim to assist young people who are at risk or who are involved in criminal activities or the justice system; and

WHEREAS, A national research center for Proven Juvenile Justice Practices will be created to collect and distribute information about successful programs and practices so results can be duplicated in other communities; and

WHEREAS, The Youth PROMISE Act provides funding to create enforcement practices that are youth oriented and community based; and

WHEREAS, The Youth PROMISE Act has already been endorsed by hundreds of national and state organizations.

NOW, THEREFORE, BE IT RESOLVED, That the Council of the City of Philadelphia calls on all members of Pennsylvania's Congressional Delegation to co-sponsor the Youth PROMISE Act of 2009.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted to all members of the Pennsylvania Congressional Delegation.

City of Philadelphia

RESOLUTION NO. 090393 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the seventh of May, 2009.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Sanchez, Jones, Goode and Green

Sponsored by: Councilmembers Sanchez, Jones, Goode, Green, Blackwell, Rizzo, Miller and Greenlee

City of Pittsburgh

Legislative File Number 2009-1186 (version 1)

..Title
WHEREAS, Senators Bob Casey and Olympia Snowe have introduced the Youth PROMISE Act (Youth Prison Reduction through Opportunities, Mentoring, Interventions, Support, and Education) and Congressman Bobby Scott introduced the legislation in the House of Represetnatives; and

WHEREAS, the Youth PROMISE Act seeks to aid communities by providing funding for proven strategies that have deterred youth violence and delinquency; and

WHEREAS, communities will create PROMISE Coordinating Councils which will create neighborhood specific strategies involving education, job training, substance abuse counseling, mental health services, and family therapeutic interventions; and

WHEREAS, these Council will aim to assist young people who are at risk or who are already involved in criminal activities or the justice system; and

WHEREAS, a National Research Center for Proven Juvenile Justice Practices will be created to collect and distribute information about successful programs and practices so results can be duplicated in other communities; and

WHEREAS, the PROMISE Act provides funding to create law enforcement practices are youth-oriented and community based; and

WHEREAS, the Youth PROMISE Act has been endorsed by hundreds of national and state organizations.

..Body
NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh calls on all members of Pennsylvania's Congressional Delegation to co-sponsor the Youth PROMISE of 2009; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to all members of the Pennsylvania Congressional Delegation.

SFC CLERK RECORDED 04/15/2009

SANTA FE COUNTY RESOLUTION NO. 2009-78

INTRODUCED BY:

Commissioner Vigil

A RESOLUTION

In Support of HR 1064 the Youth PROMISE ACT

WHEREAS, Santa Fe County is committed to ensuring that youth lead productive, safe, healthy, gang-free and law-abiding lives; and

WHEREAS, evidence-based and promising practices related to juvenile delinquency and criminal street crime activity prevention and intervention is needed to help build individual, family, and community strength and resiliency in youth; and

WHEREAS, HR 1064, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), introduced by Congressman Robert "Bobby" Scott on February 13, 2009, would amend the Juvenile Justice and Delinquency Prevention Act of 1974 and the Violent Crime control and Law Enforcement Act of 1994; and

WHEREAS, the Youth PROMISE Act establishes a PROMISE Advisory Panel to assist the Office of Juvenile Justice and Delinquency Prevention in:

- Assessing and developing standards and evidence-based practices to prevent juvenile delinquency and criminal street gang activity;
- Collecting data in designated geographic areas to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention; and

WHEREAS, the Youth PROMISE Act authorizes awarding grants to local governments to:

SFC CLERK RECORDED 04/15/2009

- Plan, assess, and implement PROMISE plans and programs for juvenile delinquency and criminal street gang activity prevention and intervention, especially for at-risk youth, in local communities;
- Hire and train law enforcement officers as youth-oriented police to work with local PROMISE Coordinating Councils, other community-based organizations, and high-risk youths;
- Extend and increase funding for juvenile accountability block grants through Fiscal Year 2013;
- Create and expand stat, local, and tribal juvenile witness and victim protection programs; and

WHEREAS, the County should support HR 1064 because it could provide additional resources to support the County's gang prevention and intervention efforts;

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioner of Santa Fe County, by adoption of this Resolution, supports HR 1064 (Scott): Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), which would provide funding for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

PASSED, APPROVED, and ADOPTED this 14 **day of** April **, 2009.**

CHAIRMAN

A

1 VALERIE ESPINOZA, SANTA FE COUNTY CLERK

2 APPROVED AS TO FORM:

3

4

5 STEVE ROSS, SANTA FE COUNTY ATTORNEY

6

SFC CLERK RECORDED 04/15/2009

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC RESOLUTIONS
PAGES: 3

I Hereby Certify That This Instrument Was Filed for Record On The 15TH Day Of April, 2009 at 12:53:22 PM And Was Duly Recorded as Instrument # 1559241 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Deputy

C: Dir., Office of Intergovernmental Relations

April 7, 2009

To the Honorable Council
City of Norfolk, Virginia

Re: Resolution supporting, H.R. 1064, the Youth PROMISE Act sponsored by Congressman Bobby Scott

Ladies and Gentlemen:

I. **Recommended Action:** Adopt Resolution

II. **Overview**

This agenda item is a resolution in support of H.R. 1064, the Youth PROMISE Act sponsored by Congressman Bobby Scott. The Youth Prison Reduction through Opportunity Mentoring, Intervention, Support and Education, or Youth PROMISE Act is a comprehensive approach to solving youth violence before it starts, much like the Norfolk "Saving Our Children" Initiative.

The Youth PROMISE Act affords localities grant opportunities to form Youth PROMISE Councils which will develop specific programs in support of youth violence intervention and prevention. The bill also creates a research center to collect and distribute evidence-based research on juvenile delinquency and criminal street gang activity and intervention techniques. Finally, the bill creates grant opportunities for localities to hire additional police officers who will be specially trained to work with at-risk youth and creates mentoring initiatives.

III. **Analysis**

A. General
The Youth PROMISE Act was introduced February 13, 2009 during the 111th Congressional Session. This is the second Congress in which Congressman Scott has introduced this legislation. The goal of the Youth PROMISE Act is to have the federal government provide a substantial (up to $10 million per grantee) and sustained (up to 4 years) investment in scientifically proven prevention and intervention services for at-risk and

1101 City Hall Building, 810 Union Street • Norfolk, Virginia 23510
(757) 664-4242 • Fax: (757) 664-4239

system involved youth to get and keep them on the right track to attend college or obtain employment. Communities are required to document the savings generated by the PROMISE funding (similar approaches have shown an average of $5 saved for every $1 spent) and to capture a portion of those savings to continue the services, The Youth PROMISE Act does eliminate poverty, mental illness, hopelessness, lack of guidance and other factors contributing to youth delinquency, but addresses these factors in ways that prevent or reform violent and delinquent behavior.

B. Fiscal

The Youth PROMISE Act provides for grants up to $200,000 for use by PROMISE Councils in communities experiencing high youth violence, gang or delinquency rates to assess the problems and to develop a plan for utilizing proven services to reduce the problems. The bill also provides for grants of up to $10 million for such PROMISE Councils to pay for the evidenced-based services identified in the plan.

Also, as a part of the plan, communities may apply for a Youth Oriented Policing Services (YOPS) grant of up to $2 million, for designation as a "comprehensive gang prevention and relief area". The YOPS grant allows for additional federal resources to complement prevention efforts, and for a police and community collaboration grant of up to $1 million.

All grants are issued to the locality to be administered for the benefit of the PROMISE Councils.

C. Environmental

N/A

D. Community Outreach/Notification

The Youth PROMISE Act requires that grantees establish Youth PROMISE Councils or taskforces. The taskforce must include representatives from law enforcement, court services, schools, social service, health and mental health providers, other agencies working with at-risk youth, and community-based organizations, including faith-based organizations.

IV. Conclusion

The Youth PROMISE Act sponsored by Congressman Bobby Scott is in line with the Saving Our Children initiative and therefore it is recommended that the City Council adopt this resolution, in support of this legislation.

Respectfully Submitted,

Regina V.K. Williams
City Manager

Coordination/Outreach
This letter has been coordinated with Congressman Bobby Scott, the Office of Community Empowerment and the Office of Intergovernmental Relations.

Form CCO-005

3/24/09 lm
Form and Correctness Approved:
By _____
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:
By _____
DEPT.

Resolution 1,408

R-5

A RESOLUTION SUPPORTING THE ADOPTION OF THE SAVING OUR CHILDREN INITIATIVE AND SUPPORTING THE YOUTH PROMISE ACT.

- - -

WHEREAS, the City is committed to youth violence prevention with the adoption of the Saving Our Children initiative; and

WHEREAS, Saving Our Children is a collaboration of City Departments such as the Norfolk Police Department, Human Services and Second Chances and in partnership with Norfolk Public Schools to reduce gang-related crime in the City and intervene in the lives of youth before they reach the point of committing a gang-related crime or even joining a gang; and

WHEREAS, the City has also created the Norfolk Gang Prevention Taskforce, bringing together key stakeholders such as City Departments, Schools, Community Organizations and Faith Based Groups; and

WHEREAS, pending in Congress is the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), sponsored by Congressman Bobby Scott, which would amend the Juvenile Justice

and Delinquency Prevention Act of 1974 and the Violent Crime Control and Law Enforcement Act of 1994; and

WHEREAS, the Youth PROMISE Act encourages evidence-based practices related to juvenile delinquency and criminal street gang activity prevention and intervention that is needed to help build individual, family, and community strength for youth; and

WHEREAS, the Youth PROMISE Act establishes a PROMISE Advisory Panel to assist the Office of Juvenile Justice and Delinquency Prevention in:

- Assessing and developing standards and evidence-based practices to prevent juvenile delinquency and criminal street gang activity;
- Collecting data in designated geographic areas to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention; and

WHEREAS, the Youth PROMISE Act authorizes awarding grants to local governments to:

- Plan, assess, and implement PROMISE plans and programs for juvenile delinquency and criminal street gang activity prevention and intervention, especially for at-risk youth, in local communities;

- Hire and train law enforcement officers as youth-oriented police to work with local PROMISE Coordinating Councils, other community based organizations, and high-risk youths;

- Create and expand state, local, and tribal juvenile witness and victim protection programs; and

WHEREAS, the City supports the Youth PROMISE Act because it provides additional resources to support the City's Saving Our Children initiative and commitment to gang prevention and intervention; now, therefore,

BE IT RESOLVED by the Council of the City of Norfolk:

Section 1:- That the City Manager include as part of her federal legislative program support of the Youth PROMISE Act, or any other such legislation which would provide funding for programs related to juvenile delinquency and criminal street gang activity prevention and intervention.

Section 2:- That this resolution shall be in effect from and after its adoption.

Adopted by Council April 7, 2009
Effective April 7, 2009

TRUE COPY
TESTE:

_____
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

City of Hampton, Virginia

Resolution

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 09-0150 Enactment Number: -

Resolution Supporting HR 1064: Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act)

RESOLUTION

WHEREAS, the City of Hampton, Virginia is committed to ensuring that youth lead productive, safe, healthy, gang-free and law-abiding lives; and

WHEREAS, evidence-based and promising practices related to juvenile delinquency and criminal street crime activity prevention and intervention is needed to help build individual, family, and community strength and resiliency in youth; and

WHEREAS, H.R. 1064, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), introduced by Congressman Robert "Bobby" Scott on February 13, 2009, which would amend the Juvenile Justice and Delinquency Prevention Act of 1974 and the Violent Crime Control and Law Enforcement Act of 1994; and

WHEREAS, the Youth PROMISE Act establishes a PROMISE Advisory Panel to assist the Office of Juvenile Justice and Delinquency Prevention in:

- Assessing and developing standards and evidence-based practices to prevent juvenile delinquency and criminal street gang activity;
- Collecting data in designated geographic areas to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention; and

WHEREAS, the Youth PROMISE Act authorizes awarding grants to local governments to:

- Plan, assess, and implement PROMISE plans and programs for juvenile delinquency and criminal street gang activity prevention and intervention, especially for at-risk youth, in local communities;
- Hire and train law enforcement officers as youth-oriented police to work with local PROMISE Coordinating Councils, other community-based organizations, and high-risk youths;
- Extend and increase funding for juvenile accountability block grants through Fiscal Year 2013;

- Create and expand state, local, and tribal juvenile witness and victim protection programs; and

WHEREAS, the City should support this legislation because it could provide additional resources to support the City's gang prevention and intervention efforts;

NOW, THEREFORE, BE IT RESOLVED that by adoption of this Resolution, the City of Hampton expresses its support for H.R. 1064, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), which would provide funding for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on April 29, 2009.

Signed by Molly Joseph Ward **Date** APR 30 2009
Molly Joseph Ward, Mayor

Attested by **Date** APR 30 2009
Katherine K. Glass
Clerk of the Council

RESOLUTION NO. 11804-09

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, IN SUPPORT OF THE YOUTH PROMISE ACT (H.R.1064).

WHEREAS, the Council of the City of Newport News, Virginia, is committed to ensuring that local youth lead productive, safe, healthy, gang-free and law abiding lives; and

WHEREAS, the Chief of Police has reported to City Council that youth, guns, drugs and gangs are our Police Department's highest priorities, and the City Council supports the enactment of legislation to address those priorities; and

WHEREAS, H.R.1064, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), was introduced by Congressman Robert "Bobby" Scott on February 13, 2009; and

WHEREAS, the Youth PROMISE Act establishes a PROMISE Advisory Panel to assist the Office of Juvenile Justice and Delinquency Prevention in developing standards and practices to prevent juvenile delinquency and criminal street gang activity, and in collecting data to assess the needs and existing resources for combating juvenile delinquency and criminal street gang activity; and

WHEREAS, the Youth PROMISE Act authorizes awarding grants to local governments to plan, assess, and implement programs for intervention and prevention of juvenile delinquency and criminal street gang activity; to hire and train law enforcement officers as youth-oriented police; and to create and expand juvenile witness and victim protection programs; and

WHEREAS, the Council of the City of Newport News, Virginia, supports Congressman Scott's efforts to improve the lives of our young people and to improve the quality of life of all residents in our community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia:

1. That it hereby urges the United States House Subcommittee on Healthy Families and Communities, and each of Virginia's United States Senators and Congressmen, to support H.R.1064, and in anticipation thereof thanks them for supporting this vital legislation.

2. That it praises Congressman Scott for his vision and leadership in this effort.

3. That it hereby directs the City Clerk to send a copy of this resolution to each member of the House Subcommittee on Healthy Families and Communities, and to each of Virginia's United States Senators and Congressmen.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON APRIL 28, 2009

Mabel Washington Jenkins, CMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk

INTRODUCED: April 13, 2009

A RESOLUTION No. 2009-R 57-69

To support legislation introduced by U.S. Congressman Robert C. Scott, known as the Youth PROMISE Act, which creates mentoring, educational and intervention programs for at-risk youth for the purpose of reducing gang violence and crime.

Patrons – Mr. Hilbert and Vice-President Robertson

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: May 11, 2009 AT 6 P.M.

WHEREAS, on February 13, 2009, United States Congressman Robert C. Scott introduced House Resolution 1064 to the 111th United States Congress, known as the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education ("PROMISE") Act, to assist at-risk youth and youth already involved in criminal activities or the justice system; and

WHEREAS, the purpose of the Youth PROMISE Act (the "Act") is to implement evidence- and research-based strategies to reduce gang violence and criminal street gang activity through prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 11 2009 REJECTED: _____ STRICKEN: _____

WHEREAS, the Act establishes grants to enable local communities to establish PROMISE Coordinating Councils ("PCCs") for the purpose of conducting an objective assessment regarding juvenile delinquency and criminal street gang activity and develop plans that include a range of evidence-based prevention and intervention programs; and

WHEREAS, the Act authorizes the Office of Community Policing Services to make grants to local governments with PCCs to develop community-based programs that provide crime prevention, research and intervention services designed for gang members and at-risk youth; and

WHEREAS, the Act was supported during the 110th United States Congress by over 200 national and state juvenile justice, civil rights and religious organizations, including Fight Crime; Invest in Kids; the National Juvenile Defender Center; the Justice Policy Institute; the National Association for the Advancement of Colored People, Washington D.C. Office; the Coalition for Juvenile Justice; and the Campaign for Youth Justice, among others; and

WHEREAS, the Act has been reintroduced to the 111th United States Congress with 69 original co-sponsors in the United States House of Representatives and has been referred to the Committee on the Judiciary, in addition to the Committees on Education and Labor, Energy and Commerce and Financial Services; and

WHEREAS, the Virginia Department of Juvenile Justice reports that in the state Fiscal Year 2008, a total of 3,368 juvenile complaints for felonies and misdemeanors were filed in the City of Richmond.

WHEREAS, the Virginia Department of Juvenile Justice also reports that, between Fiscal Year 2006 and Fiscal Year 2008, juvenile felony complaints increased by 11%; and

WHEREAS, the Council believes that the aforementioned statistics reflect the city's need for the mentoring, educational and intervention programs for at-risk youth created by the Act; and

WHEREAS, the Council believes that it is in the best interests of the citizens of the City of Richmond that the Council support the Act;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the City Council supports the Youth PROMISE Act, introduced by Congressman Robert C. Scott, which creates mentoring, educational and intervention programs for at-risk youth for the purpose of reducing gang violence and crime.

A TRUE COPY:
TESTE:

City Clerk

Richmond City Council

The Voice of the People — Richmond, Virginia

Office of the Council Chief of Staff

Daisy E. Weaver
Council Chief of Staff

RECEIVED
APR 13 2009
OFFICE OF CITY ATTORNEY

Ordinance/Resolution Request

TO	**Norman Sales, Richmond City Attorney**
THROUGH	Daisy E. Weaver, Council Chief of Staff
FROM	Joyce L. Davis, Council Policy Analyst Office of the Council Chief of Staff
COPY	Chris Hilbert, Councilmember Ellen Robertson, Vice President
DATE	March 18, 2009
PAGE/s	1 of 3 pages
TITLE	**Resolution for Youth Promise Act**

This is a request for the drafting of an **Ordinance** ☐ **Resolution** ☒

REQUESTING COUNCILMEMBER/PATRON
Councilman Chris Hilbert
Vice President Ellen Robertson

SUGGESTED STANDING COMMITTEE
Health, Human Services and Education

ORDINANCE/RESOLUTION SUMMARY
To support federal legislation, the Youth Promise Act H.R. 1064

DRAFT Resolution (by Council Policy Analyst)
Support for the Youth Promise Act

WHEREAS, Congressman Robert "Bobby" Scott introduced legislation H.R. 1064 on 2/13/2009 to the 111th Congress, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act" known as the Youth Promise Act aimed to assist young people who are at risk or who are already involved in criminal activities or the justice system.

WHEREAS, the intent of the Youth Promise Act is to provide for evidence and research based strategies proven to reduce juvenile delinquency and criminal street gang activity through prevention and intervention to help build individual, family, and community strength and resiliency to ensure hat youth lead productive, safe, healthy, gang-free, and law-abiding lives; and

WHEREAS, the proposed bill is to authorize $2.9 billion per year to reduce juvenile delinquency and criminal street gang activity through prevention and early intervention with the Office of Juvenile Justice and Delinquency Prevention responsible for administering the grant funds and the selection of community grantees; and

WHEREAS, the Youth PROMISE Act creates a Promise Advisory Panel which will help OJJDP to select PROMISE community grantees that will develop performance standards for national evaluation of PROMISE

Richmond City Council | 900 East Broad Street, Suite 200 | Richmond, Virginia 23219 | 804.646.5345 (tel) | 804.646.5468 (fax) | council.richmondva.gov

programs; and

WHEREAS, the Act encourages local communities to form collaborative relationships referred to as PROMISE Coordinating Councils who are required to develop a comprehensive action plan tailored specifically for the locality based on data collection and a needs and strengths assessment of the community; and

WHEREAS, the PROMISE Coordinating Council would include representatives from law enforcement, juvenile justice, courts, schools, social services, health providers, community-based organizations, faith-based organizations, parent and youth; and

WHEREAS, the Youth PROMISE Act establishes funding to create a National Research Center for research assistance and to disseminate research of current evidence based and promising practices to local jurisdictions so that the results can be replicated in other communities; and

WHEREAS, the Act creates a Center for Youth Oriented Policing (YOPS) to train police officers in youth oriented and community based policing tactics germane to youth and provides support for youth victim and witness protection programs

WHEREAS, the Youth Promise Act require that local units of government or Indian tribes receiving grants shall provide from nonfederal funds in cash or in-kind, 25 percent of the costs of the activities carried out with such grants; and

WHEREAS, the Youth Promise Act is endorsed by 69 co-sponsors of Congress and over 200 national and state organizations.

Reference Material

Link to Overview of Legislation H.R. 1064 – 111th House of Representatives
http://thomas.loc.gov/cgi-bin/query/D?c111:2:./temp/~c111ZEmm7::

111th YPA section by YPA.release.090212
section 090220.pdf v.2.pdf

*H.R. 1064 (111th Congress-2009) formerly H.R. 3846 (110th Congress)

BACKGROUND

Introduced to the 111th Congress, February 13, 2009 by Congressman Robert "Bobby" Scott, The Youth PROMISE Act (H.R. 1064*) authorizes $2.9 billion per year to reduce juvenile delinquency and criminal street gang activity through prevention and early intervention. The legislation's official title, the "Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act" (PROMISE) provides for evidence and research-based strategies proven to reduce youth violence and delinquency. Research-based prevention aimed at at-risk youth would include programs such as teen pregnancy prevention, prenatal care, parenting training, nurse home visits, early childhood education programs, job-training programs work cost-effectively to reduce crime. The Youth PROMISE Act focuses on working with children who are at-risk of becoming invalved or are involved in gangs or the juvenile or criminal justice system. The intent is to redirect them toward productive and law-abiding alternatives. Under the Act, resources are directed at communities facing the greatest challenges for youth gang and criminal activity.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Promise Advisory Panels will determine the selection of community grantees and develop performance standards for national evaluation of PROMISE programs. The Act will provide grants to encourage local communities to form collaborative relationships and to develop PROMISE Coordinating Councils. Locally, PROMISE Coordinating Councils will develop a comprehensive action plan based on a needs and strengths assessment of the community.

This PROMISE Coordinating Council would include representatives from law enforcement, juvenile justice, courts, schools, social services, health providers, community-based organizations, faith-based organizations, parents and youth.

The Act establishes a National Research Center for research assistance and support to local jurisdictions through dissemination of current research of evidence based and promising practices. Included in the legislation is a Center for Youth Oriented Policing (YOPS) that will work collaboratively to train police officers in strategic policing tactics germane to youth. In addition, the Act provides support for youth victim and witness protection programs.

The approach taken by the Youth Promise Act is to work with children and their families in the community to equip them with tools to prevent and to reduce crime before it occurs by using proven effective strategies for prevention and intervention.

FISCAL IMPACT
The Youth PROMISE Act requires that local units of government receiving grants shall provide from nonfederal funds, in cash or in-kind, 25 percent of the costs of the grant. The grant award is proposed for a four-year period to include the first 12 months as a planning grant to conduct needs assessment and to develop a comprehensive action plan. Additional grant funds would be awarded during the implementation phase based on the comprehensive action plan.

STATUS OF BILL
The Bill was introduced February 13, 2009. It has been referred to Committee on the Judiciary. In addition to the Committee on Education and Labor, Energy and Commerce and Financial Services. Congressman Scott's office indicated that the proposed legislation has 69 original co-sponsors and the support of over 200 national and state organizations. It is anticipated that the legislation will be voted on in late April or May.

*H.R. 1064 (111th Congress-2009) formerly H.R. 3846 (110th Congress)

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes ☒	No ☐
Budget Amendment Required	Yes ☒	No ☐
Estimated Cost or Revenue Impact	$	

Fiscal Summary
The Estimated Cost or Revenue Impact is estimated at $300,000 that will be allocated to the locality for the planning grant for a 12-month period and up to $1,000,000 per locality for the implementation phase.

The Youth PROMISE Act requires that local units of government receiving grants shall provide from nonfederal funds, in cash or in-kind, 25 percent of the costs of the grant.

Attachment/s Yes ☒ No ☐

Richmond City Council Ordinance/Resolution Request Form/Updated 12.22.08/rs

H.R. 1064, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education ("Youth PROMISE") Act
Introduced by Robert C. "Bobby" Scott on Feburary 13, 2009

Section-by-Section

Title I: Federal Coordination of Local and Tribal Juvenile Justice Information and Efforts. Sec. 101 creates a PROMISE Advisory Panel. This Panel will assist the Office of Juvenile Justice and Delinquency Prevention in selecting PROMISE community grantees. The Panel will also develop standards for the evaluation of juvenile delinquency and criminal street gang activity prevention and intervention approaches carried out under the PROMISE Act. Sec. 102 provides for specific data collection in each designated geographic area to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention. This data will then facilitate the strategic geographic allocation of resources provided under the Act to areas of greatest need for assistance.

Title II: PROMISE Grants. Sec. 201 establishes grants to enable local and tribal communities, via PROMISE Coordinating Councils (PCCs) (Sec. 202) to conduct an objective assessment (Sec. 203) regarding juvenile delinquency and criminal street gang activity and resource needs and strengths in the community. Based upon the assessment, the PCCs then will develop plans that include a broad array of evidence-based prevention and intervention programs. These programs will be responsive to the needs and strengths of the community, account for the community's cultural and linguistic needs, and utilize approaches that have been proven to be effective in reducing involvement in or continuing involvement in delinquent conduct or criminal street gang activity. The PCCs can then apply for federal funds, on the basis of greatest need, to implement their PROMISE plans (Sec. 211-213). Title II also provides for national evaluation of PROMISE programs and activities (Sec. 222), based on performance standards developed by the PROMISE Advisory Panel.

Title III: PROMISE Research Center. Sec. 301 establishes a National Research Center for Proven Juvenile Justice Practices. This Center will collect and disseminate information to PROMISE Coordinating Councils and the public on current research and other information about evidence-based and promising practices related to juvenile delinquency and criminal street gang activity and intervention. Sec. 302 provides for regional academic research partners to assist PCCs in developing their assessments and plans.

Title IV: Youth-Oriented Policing Services. Sec. 402 provides, within the office of Community Oriented Policing Services, for the hiring and training of Youth Oriented Policing (YOPS) officers to address juvenile delinquency and criminal street gang activity in coordination with PCC's and other local youth services organizations. Sec. 403 also establishes a Center for Youth Oriented Policing, which will be responsible for identification, development and dissemination of information related to strategic policing practices and technologies to law enforcement agencies related to youth.

Title V: Enhancing Federal Support of Local Law Enforcement Mynisha's Law. Mynisha's Law provides appropriate federal coordination and collaboration by requiring the placement of an interagency task force – consisting of representatives from the Departments of Justice, Labor, Education, HUD and HHS – to prevent and address gang activity in specific designated high intensity gang areas. The interagency task force would be responsible for identifying and coordinating access to federal gang prevention resources, such as afterschool programs, Job Corp programs, and low income affordable housing.

(over)

Sec. 511 authorizes the COPS Office to make grants to local and tribal governments with a PROMISE Council to develop community-based programs that provide crime prevention, research, and intervention services designed for gang members and at-risk youth. Sec. 522 authorizes the Attorney General, in consultation with the Secretary of Health and Human Services to award grants to partnerships between a state mental health authority and one or more local public or private entities to prevent or alleviate the effects of youth violence in urban communities with a high or increasing incidence of such violence by providing violence-prevention education, mentoring, counseling, and mental health services to children and adolescents.

Title VI: Precaution Act. To coordinate the volumes of data and research on crime prevention and intervention, this Title creates a national commission on crime prevention and intervention strategies to identify those programs that are most ready for replication around the country, and to provide guidance in a direct and accessible format to state and local law enforcement on how to implement those strategies. The commission also would identify those promising areas of crime prevention and intervention programming that would benefit from further research and development, and would report to federal, state, and local law enforcement on the outcomes of a grant program administered by the National Institute of Justice to pilot programs in these areas and test their effectiveness. The use of this information would ensure that the criminal justice community is investing its limited resources in the most cost-effective way possible.

Title VII: Additional Improvements to Juvenile Justice. Sec. 701 provides additional improvements to current laws affecting juvenile delinquency and criminal street gang activity, including support for youth victim and witness protection programs. Sec. 702 provides for an expansion of the Mentoring Initiatives program for system-involved youth. And Sec. 703 calls for a study on adolescent development and the effectiveness of juvenile sentences in the Federal system.

For Immediate Release
February 13, 2009

Contact: 202.225.8351

REP. SCOTT AND REP. CASTLE INTRODUCE YOUTH PROMISE ACT

WASHINGTON, DC – On Friday, February 13, 2009, Congressman Robert C. "Bobby" Scott (D-VA-03) and Congressman Mike Castle (R-DE-AL) re- introduced the Youth Prison Reduction through Opportunity Mentoring, Intervention, Support and Education, or Youth PROMISE Act. The Youth PROMISE Act was re-introduced with 69 original co-sponsors in the House, 58 more than last year when introduced. Companion legislation was also introduced in the US Senate by Senators Robert Casey (D-PA) and Olympia Snowe (R-ME).

The Youth PROMISE Act implements the best policy recommendations from crime policy makers, researchers, practitioners, analysts, and law enforcement officials from across the political spectrum concerning evidence- and research-based strategies to reduce gang violence and crime. Under the Youth PROMISE Act, communities facing the greatest youth gang and crime challenges will each form a local council called a Promise Coordinating Council ("PCC"). The PCC will include representatives from law enforcement, court services, schools, social service organizations, health and mental health providers and community-based organizations, including faith-based organizations. The PCC will then develop a comprehensive plan for implementing evidence-based prevention and intervention strategies. These strategies will target young people who are at-risk of becoming involved, or who are already involved in, gangs or the criminal justice system to redirect them toward productive and law-abiding alternatives.

"During my more than 30 years of public service, I have learned that when it comes to crime policy, we have a choice – we can reduce crime or we can play politics," Mr. Scott said. "For far too long, Congress has chosen to play politics by enacting "tough on crime" slogans whose impacts range from a negligible reduction in crime to an *increase* in crime. As a result, the United States now has the highest average incarceration rate of any nation in the world and the cost of incarceration in this country has risen to over $65 billion a year. All the credible research and evidence shows that a continuum of evidenced-based prevention and intervention programs for at-risk youth, , will greatly reduce crime **and** save much more than they cost. This is what the Youth PROMISE Act will do," Scott added.

The bill also provides for law enforcement support through "Youth Oriented Policing Services" (YOPS), and a victim/witness assistance program. New provisions of the Youth PROMISE Act

(over)

this year provide additional grants to high intensity gang localities to reduce or alleviate the effects of gang violence, and grants to localities to fund police and community collaborative programs to provide crime prevention, research, and intervention services designed to prevent crime by at-risk youth and youth gang members.

"I have long believed that the best way to reduce violence in this country is through prevention, and the Youth PROMISE Act does just that," said Rep. Castle. "We must engage youth in positive ways through education, after school programs, sports, as well as family and community support to keep kids away from the dangers of gangs and other violent activities."

The Youth PROMISE Act was supported last Congress by over 200 national and state juvenile justice, civil rights, education and religious organizations, including Fight Crime: Invest in Kids, the National Juvenile Defender Center, the Justice Policy Institute, the NAACP Washington DC Office, the Coalition for Juvenile Justice, and the Campaign for Youth Justice, among others. We expect that list to continue to grow this Congress.

###

A RESOLUTION SUPPORTING CONGRESSIONAL BILLS H.R. 1064 AND S. 435, THE YOUTH PRISON REDUCTION THROUGH OPPORTUNITY, MENTORING, INTERVENTION, SUPPORT AND EDUCATION ACT (YOUTH PROMISE ACT) TO ADDRESS YOUTH GANG AND CRIME CHALLENGES.

WHEREAS, the City of Portsmouth is committed to insuring that youth lead productive, safe, healthy, gang-free and law-abiding lives; and

WHEREAS, evidence-based and promising practices related to juvenile delinquency and criminal street crime activity prevention and intervention are needed to help build resiliency in youth and individual, family, and community strength; and

WHEREAS, the City of Portsmouth, Virginia has witnessed an increase in youth-gang presence and gang activity over the past two years; and

WHEREAS, in the City of Portsmouth, this youth-gang activity has resulted in an increase in vandalism, burglaries, robberies, and murders; and

WHEREAS, the Portsmouth Police Department has developed a Gang-Squad which has been actively working with civic, community, and school groups and other governmental entities to reach out to youth and educate them about the lifetime perils associated with gang membership and criminal gang activity; and

WHEREAS, a recent youth summit in the City demonstrated the need for more education and outreach became evident when a youth participant stated that gangs offer power, money and respect; and

WHEREAS, the citizens of Portsmouth lament that too many of our youth are adhering to this gang philosophy and mentality leading to a loss of too many of our youth to jail, life-time disabilities, jail or prison; and

WHEREAS, the City of Portsmouth, Virginia recognizes and acknowledges that our youth are our future; and

WHEREAS, H.R. 1064/ S. 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education Act (Youth PROMISE Act) introduced by Representatives Robert "Bobby" Scott and Michael Castle on February 13, 2009, and its companion bill S.435 introduced by Senators Robert Casey and Olympia Snow would amend the Juvenile Justice and Delinquency Prevention Act of 1974 and the Violent Crime Control and Law Enforcement Act of 1994; and

WHEREAS, the Youth PROMISE Act establishes a PROMISE Advisory Panel to assist the Office of Juvenile Justice and Delinquency Prevention in:

- Addressing and developing standards and evidence-based practices to prevent juvenile delinquency and criminal street gang activity;
- Collecting data in designated geographic area to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention; and

WHEREAS, the Youth PROMISE Act authorizes grants to local governments to:

- Plan, assess, and implement PROMISE plans and programs for juvenile delinquency and criminal street gang activity prevention and intervention, especially for at-risk youth in local comities;
- Hire and train law enforcement officers as youth-oriented police to work with local PROMISE Coordinating Councils, other community based organizations, and high-risk youth in local communities;
- Extend and increase funding for juvenile accountability block grants through Fiscal Year 2013;
- Create and expand state, local, and tribal juvenile witness and victim protection programs; and

WHEREAS, in 2007, the Average Daily Membership for students in the Portsmouth ,Virginia Public Schools was 14,819, with 50% of this student body deemed At-Risk; and

WHEREAS, the City of Portsmouth, a city of only 29 square miles, has the highest real estate tax rate in the Hampton Roads, Virginia region as a result of the presence of tax-exempt federal and state facilities constituting more than 50% of the city's area;

WHEREAS, the City of Portsmouth, Virginia is deemed the fourth (4th) most fiscally stressed locality in the Commonwealth of Virginia; and

WHREAS, with the passage of these bills the City of Portsmouth may be eligible to receive additional resources to help the City's gang prevention and intervention efforts;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Portsmouth, Virginia hereby expresses its full support of H.R. 1064 and S. 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), which would provide funding for evidence-based and promising practices related to juvenile delinquency and criminal street-gang activity and prevention and intervention to help build individual, family and community strength and youth resiliency to ensure that the City's young people might have the ability to lead productive, safe, healthy, gang-free and law-abiding lives.

BE IT FURTHER RESOLVED that the City Clerk is hereby **DIRECTED** to send a copy of the foregoing resolution to all members of the Congressional delegation from the Commonwealth of Virginia and to the sponsors of H.R. 1064 and S. 435.

ADOPTED by the Council of the City of Portsmouth, Virginia at a meeting held on May 26, 2009.

Teste:

Delia G. White

City Clerk

OFFICE OF THE MAYOR

May 6, 2009

The Honorable Robert C. Scott
1201 Longworth House Office Building
Washington, DC 20515

SUBJECT: H.R. 1064 – Youth PROMISE Act – SUPPORT

Dear Congressman Scott:

On behalf of the City Council and the Pasadena community, I am writing to express our support for HR 1064, the Youth Prison Reduction through Opportunity Mentoring, Intervention, Support and Education, or Youth PROMISE Act.

The comprehensive approach of this bill in bringing together communities to plan and implement prevention and intervention strategies to reduce crime and gang violence, and the emphasis on the use of evidence-based practices, is consistent with Pasadena's approach to this issue. The wide range of local as well as regional and national organizations in support of HR 1064 documents the broad national and community support for such efforts.

In the interest of preventing and reducing crime and gang violence, with a particular emphasis on youth and young adults, the City of Pasadena supports the passage of HR 1064.

Sincerely,

BILL BOGAARD
Mayor

cc: Senator Barbara Boxer
Senator Dianne Feinstein
Congressman Adam Schiff
Michael Beck, City Manager – City of Pasadena
Carolyn Chaney, Chaney & Associates

100 North Garfield Avenue · Pasadena, California 91109
(626) 744-4311 · Fax (626) 744-3921

LOS ANGELES UNIFIED SCHOOL DISTRICT BOARD RESOLUTION IN SUPPORT OF THE YOUTH PROMISE ACT

WHEREAS, The Los Angeles Unified School District is committed to offering safe school communities free of gang violence in order to accelerate high student achievement and reach a goal of 100% graduation; and

WHEREAS, Safer school communities can best be achieved through a strong emphasis on prevention and intervention methods that help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; and

WHEREAS, Additional resources and tremendous public commitment will be needed to achieve these goals; and

WHEREAS, H.R. 1064, S. 435, the federal Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), introduced by Congressman Robert "Bobby" Scott on February 13, 2009, could provide the communities served by the LAUSD with additional resources to spearhead effective gang intervention and prevention efforts; and

WHEREAS, The Youth PROMISE Act would amend the Juvenile Justice and Delinquency Prevention Act of 1974 and the Violent Crime Control and Law Enforcement Act of 1994 to establish a PROMISE Advisory Panel that would assist the Office of Juvenile Justice and Delinquency Prevention in assessing and developing standards and evidence-based practices to prevent juvenile delinquency and criminal street gang activity, and

WHEREAS, the PROMISE Advisory Panel would also collect data in designated geographic areas to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention; and

WHEREAS the Youth PROMISE Act would authorize awarding grants to local governments to:

- Plan, assess, and implement PROMISE plans and programs for juvenile delinquency and criminal street gang activity prevention and intervention, especially for at-risk youth, in local communities;
- Hire and train law enforcement officers as youth oriented police to work with local PROMISE Coordinating Councils, other community-based organizations, and high-risk youths;
- Extend and increase funding for juvenile accountability block grants through Fiscal Year 2013; and
- Create and expand state, local, and tribal juvenile witness and victim protection programs; Now, therefore, be it

RESOLVED that the Board of Education of the Los Angeles Unified School District supports immediate passage of H.R. 1064, S. 435, the Youth PROMISE Act, and directs the Superintendent to transmit this Resolution to the California Congressional Delegation and the President of the United States of America.

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

February 8, 2008

Dear Representative:

The Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education Act (Youth PROMISE Act), H.R. 3846, is a critically important bill that focuses innovative crime-fighting resources in the communities that need them most and helps ensure that our young people receive the supports they need to grow into productive, accountable adults. On behalf of the Justice Policy Institute (JPI), I urge you to help ensure that this bill becomes law.

JPI is a non-partisan, not-for-profit think-tank dedicated to reducing society's reliance on incarceration and promoting effective public safety alternatives. Our research has overwhelmingly concluded that the most effective juvenile crime prevention measures invest in communities through evidenced-based practices. These methods of crime prevention are not only proven to keep our communities safe, but also reduce the number of youth who end up behind bars. The Youth PROMISE Act is based on these principles. Under the Act, communities would work collaboratively to select the evidenced-based programs that meet the needs of their youth. Because the Youth PROMISE Act mandates that communities use evidenced-based programs, once it is implemented, communities will be safer.

Not only will the Youth PROMISE Act keep us all safer, but it will save taxpayer dollars. The U.S. currently holds more than 2.2 million people in its prisons and jails at a staggering cost of approximately $65 billion dollars per year. Programs like those established by the Youth PROMISE Act benefit taxpayers at a far greater rate than incarceration. When a community invests one dollar in drug treatment, it will receive $18.52 in return from reduced crime and public safety benefits—but for every dollar invested in prison, the return is only $.37.

Recent concerns about youth involvement in gangs have inspired overly punitive legislation that would sweep more young people, particularly youth of color, into prisons, disrupting a youth's natural inclination to cease delinquent behavior, and further increases the risk that a youth would participate in criminal activity in the future. This punitive legislation ignores recent data that shows providing positive alternatives to delinquent behaviors in the form of jobs, education and positive support services can help youth develop into responsible adults.

The Youth PROMISE Act would move our society away from punitive, ineffective and costly policies and toward a system of positive investments in communities and young people. In this way, H.R.3846 benefits us all. JPI is pleased to endorse such important legislation and urges you to do the same. Please feel free to contact me at 202-558-7974 x311 or sbedi@justicepolicy.org. To co-sponsor this legislation, please contact Erin Davies at 202-225-8351 or Erin.Davies@mail.house.gov.

Thank you for your consideration.

Sincerely,

Sheila Bedi, Esq.
Executive Director

1003 K Street NW Suite 500 Washington DC 20001 v 202-558-7974 f 202-558-7978 www.justicepolicy.org

BeyondROI™
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HEART OF A CHAMPION

Executive Summary of Results

Heart of a Champion (HOC) has developed a pre- and post-assessment tool that provides measurable results regarding the efficacy of the program. The assessment tracks specific attitudinal and behavioral shifts of students taking part in the program. The assessment has been deployed with schools and students in the 23 states where the Heart of a Champion program is deployed.

Heart of a Champion's Character Development Program has already seen significant attitudinal changes in students. Empirical data derived from past assessments indicates:

- 77% of the students now consider their actions prior to acting
- 38% now feel there is more of a purpose for their lives.
- 30% now feel that their school is now a safer place.
- 60% are now more aware of their character than before.
- 66% now have a desire to be a person of good character.
- 60% say they now make better choices.
- 48% of the students say they now see their future differently than before.
- 85% of the students now feel they will not quit when times become rough
- 92% rise in individual self-esteem levels
- 47% academic improvement
- 40% decrease in drug & alcohol use
- 40% decrease in violent/abusive behaviors

In addition, HOC utilizes public data of participating schools to track student behavior and violence trends, as well as school performance. HOC also collects anecdotal data regarding student and teacher reactions to the program material and observations of their students. From this information, HOC is able to develop an analysis regarding the effectiveness of the program within each campus. Anecdotal data has indicated that as a result of the program students attend class more consistently, turn in homework more consistently, participate in class discussion more frequently, and are performing better academically.

"I did a survey at the beginning of the year, the middle of the year and at the end of the year. There was a dramatic increase at the mid-term and another dramatic increase at the end of the year. Students were feeling better about themselves because of the curriculum."

Donita Shepherd
SeeWorth Academy, Oklahoma City

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RESEARCH-DRIVEN RESULTS

HEART OF A CHAMPION

elevators DALLAS powered by Coca-Cola

Results Case Study 1: Dallas, TX 2008-09

One element of the Heart of Champion Dallas Elevators program is a comprehensive pre- and post-assessment that provides measurable results regarding the efficacy of the program. The assessment tracks specific attitudinal and behavioral shifts of students taking part in the program. Specifically, the assessment seeks to measure the change that takes place in students at home, in the classroom, with friends, and in the way they view themselves.

Measurement Facts:

- Students participating were juniors and seniors in high school
- Students participated at 10 Boys & Girls Clubs locations throughout Dallas County
- Students completed pre-assessment in September 2008
- Students completed post-assessment in May 2009
- At least 70% of program participants completed the assessment

In just one year, Elevators staff has observed significant attitudinal and behavioral changes in students. Empirical data derived from these assessments indicates the following samples:

- 22% increase in the students ability to communicate with their parents
- 15% decrease in student cheating
- 92% of students now consider their performance at school to be above average to very good
- 16% increase in students that consider themselves to be good examples
- 18% increase in the student's motivation to succeed
- 12% increase in students belief that they can now reach their goals

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Complete Findings: Heart of a Champion Dallas Elevators

At Home

- 22% increase in the students ability to communicate with their parents
- 26% increase in the number of students who now consider themselves leaders in their family
- 95% students feel that they are leaders in their family
- 8% increase in the number of students who will willingly sacrifice for their family
- 20% increase in the number of students that feel supported by their family
- 13% decrease in the frequency that students argue with parents

In the Classroom

- 15% decrease in student cheating
- 16% decrease in students that lie to teachers or parents
- 8% decrease in the frequency that students get in trouble at school
- 13% increase in the number of students who now consider their school performance to be very good
- 92% of students now consider their performance at school to be above average to very good

With Friends

- 16% increase in students that consider themselves to be good examples
- 7% increase in the number of students that desire to be positive examples
- 6% increase in the number of students influencing others in a positive way
- 96% of students now attempt to influence their peers to do the right thing
- 11% increase in the understanding that every action has a consequence
- 11% increase in students willing to make sacrifices that benefit others
- 16% increase in the number of students that now value the opinions of others
- 10% increase in the number of students that realize their actions influence those around them
- 13% increase in the number of students who now support and care for their peers
- 7% increase in the number of students willing to take action when someone around them needs help
- 15% increase in the number of students that feel their peers are honest

Personal Outlook

- 18% increase in the student's motivation to succeed
- 12% increase in students belief that they can now reach their goals
- 26% decrease in the number of students that display frustration at their current circumstances
- 11% increase in students committed to working hard to achieve their goals
- 13% increase in the number of students who believe in their abilities
- 13% increase in the number of students who considered trustworthy
- 15% decrease in students that consider themselves selfish with their belongings

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Results Case Study 1: Oklahoma City, OK 2008-09

In pre and post surveys of students in the Oklahoma City Public Schools, the following empirical data was derived from a total population of 1,307 student (trained group) and 42 students (control group).

Data from Heart of a Champion Students:

Increase in influencing others to do the right thing	2.0 pts
Increase in taking responsibility within family	1.5 pts
Increase in demonstrating compassion for others	2.5 pts
Increase in self motivation	5.5 pts
Increase in self esteem	4.0 pts
Increase in trust of others	2.3 pts
Increase in level of perseverance	3.0 pts
Increase in sacrificing for others	2.0 pts
Increase in personal trustworthiness	2.0 pts
Increased level of personal honesty & integrity	1.0 pts
Increase in being a good example for peers	2.0 pts
Increase in tolerance of others	3.0 pts
Increase in respecting those in authority	2.7 pts
Decrease in self-centeredness	3.0 pts
Increase in helping others & teamwork	2.0 pts
Decrease in drug & alcohol use	4.3 pts
Increase in awareness of affect of actions on others	1.0 pts
Increase in personal goal setting	2.0 pts
Decreased level of abuse	2.3 pts
Decrease in level of frustration when things don't go their way	2.0 pts
Increase in respect and honor of others	4.0 pts
Increase in influencing others to do the right thing	2.0 pts

A control group of students who did not participate in the program responding saw the following:

Decrease in desire to be a positive example for peers	1.0 pts
Decrease in taking responsibility within family	4.0 pts
Increase in display of frustration when things don't go their way	4.0 pts
Decrease in demonstrating compassion toward others	2.0 pts
Decrease in self-confidence	1.0 pts
Decrease in understanding that actions have consequences	1.0 pts
Decrease in trust of others	3.0 pts
Decrease in level of perseverance	1.0 pts
Decrease in respecting and honoring others	1.0 pts
Decrease in level of personal honesty and integrity	1.0 pts
Decrease in tolerance of others	1.0 pts
Decrease in respect for competitors	2.0 pts
Decrease in recognizing good values in peers	4.0 pts
Increase in being self-centered	1.0 pts
Decrease in recognizing their actions affect others	1.0 pts
Increase in drug use	4.0 pts

**The scale used was a scale in which each point differential represented a 10% shift in attitudes and behaviors.*

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Conclusions: Oklahoma City Public Schools

From the data, we can conclude that the Heart of a Champion program produced positive attitudinal and behavioral change in the following key areas:

- Taking greater personal responsibility
- Greater compassion for others
- Greater self-esteem, self-confidence and self-motivation
- Greater trust level in others
- Greater level of personal honesty, integrity and trustworthiness
- Greater tolerance and respect for others
- Greater level of commitment to tasks and to others
- Decreased peer drug use and abusive behavior

The school that did not implement the HOC program, demonstrates that students who did not receive this training were less likely to:

- Demonstrate a positive example
- Express compassion for peers
- Assume responsibility
- Feel self-confident
- Trust others
- Be cognizant of the consequence of their actions and words
- Respect others
- Demonstrate honesty and integrity

And were more likely to:

- Use drugs
- Have problems at home
- Be self-centered
- Display frustration when things did not go their way

The empirical data demonstrates that Heart of a Champion had a clear and significant impact on the attitudes and behaviors of students in the Oklahoma City Public Schools and produced increased positive behaviors and attitudes. Combining that with data relating to increased GPAs in specific schools and anecdotal evidence from teachers and administrators relating to decreases in disciplinary incidents and improved academic performance, we can conclude the HOC program had a strong impact on students in all OKCPS schools in producing desired outcomes.

***In addition, teacher assessments demonstrated a 47% increase in GPA's of students participating in the Heart of a Champion program.**

Student Peace Alliance

U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Crime, Terrorism and Homeland Security

Hearing:
H.R. 1064 the "Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education Act"
or the "Youth PROMISE Act"

July 15, 2009

Written Remarks for Hearing Press Conference by:

Aaron Voldman
Executive Director, Student Peace Alliance

On Behalf of:
The Student Peace Alliance

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Aaron@thepeacealliance.org • www.studentpeacealliance.org

Throughout the young lives of Student Peace Alliance members authorities have been trying to scare away us young people who are already scared, from expressing our fear, frustration, and anger in the only way that many of us know how: by toughening up, getting harder, growing more violent. Rather than try to understand us, work with us, be there for us as human beings, the norm has been for authorities to focus on limiting the damage.

For years the older, wiser people in this room have been honing a different more effective approach, that sees young people not just as potential criminals, but as human beings. And it is time to take that approach into the mainstream.

That is why we at SPA support the Youth PROMISE Act. I heard about the Youth PROMISE Act through a peacemaker, who is here today, named Juan Pacheco. When Juan was a teenager, he joined a gang as the only culturally appropriate organization to which he could relate. The gang offered respect and family, an opportunity in a tough neighborhood, so Juan seized it. Like many young people across the country, he felt he did not have any other option. The Youth PROMISE Act would change that reality.

Juan now runs, in conjunction with World Vision, a program called "Barrios Unidos," a program that for many Latino youth in N Virginia is a culturally appropriate, opportunity-filled alternative to the gang life style that surrounds them. Each time that Juan engages a young person he lets them know how special, how beautiful they are, that he knows that each of them can do anything to which they direct their minds.

Peacemakers, mentors like Juan are themselves special, unique people. They are there for the young people 24 hours a day, 7 days a week. It doesn't matter if it is New Years, or if Juan is on a date, Juan picks up his phone to help out and be there for each young person that calls. For many young people that lack the presence in their life of someone who is consistently there for them, this makes a big difference, and the young people trust Juan. This connection allows Juan to uniquely inspire young people to make safe choices.

Juan's work is more than a feel-good project that makes a nice human-interest story. As will be highlighted in the hearing, Juan's nonviolent prevention and intervention work, and the efforts of others in this room, represents the most effective way to stop crime and violence in our country. His work was made possible by a Federal grant. Yet without a sustainable stream of revenue and infrastructural support Juan, like many other peacemakers, is concerned about the sustainability of his vital program.

We are here today because Congress has to make a choice. Do we, like Juan, believe in the potential of all young people, when given the opportunity, to make safe choices? The Youth PROMISE Act is our nation's opportunity to send a clear message to young people: that you are not just part of the problem, you will be part of the solution. We love you too much to expect anything less.

Testimony of Corrie Sirkin

Constitutional Scholar

Prepared for the

United States House of Representatives,

Committee on Crime, Terrorism, and Homeland Security

Hearing on H.R. 1064, the "Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education Act" or the "Youth PROMISE Act"

July 15, 2009

Chairman Scott, Ranking Member Gohmert, members of the Subcommittee, thank you for inviting me to testify today to the United States House of Representatives Subcommittee on Crime, Terrorism, and Homeland Security to express my concerns regarding H.R. 1064, the "Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education Act" or the "Youth PROMISE Act." Juvenile delinquency and criminal street gang activity is a problem in many states and localities throughout the country. Many states have looked to innovative local solutions and faith-based interventions to decrease gang activity in their communities. H.R. 1064 will not resolve or even assuage this problem. This bill seeks to regulate and micromanage every aspect of a young person's life. The bill interferes in early childhood programs, school, after school and summer school programs, mentoring programs, mental health and treatment programs, evidence-based job training programs, and alternative intervention programs. This would create a de facto national superintendent and school board under the guise of PROMISE advisory panels, coordinating councils, commissions and task forces. States have historically regulated education and policing which are the most stringently regulated two areas of this act. This bill will burden the states with costly bureaucratic strings and further erode state sovereignty. This act purports to reduce youth and gang-related

crime, violence and imprisonment through targeted interventions; however, these interventions impermissibly overreach by asserting federal control over fundamental state issues including policing and education. Congress creates the rules, controls the purse strings, determines the priority and centralizes control. The slippery slope of federal involvement in education and policing invariably means more federal control of these areas.

Federal control means loss of innovative, nimble, proven solutions because of the failure to conform to the federal mold and bureaucracy. In fact, a PROMISE Coordinating Council must be developed to receive funding no matter how successful the program. This bureaucratic hurdle goes against the Department of Justice's own analysis of effective programs. They found that the "most successful programs in this evaluation and others … were operated by nonprofit organizations with strong 'hands-on leadership.'" [1] Programs must be able to dynamically alter program content and methods as those of the gangs change. They further warned that, "Overwhelming bureaucracy can stifle performance and drown smaller programs in a sea of responsibilities for which they are not prepared or equipped."[2] Effective long term leadership was also identified as a major contributing factor in the

[1] Winifred L. Reed & Scott H. Decker, National Institute of Justice, Gang Prevention Programs for Female Adolescents: An Evaluation 257 (2002).
[2] http://www.usdoj.gov/usao/eousa/foia_reading_room/usab5604.pdf

success of programs. Increased bureaucracy will stifle creativity and create inflexibility which causes high-turnover rates. Proven effective programs will be hampered by the creation of bureaucratic institutions for which is no need and that will only serve to hinder progress and usurp funding that could have been used to combat the problem.

In federal government programs, an unacceptable share of funding never reaches the areas that the funding was intended to serve; it is lost to financial abuse, mismanagement and impropriety. Moreover, much of this bill is spent directly siphoning off funding to various new bureaucratic institutions that will not contribute to the overall goal. For example, five million dollars per year is allocated to the National Research Center for Proven Juvenile Justice Practices and over twenty million for their regional research partners for three years. Fifteen pages of legalese and five million dollars are also allocated to a new National Commission on Public Safety through Crime and Delinquency Prevention. Ten percent of the funds allocated to the Youth-Oriented Policing Services Advisory Board (not to exceed $5million) are wasted on administrative costs. In addition, appropriations for the Interagency Gang Prevention Task Force, sought to be created by this legislation, do not even bother to put a cap on the possible price tag. None

of these exorbitant amounts of money are going to actually reducing youth gang violence or crime. Surely, the states could do a better job and could administer programs without millions of dollars of boards, commissions and task forces.

I am also concerned with the costs of this bill to states, tribes and local governments that are already in dire financial straits. This bill requires that the funding supplement and not supplant current funding; therefore, there will be no overall cost savings to the states. Federal restrictions, red-tape and strings attached to this bill may end up increasing state and local budget deficits. In addition to requirements that this bill supplement current funding; each unit must match twenty-five percent of the costs carried out under any grant and allocate up to $100,000 of their grant money to assessment of the program. The total costs from federal bureaucracy imposed by this act cannot be effectively estimated. However, we know that restrictions, red-tape, and strings turn states' rights into a federal puppet show.

The commerce clause and Supreme Court jurisprudence requires that federal legislation regulate activities that substantially affect or are substantially

related to interstate commerce. There is so little direct economic effect on commerce that this bill does not even mention the commerce clause until page 67 and then only summarily asserts that this bill will "reduce the costs that rising violent crime imposes on interstate commerce." Although the economic productivity of individual youths may be negatively affected by gang activity; the economic productivity of youths is also affected by a variety of factors that the federal government should not be able to legislate. The bill avers that youth gang crime and gang-related violence has economic, social and human costs and that reducing youth violence delinquency and crime risks will decrease criminal justice, public assistance, victim assistance, and other costs. These are noneconomic activities that do not substantially affect and are not substantially related to interstate commerce. Tangential, inconsequential reductions in overall costs do not allow the federal government to override the states' ability to regulate these areas that have been their historical purveyance. The inherent power in the federal system lies with the people who prefer that education policies remain that of the state and local government. Decisions should rightly be left to local control and the deliberate and thoughtful decisions of state legislatures. It appears to me that the Youth PROMISE Act, which would be ineffective at best, abrogates states' rights and violates the Commerce Clause, is both

ill-advised and unnecessary, and I strongly urge the United States Congress not to support it.

WRITTEN TESTIMONY OF CONGRESSMAN JOE BACA, CA 43RD

BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY, HEARING ON HR 1064 — Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education (Youth PROMISE) Act that includes provisions based on H.R. 2418, MYNISHA'S LAW

July 15, 2009

- Good afternoon, Chairman Scott, ranking Member Gohmert and members of the Subcommittee.
- I thank you for holding this hearing. I also want to thank:
  - Marian Wright Edelman - president and founder, Children's Defense Fund,
  - Deborah Prothrow-Stith - consultant, Spencer Stuart, Boston, Mass.,
  - Leroy D. Baca - sheriff, Los Angeles County, Monterey Park, Calif.,
  - David B. Muhlhausen - senior policy analyst, Center for Data Analysis, The Heritage Foundation, and
  - Tracy Velazquez - executive director, Justice Policy Institute for your testimony and statements
- I am pleased to present testimony on behalf of **Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education (Youth PROMISE) Act**
- Some of the provisions on my bill, HR 2418, Mynisha's Law. The bill serves two primary purposes: 1. Directs the Attorney General to review applications from cities wanting to be designated as a Comprehensive Gang Prevention and Relief Area; 2. Establishes an Interagency Gang Prevention Task Force where federal agencies will coordinate efforts focused on gang prevention.
- Youth PROMISE Act includes the concept of creating a task force by creating community councils and identifying grants to promote prevention. I support Youth PROMISE because the goals of the legislation is to help communities and children. In Title II, Subtitle A – Section 202 you will find Promise Coordinating Councils.
- I would like to share with you the sad reason that Mynisha's law was drafted. Senator Boxer heard of Mynisha's Circle after the death of Mynisha Crenshaw who died at age 11 on November 13, 2005.
- Young Mynisha was from my district and she was killed while eating Sunday dinner with her family after gang members shot at the Crenshaw home located at the Cedarwood Apartments in the Del Rosa neighborhood. A young innocent child was killed due to gang violence.
- These acts of violence are not uncommon for city streets. Young people regularly claim that they live a world of war. Domestic war. We hear about the devastation happening in Iraq and we honor the soldiers fighting for our freedom. BUT, we are not giving the necessary tools to young people to avoid gang life. Tools to teach them how to succeed in a domestic war.
- We do not hear about mothers who are burying there young sons and daughters after a long weekend. We do not hear about elementary and middle-school aged children getting recruited to join the ranks of gang brotherhood or sisterhood.
- After Mynisha's death, I the community united and I am proud of that fact due to all the awareness and prevention measures that have occurred in the area.
- The community bonded and vowed to address gang violence. They created Mynisha's Circle. Senator Boxer with members of Mynisha's Circle created S. 2671 **Mynisha's Law.**

- I have sponsored the House companion to the Senate bill for two Congress sessions.
- Too many of our nation's innocent children have fallen victim to the horrors of gang violence! If we don't act – we risk losing a *generation of Americans*. We need to explore all options so we can end this crisis – and ensure our children grow up in the safest environment possible.
- Enforcement of our laws is important – but so is prevention. Our children must know the power of *education* – not the power of the gun or the knife!
- I want to thank Rep. Scott for including my legislation – Mynisha's Law, in his Youth Promise Act. It is good to focus on everything from at-risk youth intervention to literacy, employment, and community policing.
- There is no greater tragedy than to see a young life needlessly lost. It is our duty in Congress to assist law enforcement in keeping crime off the streets and making our communities safer.
- The Youth Promise Act helps us achieve this goal.
- Our country is currently dealing with some of the most difficult economic problems that this nation has ever encountered since the Great Depression. These problems are difficult and complex, and affect the welfare of every American.
- Underlying these problems and often ignored, however, are the consequences that manifest when unemployment skyrockets and families are displaced from their homes. The most prevalent outcome is an increase in gang violence and participation, as well as drug trafficking that are linked to a decline in opportunities, especially in communities that are traditionally underserved.
- These delinquent and disastrous activities hurt innocent victims, and undermine the quality of life in many communities across America. For these reasons, it is imperative that Congress take comprehensive action to address the conditions contributing to gang violence and drug trafficking. Failure to do so will only exacerbate the problems that our nation is already encountering.
- More importantly and on a local level, failure to take action means the loss of our children to gangs and gang violence. Sadly, this statement is best exemplified by the death of Mynisha Crenshaw, this tragic event demonstrates the difficulty that many communities across the United States encounter.
- Adopting a comprehensive strategy in the fight against gangs, gang violence, and drug trafficking is essential and necessary. The conventional method of arrest, incarceration, and release only continues to fuel the cycle of gang violence and drug use in communities across America.
- This cycle is more prevalent in communities that lack the resources and services necessary to combat gang violence and drug trafficking. In these communities, gang members are arrested, incarcerated, and released without any significant efforts being made to prevent further delinquent behavior. Arrest without treatment or rehabilitation does nothing to resolve the central problems that are facing many communities. The goal is to explore all aspects of gang violence and drug trafficking in order to keep crimes off the street and to make our communities safer for everyone.

- Again – I thank Rep. Scott for introducing the Youth Promise Act, a bill that will bring us one step closer to a solution.

- I look forward to working with him in getting the legislation enacted into law.

JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE

RESOLUTION IN SUPPORT OF THE YOUTH PROMISE ACT

Issue: Support for the Youth Promise Act.

Adopted policy: NACo supports the broad concepts and principles embodied in the Youth Promise Act and urges Congress and the President to promptly approve the legislation.

Background: The Youth Promise Act is based upon evidence based methods proven to work to reduce youth violence and delinquency: investing resources in youth. Specifically, the Youth Promise Act targets resources towards communities encountering increased youth gang and crime risk to enable those communities to begin to address their significant unmet needs for evidenced-based prevention and intervention investments. Under the Youth Promise Act, each community facing youth gang and crime challenges will come together – via a local council that includes law enforcement, community-based organizations, schools, faith organizations, health, social service, and mental health providers – to develop and implement a comprehensive plan for evidence-based prevention and intervention strategies targeted at young people and their families to make our communities safer, reduce victimization, and help at-risk young people to lead law-abiding and healthy lives, free from gang and criminal involvement.

The youth prevention strategies under the Youth Promise Act include a broad array of programs proven to reduce the likelihood of a young person joining a gang and/or committing a delinquent act (e.g., early childhood education, home visiting for parent training, youth development including after-school efforts, mentoring, mental health services, substance abuse prevention services, effective approaches to keeping youth in school, etc.) Meanwhile, the youth intervention strategies include strategic funding based upon each community's needs assessment and subsequent strategic youth crime and gang intervention plan from a broad array of programs proven to reduce the likelihood of a young offender's recidivism (e.g., evidence-based risk-analysis-focused assessments, as well as proven-effective individual and family therapeutic interventions, community re-entry activities, witness protection, youth victim witness assistance, and other services).

Fiscal/Urban/Rural Impact: This legislation is designed to save counties money by focusing on evidence-based prevention and intervention programs.

Adopted by the NACo Board of Directors
March 3, 2008

July 15, 2009

The Honorable Bobby Scott
U.S. House of Representatives
1201 Longworth House Office Building
Washington, DC 20515

Dear Representative Scott:

I am writing to express our strong support for the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education (PROMISE) Act (H.R. 1064), a critically important bill that directs resources towards communities facing an increased risk of crime and gang activity.

The Youth PROMISE act will provide communities with much needed support to develop comprehensive responses to youth gang, crime and delinquency challenges. We particularly support the bill's provisions that would allow communities facing the greatest challenges with youth gang, delinquency, and crime activity to collaborate via a local council, including law enforcement, community-based organizations, schools, faith-based organizations, health, social services, and mental health providers—to develop and implement a plan to support young people and their families. A council approach helps to make communities safer, reduces victimization and helps ensure that our nation's most at-risk children are afforded the resources they need to grow into productive adults.

Catholic Charities USA is one of the nation's largest private networks of nearly 1,700 social service agencies. Catholic Charities agencies across the country provide direct services to juvenile offenders. These services include delinquency prevention, mentoring, job training, reentry prevention, intervention, and aftercare programs which keep youth safe. The Catholic Church recognizes that communities must establish and enforce laws that protect its members. In doing so, we believe communities must respect the dignity of the victim and the offender, both of whom are made in God's image.

Catholic Charities USA urges you to support the PROMISE Act and other policies that focus on prevention, intervention, rehabilitation of our nation's youth.

Sincerely,

Fr. Larry Snyder

Fr. Larry Snyder
President

Episcopal Liaison
The Most Reverend
Michael P. Driscoll,
MSW, DD
Bishop of Boise

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Written Statement of the
National Association of Public Child Welfare Administrators

Hearing on Youth Promise Act

Subcommittee on Crime, Terrorism and Homeland Security
Judiciary Committee
U.S. House of Representatives

July 22, 2009

Chairman Scott, Ranking Member Gohmert, and members of the Subcommittee on Crime, Terrorism, and Homeland Security of the House Judiciary Committee, the National Association of Public Child Welfare Administrators, an affiliate of the American Public Human Services Association, respectfully submits this statement for consideration of H.R. 1064, the Youth Promise Act, or the YPA.

APHSA is a nonprofit, bipartisan organization representing state and local human service professionals for more than 79 years. NAPCWA, created as an affiliate in 1983, works to enhance and improve public policy and administration of services for children, youth and families. As the only organization devoted to representing administrators of state and local public child welfare agencies, NAPCWA brings an informed view of the problems facing families today to the forefront of child welfare policy.

Children and adolescents involved in the juvenile justice and child welfare systems, also known as "cross-over youth," have been exposed to the trauma of neglect and physical, emotional and sexual abuse at significantly higher rates than their peers in the general public. Such victims of childhood abuse or neglect are more likely to commit delinquent acts as juveniles and crimes as adults. Maltreated children and youth are also more likely to experience behavioral and mental health problems, substance abuse issues, and educational deficiencies throughout their childhood and adolescence. Additionally, youth not adequately assessed for mental health and substance abuse disorders early—in a pattern of disruptive or delinquent behaviors—are at greater risk of becoming involved in either or both systems. A Chicago Longitudinal Study reports that maltreatment is associated with a 51 percent increase in the likelihood of being adjudicated for violent offenses.[1]

Los Angeles County, Calif., is one locality that shows increasing rates of youth crime activity and juvenile delinquency. This jurisdiction was highlighted in a Georgetown University study and evaluated to identify the pressing needs of cross-over youth. The study shows that subsequent to arrest, 68 percent of cross-over youth in Los Angeles County had some level of official contact with the juvenile justice system. Moreover, increased rates of recidivism among cross-over youth in Los Angeles County were highly linked to their mental health issues.[2] These findings show the need for continued support for localities with high youth crime and better strategies to promote prevention of juvenile delinquency.

NAPCWA appreciates the Subcommittee's efforts to improve the lives of children and families by introducing the YPA. H.R. 1064 focuses on creating evidence-based and promising practices for states and mostly localities to reduce youth violence and juvenile delinquency. Public child welfare directors around the nation are currently using these practices to reduce the number of children who enter into formal systems. Such systems include foster care, therapeutic foster care, group homes, residential treatment facilities, and in some cases, juvenile justice facilities. NAPCWA members strongly believe that services provided to children and families should be done in a safe environment and at home. Therefore, we urge Congress to use NAPCWA's recommendations as the YPA moves through the Committee mark-up.

The Youth Promise Act Can Improve the Needs of Cross-Over Youth

The YPA encourages better cross-systems collaborations among localities to better serve youth at-risk for juvenile delinquency. H.R. 1064 calls for public child welfare directors to sit on the Promise Coordinating Councils to provide valuable insight and make critical recommendations to help reduce the number of entries and re-entries of youth coming into formal care. Juvenile justice and child welfare professionals recognize the challenges shared by the two systems and collaboratively work on ways to improve the outcomes for children in care and in the custody of state agencies.

In the fall of 2007, NAPCWA partnered with Casey Family Programs and Georgetown University's Public Policy Institute through its Center for Juvenile Justice Reform to form a joint collaborative in identifying multi-systems approaches to better serve youth entering both systems. According to the report, *Building Multisystems Approaches in Child Welfare and Juvenile Justice*, several localities showing high youth crime rates were studied and the findings show that youth on probation are often supervised in the community rather than in an out-of-home placement. In addition, there is a strong connection between parent and child attachment and delinquency and consequently, and research shows that these approaches have proved to be more effective while conducted in the home.[3]

Currently, juvenile justice and child welfare administrators often collaborate to implement innovative models and promising practices in the field to encourage family engagement and promote stability for youth to remain in their homes. H.R. 1064 works to increase the use of promising practices that have proved to be successful in localities to help divert children from entering into juvenile systems. The Fostering Connections to Success and Increasing Adoption Act (P.L. 110-351) passed in October 2008 encourages states and localities to use family engagement strategies to help move children at-risk of entering into the system towards permanency. Currently, states and localities are using family group decision-making meetings as a method to maintain strong family bonds and enable families to be involved in the treatment plans of their children who are at-risk of entering into care. Although the Fostering Connections to Success Act makes meaningful strides, offering grant funding to promote these activities, most states and localities are not able to afford the increasing state match due to tough economic times. If the YPA moves through its final passage, localities and tribes can gain additional assistance through the Promise Grants to help continue these practices.

NAPCWA also recognizes that the YPA helps address issues related to racial disporportionality in juvenile justice and child welfare systems. Among cross-over youth populations, racial and ethnic disparities continue to be a critical indicator for youth moving from one system to another, especially for African-American youth. In the United States, African-Americans consist of 15 percent of the population, yet they account for 25 percent of child protection investigations, 30 percent of substantiated cases of abuse and neglect, and 36 percent of out-of-home placement. On average the disproportionality index for African-American children in child welfare is 2.26, which means this group is overrepresented

in the foster care system, accounting for more than twice their proportion in the U.S. child population. Similar findings are found in racial disporporationailty rates among juvenile justice systems as African-American youth account for 48 percent of juvenile incarcerations (based upon violent crime arrest rates).[4] Research also indicates that African-Americans are twice as likely as Caucasian adolescents to experience at least one arrest while in the child welfare system. Moreover, as researchers review the many disparities affecting cross-over youth, they found that African-American adjudicated youth are also less likely to receive mental health treatment while being detained in correctional facilities.[5] The YPA enhances federal support to localities to address the needs of these youth by establishing partnerships between public and private mental health facilities to provide mentoring, counseling and educational services to children and adolescents, especially in inner cities.

Overall, the YPA makes positive steps to improve the well-being of children and families by offering preventive strategies in high crime communities. Juvenile justice and child welfare administrators, researchers and national leaders believe that ensuring: the safe and appropriate return or maintenance of youth in their families and homes; academic attainment; sound behavioral and physical health; and better preparation for youth to obtain a successful future are critical elements and effective solutions to reduce national recidivism rates.[6] These collaborative efforts are proven to be successful in states and localities and NAPCWA members believe the YPA will help support these initiatives.

States Are Implementing Evidence-Based and Promising Practices to Promote Prevention and Reduce Child Maltreatment

Public human service agencies around the nation are utilizing promising strategies and evidence-based practices to reduce child maltreatment and juvenile delinquency. Most of these models report positive outcomes and are proven to be cost effective. New York; Texas; and Clark County, Nev., have reported the following:

New York

The New York State Office of Children and Family Services operates a successful home visiting program that is research-based and includes a comprehensive holistic approach serving low-income families. Healthy Families New York is dedicated to provide child abuse and prevention services to expectant parents and parents with infants aging from zero to three months. These children and families are considered to be at-risk of abuse or neglect and live in vulnerable communities with high poverty rates, infant mortality and teen pregnancy. HFNY's home visitors provide families with support, education and linkages to community services designed to address the following needs: (1) to prevent child abuse and neglect; (2) to enhance parenting skills and parent–child interactions; (3) to ensure optimal prenatal care and child health and development; and (4) to increase parents' self-sufficiency. Moreover, HFNY has provided these services to more than 600,000 homes and served more than 20,000 families since its establishment in 1995.[7] HFNY and other home visitation models around the nation are key preventive strategies to reduce child maltreatment and other at-risk indicators. Many states and localities use home visitation models to serve young mothers and fathers at-risk for coming in contact with the formal system. These evidence-based approaches can be used to serve low-income families in at-risk communities, with high crime rates and minimal resources to support families with young children. Home visitation programs can be implemented in these localities to reduce gang activity and juvenile delinquency. Moreover, it can also offer a preventive strategy for maintaining family stability and safely keeping children in their homes.

Texas

The Texas Department of Family and Protective Services' Prevention and Early Intervention has developed a preventive approach for reducing juvenile delinquency and has served 53,387 at-risk children, youth and families in SFY 2008. Texas has a Statewide Youth Services Network that provides community and evidence-based juvenile delinquency prevention programs and serves at-risk families. Other services include: Community-Based Child Abuse Prevention and Family Strengthening and Texas Families: Together and Safe models, which seek to increase parent involvement and family engagement. The Community Youth Development initiative is a comprehensive approach designed to enhance positive youth development and resiliency in communities with high juvenile crime. Texas Youth and Runaway Hotlines report successful outcomes in localities as runaway youth and their families are provided with crisis counseling and intervention. Services to At-Risk Youth are also offered to runaway and/or truant youths under the age of 18 living in family conflict and who have been committed for delinquent offences or have alleged misdemeanors or felonies.[8] These programs are examples of promising practices using solid family engagement models and positive youth development activities proven to be effective in states with high at-risk populations.

Clark County, Nevada

The Clark County Department of Juvenile Justice Services collaborates with the Annie E. Casey Foundation and other community partners to develop a Juvenile Detention Alternatives Initiative. JDAI calls for cross-systems collaborations between courts, judges, juvenile district attorneys, public defenders, local police, school district, higher educational institutions, faith-based communities and private agency providers. Clark County has received grant funding since 2004 to help these entities come together to offer strong interagency cross-systems collaboration and promote practices and policies that reduce racial disparities among juvenile populations. JDAI has helped reduce the number of juvenile entries and re-entries and improve practices related to Disproportionate Minority Contact core requirement in the Juvenile Delinquency Prevention and Treatment Act, which strives to eliminate the inappropriate use of juvenile detention through development of community-based alternatives.[9] The Clark County Juvenile Justice department has expressed a vested interest in the YPA and encourages Congress to move forward with this legislation.

Recommendations

Allow Flexibility in Congressional Language to Support Existing and New Evidence-Based and Promising Practices in Localities

Congressional language often refers to the use of "evidence-based *and* promising practices" in localities. NAPCWA recommends that the Committee amend this language by striking "and" and including the use of "evidence-based *or* promising practices." Using this language will help more localities become eligible to use federal funds to support their existing initiatives proven to be effective in their communities. Including this amendment and advising localities to use either evidence-based or promising practices will help strengthen the language and support new innovative programs that are yet to be discovered. Localities and tribes will also appreciate expanding these practices and having the choice to implement either option.

Remove Maintenance-of-Effort and Assurance Requirements

Section 205 of the Promise Plan Components contains a maintenance-of-effort requirement regarding the local fiscal contribution for localities and tribes. States and localities are facing budget deficits, and programs seeking to reduce child maltreatment and juvenile delinquency are at-risk for experiencing significant cuts. To help meet the local-share requirement, NAPCWA recommends that the Committee remove this maintenance-of-effort requirement to help localities with staggering reductions in programmatic budgets and increased youth crime activity to become eligible for grant funding. Removing this language in the YPA will help localities like Los Angeles County, Calif., with high juvenile delinquency and gang activity to apply for Promise Implementation Grants.

H.R. 1064 includes a mandatory component that requires localities and tribes to "ensure that the number of youth involved in the juvenile delinquency and criminal justice systems does not increase a result of activities undertaken with funds" in accordance with the Promise Plans. NAPCWA recommends that Congress remove this language as the legislation moves through Committee markup. States and localities are experiencing increased referrals and are utilizing practices to help reduce these numbers. Additionally, there are circumstances that are out of their control. Therefore, we urge Congress to include language that encourages localities to monitor these numbers and use federal funding to reinvest those dollars to improve their outcomes, which will help enhance these efforts.

Allow More Participation from Child Welfare Agencies in the YPA Councils

NAPCWA is interested in participating in additional panels and councils within the YPA to offer more insight on addressing the issues related to children and adolescents at-risk for entering into formal systems. Therefore, we ask Congress to amend legislation and include child welfare administrators to sit on the majority of promise councils.

Conclusion

NAPCWA thanks Congress for their efforts in making prevention a primary focus to address increased gang activity and juvenile delinquency. Our members are excited to have these promising approaches implemented in localities and receive adequate funding to support these practices. We look forward to working with Congress and juvenile justice departments on implementing these YPA initiatives.

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[1] Hertz, D.C & Ryan, J.P. Building Multisystem Approaches in Child Welfare and Juvenile Justice. May 7-9, 2008.
[2] Ibid.
[3] Ibid.
[4] Milligan, A. *Disproportionality in the Juvenile Justice System*. The National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk. September 2007. http://www.neglected-delinquent.org
[5] Hertz, D.C & Ryan, J.P. Building Multisystem Approaches in Child Welfare and Juvenile Justice. May 7-9, 2008.
[6] Ibid.
[7] New York State Office of Children & Family Services, *Healthy Families New York*, http://www.ocfs.state.ny.us/main/prevention/home_visiting.asp.
[8] Texas Department of Family and Protective Services. *2008 Data Book*. http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2008/Databook/PEIFinal.pdf
[9] Clark County Department of Juvenile Justice Services (DJJS). *Juvenile Detention Alternatives Initiative*. http://www.accessclarkcounty.com/depts/juvenile_justice_services/Pages/JDAIMain.aspx

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WebMemo

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The Gang Abatement and Prevention Act: A Counterproductive and Unconstitutional Intrusion into State and Local Responsibilities

Erica Little and Brian W. Walsh

Violent street crime committed by gang members is a serious problem, but turning crimes that are fundamentally local in nature into federal crimes is not the solution. Approximately 95 percent of U.S. criminal investigations and prosecutions are conducted by law enforcement at the state and local levels[1]—not the federal level. Poorly defined, unjustified federal intervention against "gang crime" will detract from the most effective anti-gang strategies available to the state and local officials who are responsible for the vast majority of anti-gang-crime efforts.

Several times in recent Congresses, Members of Congress have proposed broad bills that attempt to federalize gang crime and to provide new mechanisms for spending large sums of federal money, under federal control, to fight gang crime in selected state and local districts.[2] The most recent examples of such legislation, the Senate's Gang Abatement and Prevention Act of 2007 (S. 456) and its counterpart in the House of Representatives (H.R. 1582), would:

- Create a host of new federal criminal offenses;
- Dramatically increase federal penalties for offenses the bills characterize as "gang crimes"; and
- Spend hundreds of millions of dollars—in the case of S. 456, at least $1.1 billion[3]—on new and expanded federal programs.

Although the current version of the Senate bill states more precisely who can be indicted than did its immediate predecessor, the legislation would still invite serious constitutional challenges. Like its predecessor bills in the Senate and its House counterpart, S. 456 may, in many cases, unconstitutionally attempt to extend Congress's powers beyond the limits of the Commerce Clause.[4] The bill incorporates boilerplate language purporting to establish jurisdiction under the Commerce Clause but nonetheless disregards most of the constitutional structure underlying the state and federal criminal justice systems.

Although inappropriate at the federal level, some of the Senate bill's proposals to criminalize gang activity might be good ones if made at the state level, where, as constitutional precedent has long held,[5] criminal law enforcement and crime prevention have traditionally (and most effectively) been handled.

Constitutional Objections. Violent street crime committed by gang members is a problem common to many states, so federal involvement may seem like a good idea. To warrant federal involvement, however, an activity must fall within Congress's constitutionally granted powers. There are serious reasons to doubt that S. 456 and H.R. 1582 do so.

This paper, in its entirety, can be found at
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In the course of striking down provisions of the Violence Against Women Act of 1994, the Supreme Court in 2000 affirmed the fundamental limits on the legislative power created by the Constitution:

> Every law enacted by Congress must be based on one or more of its powers enumerated in the Constitution. "The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written."[6]

This limitation on Congress's power to legislate is neither arbitrary nor accidental: It was adopted to protect the American people—including those suspected of criminal conduct—from the encroaching power of a centralized national government. As the Court stated, "This constitutionally mandated division of authority 'was adopted by the Framers to ensure protection of our fundamental liberties.'"[7]

To skirt this limitation, the drafters of S. 456 attempt to rely on the Commerce Clause to establish Congress's power to assert federal jurisdiction over crimes that are essentially local in nature. But to fall within Congress's power to "regulate Commerce… among the several States," a problem must not merely be common to the states; it must be truly interstate in nature and "substantially affect" interstate commerce.[8] For this reason, Congress's power under the Commerce Clause does not include the authority to federalize most non-commercial street crimes, whether or not they have some minor nexus with interstate commerce.

Although broader and broader readings of the Commerce Clause during the latter part of the twentieth century allowed the federal government to regulate more and more economic activity,[9] the Supreme Court has set limits and rejected several recent attempts to federalize common street

1. *See, e.g.*, EDWIN MEESE III AND ROBERT MOFFIT, MAKING AMERICA SAFER: WHAT CITIZENS AND THEIR STATE AND LOCAL OFFICIALS CAN DO TO COMBAT CRIME xiv (Heritage Foundation 1997).
2. *See, e.g.*, S. 155, 109th Cong.; S. 1735, 108th Cong. Previous publications by the Heritage Foundation have addressed the flaws in several of these bills. *See* Erica Little and Brian W. Walsh, "Federalizing 'Gang Crime' Remains Counterproductive and Dangerous," Heritage Foundation *WebMemo* No. 1486, June 6, 2007, at *www.heritage.org/Research/Crime/wm1486.cfm*; Erica Little and Brian W. Walsh, "Federalizing Gang Crime Is Counterproductive and Dangerous," Heritage Foundation *WebMemo* No. 1221, September 22, 2006, at *www.heritage.org/Research/Crime/wm1221.cfm*; Edwin J. Feulner, "Ganging Up on Crime," Heritage Foundation *Commentary*, May 19, 2005, at *www.heritage.org/Press/Commentary/ed052005a.cfm*; Paul Rosenzweig, "The Gang Act Needs Modification," Heritage Foundation *WebMemo* No. 494, May 3, 2004, at *www.heritage.org/Research/Crime/wm494.cfm*.
3. Cong. Budget Office, *S.456, Gang Abatement and Prevention Act of 2007* 1, July 2, 2007, *available at* www.cbo.gov/ftpdocs/82xx/doc8294/s456.pdf ("Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 456 would cost $1.1 billion over the 2008-2012 period.").
4. The Commerce Clause grants Congress power "[t]o regulate commerce…among the several States." U.S. CONST. art. I, § 8, cl. 3.
5. *See, e.g.*, Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 426, 428 (1821) (Marshall, C.J.) (explaining that Congress has the right to punish violent crimes such as murder that are committed, for example, in federal facilities, but Congress has "no general right to punish [crimes] committed within any of the States"); *id.* at 428 ("It is clear, that Congress cannot punish felonies generally…."); *accord* United States v. Morrison, 529 U.S. 598, 618 (2000).
6. *Morrison*, 529 U.S. at 607 (quoting Marbury v. Madison, 5 U.S. (1 Cranch) 137, 176 (1803) (Marshall, C.J.)); *accord* United States v. Lopez, 514 U.S. 549, 552 (1995) ("We start with first principles. The Constitution creates a Federal Government of enumerated powers."); THE FEDERALIST No. 45, 292-93 (C. Rossiter, ed., 1961) ("The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.").
7. *Lopez*, 514 U.S. at 552 (quoting Gregory v. Ashcroft, 501 U.S. 452, 458 (1991)).
8. Local, violent crime that is not directed at interstate commerce is not a proper subject matter for federal legislation. As the Supreme Court reaffirmed in 2000, the "regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the states." *Morrison*, 529 U.S. at 618.

crimes,[10] even ones that have some interstate impact. The expansive (many would say virtually unlimited) interpretation of the Commerce Clause employed to justify the creation of most new federal crimes ignores the original meaning of the Constitution. As Justice Thomas wrote in his concurring opinion in *United States v. Lopez*, if Congress had been given authority over any and every matter that simply "affects" interstate commerce, most of Article I, Section 8 would be superfluous, mere surplusage.[11]

In *Lopez*, the Supreme Court rejected the government's "costs of crime" and "national productivity" rationales for asserting federal authority over crime that is essentially local in nature. The government argued that violent crime resulting from the possession of firearms in the vicinity of schools affected interstate commerce by increasing the costs of insurance nationwide and by reducing interstate travel to locales affected by violent crime.[12] The government further argued that the possession of guns on or near school grounds threatened educational effectiveness, which would reduce productivity of students coming from those schools, which would in turn reduce national productivity.[13]

The Court explained that if it were to accept these attenuated chains of but-for reasoning, the limits on congressional power would be obliterated.

> Congress could regulate any activity that it found was related to the economic productivity of individual citizens: family law (including marriage, divorce, and child custody), for example. Under [these] theories..., it is difficult to perceive any limitation on federal power, even in areas such as criminal law enforcement or education where States historically have been sovereign. Thus, if we were to accept the Government's arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate.[14]

Congress's recent proposals to create a new set of federal "gang crimes" have all raised these same constitutional concerns.

The drafters of S. 456 attempt to take advantage of a similarly broad and erroneous view of the Commerce Clause by including "findings" that gang crime disrupts communities by reducing property values and inhibiting corporations from transacting business, presumably because safety concerns make an area less attractive. In light of recent Supreme Court precedent, this sort of lengthy, attenuated chain of causation is insufficient to establish federal jurisdiction over local crimes.[15] The bill's drafters have attempted to cure this problem by stating that gang presence, intimidation, and crimes "directly and substantially" affect interstate and foreign commerce. Saying so does not make it so; such verbiage adds little or nothing to the constitutional analysis.

In addition, several of the bill's operative provisions limit their own application to criminal street gang activities that "occur in or affect interstate or foreign commerce" in an attempt to safeguard the bill from constitutional invalidation. In *United States v. Morrison*, however, the Supreme Court ruled that this sort of language is not alone sufficient to bring an act within the scope of Congress's Commerce power.[16]

9. *See Lopez*, 514 U.S. at 555–56 (surveying the genesis and development of the Court's expansionist view of congressional commerce-clause power starting from the New Deal era).

10. *See generally Morrison*, 529 U.S. 598 (2000) (striking down § 13981 of the Violence Against Women Act of 1994 because the predicate crimes the Act created were beyond Congress's Commerce power); *Lopez*, 514 U.S. 549 (1995) (striking down the provision of the federal Gun-Free School Zones Act of 1990 that made it a federal crime to possess a firearm in a school zone because the provision exceeded Congress's power under the Commerce Clause).

11. 514 U.S. at 589 (Thomas, J., concurring). By contrast, the express powers to coin money and punish counterfeiting granted to Congress in Article I of the Constitution surely do affect interstate commerce.

12. *Lopez*, 514 U.S. at 564

13. *Id.*

14. *Lopez*, 514 U.S. at 564.

15. *See, e.g.*, *Morrison*, 529 U.S. at 618.

The regulated act must have more than some effect on interstate commerce; it must be a *substantial* one, and the connection between the regulated act and its substantial effect may not be too attenuated.[17]

Second Amendment Violations. In addition to the provisions of S. 456 that Congress lacks Commerce power to enact, section 215 of the bill raises serious Second Amendment concerns. Section 215 creates two new categories of persons whose Second Amendment rights to keep and bear arms would be denied by the federal government. The drastic step of prohibiting gun ownership is generally saved for those who commit violent crimes that constitute a felony. Its purpose is to keep weapons out of the hands of dangerous criminals. But section 215 does not distinguish trivial offenses from those serious offenses that may serve as bases for denying an individual's Second Amendment rights.[18]

The first category consists of persons who are convicted by any court, anywhere of a *misdemeanor* "gang-related offense." Persons in this category would be banned from exercising their Second Amendment rights for life. The idea of imposing a lifetime ban on the exercise of one's constitutional right for any misdemeanor (even a trivial one) that can somehow be construed to be gang-related should be troubling to any American who believes that all of the rights guaranteed by the Constitution serve as safeguards against tyranny and oppression. Congress is not free to choose which rights it deems important, and thus will respect, and which it is willing to deny on trivial grounds.

The second and perhaps more troubling category created by section 215 covers any person found to be in contempt (apparently including civil contempt) of a "gang injunction order." Gang injunction orders have become some jurisdictions' tool of choice for stifling gang-related activity and preventing violent street crime.[19] A typical gang injunction order designates a geographical area (some are as large as six square miles) in a city or town and enjoins specified gangs, named gang members, or both from engaging in otherwise lawful conduct within the designated area. This conduct may include wearing gang insignia, congregating, possessing alcohol or spray paint, and using cell phones and pagers. As one legal periodical describes it, "The city identifies a gang as a public nuisance and seeks court approval to enjoin certain conduct within the gang territory, with the potential penalty for violations of civil or criminal contempt and six months in jail."[20]

But the data on gang injunctions' effectiveness is inconclusive, and a divided Supreme Court affirmed a state supreme court's holding that an anti-loitering ordinance similar to typical anti-gang ordinances was unconstitutional because it violated due process and arbitrarily restricted personal liberty.[21] Given this Supreme Court precedent and the fundamental associational rights protected by the First Amendment that are implicated by most gang injunctions, merely violating an injunction almost certainly is not a sufficient predicate to strip a person of his or her constitutional rights.[22]

Section 215's denial of Second Amendment rights for relatively minor violations of civil or criminal law reflects the cavalier attitude toward constitutional protections—both structural and rights-based—that pervades this bill.

16. *Id.* at 612-613.

17. *Id.*

18. *See* Parker v. District of Columbia, 478 F.3d 370, 395 (D.C. Cir. 2007) (holding that the right to keep and bear arms is an individual right).

19. The *National Law Journal* reported this summer that California alone has approximately 40 local injunctions against gang crime. Pamela A. MacLean, *Ganging Up on Gangs: Cities across U.S. Imposing Anti-Gang Injunctions; Critics Question Legality*, NATIONAL LAW JOURNAL, June 11, 2007.

20. *Id.*

21. City of Chicago v. Morales, 527 U.S. 41, 51, 61 (1999) (6–3 decision, with three justices concurring in part in Justice Stevens's lead opinion and concurring in the judgment).

22. *Parker*, 478 F.3d at 395 (explaining that the Second Amendment protects the right of an individual to keep and bear arms and is not "contingent upon his or her continued or intermittent enrollment in the militia").

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The Destructive Effects of Over-Federalization. S. 456 is yet another example of Congress's habit of expanding federal criminal law in response to cure all of society's ills.[23] The phenomenon of over-federalization of crime undermines state and local accountability for law enforcement, undermines cooperative and creative efforts to fight crime (which permit the states to carry out their vital roles of acting as "laboratories of democracy"), and injures America's federalist system of government.

Although S. 456, in its findings section, purports to recognize the crime-fighting expertise and effectiveness of local authorities, it would further erode state and local law enforcement's primary role in combating common street crime. The findings state that, because state and local prosecutors and law enforcement officers have "the expertise, experience, and connection to the community that is needed to assist in combating gang violence," consultation and coordination among state, local, and federal law enforcement is crucial. The bill characterizes the programs that it would establish, such as the federal-state working groups that would be part of the newly created High Intensity Gang Activity Areas, as attempts to create such collaboration.

Nonetheless, the bill would reduce the effectiveness and success of local prosecutors and law enforcement. Whenever state and local officials can blame failures to effectively prosecute crime on federal officials—and vice versa—accountability and responsibility are diluted. Although this is sometimes unavoidable for the limited set of crimes for which there truly is overlapping state and federal jurisdiction,[24] unclear lines of accountability for wholly intrastate crimes are unacceptable.

Combating common street crime is a governmental responsibility over which the states have historically been sovereign, with little intervention from the federal government.[25] Federal criminal law should be used only to combat problems reserved to the national government in the Constitution.[26] These include offenses directed against the federal government or its interests, express matters left to the federal government in the Constitution (such as counterfeiting), and commercial crimes with a substantial multi-state or international impact.[27]

Most of the basic offenses contained in S. 456 do not fall within any of these categories and so are not within the federal government's constitutional reach. For example, the fact that armed robberies committed by gang members may (rarely) involve interstate travel or some other incidental interstate connection does not justify federal involvement. In fact, the vast majority of prohibited conduct under S. 456 would almost never take place in more than one locale within a single state. Such conduct is, at most, only tangentially interstate in nature and does not justify federal intervention.

S. 456 ignores recent decades' lessons on how to successfully reduce crime. New York City and Boston in the 1990s and early 2000s demonstrated that when accountability is enhanced at the state and local levels, local police officials and prosecutors can make impressive gains against crime, including gang crime. By contrast, federalizing authority over crime reduces accountability of local officials

23. At the conclusion of its study, the American Bar Association Task Force on the Federalization of Criminal Law reported that, as of 1998, the frequently cited estimate of over 3,000 federal criminal offenses scattered throughout the 49 titles of the United States Code was certainly outdated and understated. TASK FORCE ON FEDERALIZATION OF CRIMINAL LAW, AMERICAN BAR ASSOCIATION, THE FEDERALIZATION OF CRIMINAL LAW app. C 94 (1998). Since 1998, these numbers have only increased. *See* John Baker, Jr. & Dale E. Bennett, *Measuring the Explosive Growth of Federal Crime Legislation*, Federalist Society for Law and Public Policy Studies *White Paper*, May 2004.

24. One among many possible examples would be a person in Virginia who extorts another person in Virginia but uses a federal facility, such as the United States Postal Service, to do so.

25. *See Morrison*, 529 at 613.

26. *See* William Rehnquist, *Remarks on the Federalization of Criminal Law*, 11 FED. SENT. R. 132 (1998). Counterfeiting currency and wiring proceeds of criminal acts across state lines to avoid detection are additional examples of crimes that are appropriately federalized.

27. *See generally id.* (quoting a report of the Judicial Conference of the United States).

because they can pass the buck to federal law enforcement authorities.

In addition, over-federalization results in the misallocation of scarce federal law enforcement resources, which in turn leads to selective prosecution. The expansive list of federal gang crimes in the bill would place significant demands on the Federal Bureau of Investigation, the U.S. Attorneys, and other federal law enforcers that would distract them from the truly national problems that undeniably require federal attention, such as the investigation and prosecution of foreign espionage and terrorism. The bill would create 94 additional Assistant U.S. Attorney positions, presumably to handle the increased work load that the new federal "gang crimes" in the bill would create. This dedication of resources not only diverts from more pressing needs that are truly federal, but constitutes legislative micromanaging of the executive branch's ability to enforce the laws.

Overbroad. On a voice vote with very little debate, the Senate Judiciary Committee recently passed a revised, substitute version of S. 456 that contains improved, tighter definitions. The previous version's definitions—including the central definition of "criminal street gang"—were so vague and vastly overbroad as to invite facial challenges to the constitutionality of many of the bill's criminal provisions. The version of S. 456 that passed out of the Judiciary Committee is less problematic than the version it replaced because its tighter, more precise definitions are less likely to be used to convict an individual of "gang crime" based merely on his association with alleged gang members.

Although the new, narrower definitions are better, the bill remains overbroad. The bill's extensive and unfocused list of predicate "gang crimes" has little to do with ending the most serious gang activity. The list of predicate offenses that would give rise to federal gang-crime prosecution includes many non-violent offenses, some of which are already federal crimes, such as obstruction of justice, tampering with a witness, misuse of identification documents, and harboring illegal aliens. Regardless of its unlawfulness, such conduct is not specific to criminal street gangs or gang crime. Including these offenses in a gang crime bill is an unfocused use of federal criminal law that dilutes the authority of the criminal law at both the state and federal levels.

In addition to duplicating state and federal criminal offenses that already exist, the bill also creates entirely new offenses that are overbroad. For example, S. 456 would prohibit "interstate tampering with a witness in a state criminal proceeding." This new criminal offense includes not only the use of physical force to retaliate or prevent a witness from testifying, but it also encompasses any non-physical attempt to "influence" a witness. Using or threatening physical force against any person, for any reason, is already a criminal offense in all states and should not be the basis for a new one. Duplicating this crime at the federal level would only increase federal intervention in state criminal proceedings. In addition, the broad definition of tampering or retaliation makes this a dangerous expansion of the federal criminal law. The word "influence" is vague and ambiguous and could be construed to include a wide variety of conduct that is not wrongful.

Federal Funding. Beyond the constitutional realm, S. 546 contains other flaws. Most notably, it includes $1.1 billion in grants that would violate the federalist structure of the U.S. government by interfering in state and local law enforcement and that would prove ineffective.

Federal grants to other levels of government should be carefully targeted toward the achievement of a traditional federal function and carefully audited to prevent diversion and abuse. Without such controls, the funds may be used to supplant current state and local funding, sometimes resulting in less overall spending on the targeted activity.[28]

Even when there is a federal prohibition against supplanting state funding, as there was in the federal Community Oriented Policing Services (COPS) legislation, a lack of federal supervision may still allow state and local governments to use the funds

28. See David B. Muhlhausen and Erica Little, *Federal Law Enforcement Grants and Crime Rates: No Connection Except for Waste and Abuse*, Heritage Foundation *Backgrounder* No. 2015, March 14, 2007, *available at www.heritage.org/Research/Crime/bg2015.cfm*.

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to pay existing personnel. This resulted in several jurisdictions adding no additional police officers, despite promising to do so as a condition of receiving the federal grant money.[29] Even worse, some major jurisdictions took federal grant money for additional officers yet downsized their state-funded police forces.[30] Many media stories and independent reports have confirmed the COPS program's shortcomings.[31]

Accepting funding from the federal government carries the risk that, in addition to encouraging diversion and abuse, the money further reduces state and local autonomy. The initial grant may contain only a few strings, but Congress can be expected to exert increasing controls when it is signing the checks.

Congress should consider covering only state and local expenses that fall within the national government's constitutional obligations. For example, federal grants to assist states in detaining illegal aliens until federal immigration officers arrive would support the federal law enforcement priority of securing the borders. Such grants could allow states and local governments to spend more of their own money as they see fit on local gang crime abatement. Congress could also fund state participation in programs that identify illegal aliens in state or local jails and prisons. Removing such criminals from the streets also helps to reduce the resources used in incarceration. National security is another federal law enforcement priority where federal grants to state and local governments may be appropriate. These could include grants to fund terrorist surveillance and special homeland security projects that meet national objectives.

There is an avenue for a federal role in information-sharing and research, including the rigorous analysis of information coming from state and local agencies. Whether it is sharing successful policies and effective innovations or analyzing data and other intelligence, the federal government is well situated to perform this function. Created in 2004, the Federal Bureau of Investigation's National Gang Intelligence Center (NGIC) is an example of this function. The NGIC is intended to help federal, state, and local law enforcement to coordinate the collection of intelligence on gangs and then analyze and share the information. The NGIC is anticipated to allow law enforcement to identify linkages between gang members and gang activities across the nation.[32]

S. 456 itself contains some proposals along those lines that would allow Congress to engage in the fight against gang crime without violating federal-

29. For example, audits by the Justice Department's inspector general indicated that Atlanta, El Paso, and Sacramento used COPS grants to supplant local funding. See U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Atlanta, Georgia, Police Department," executive summary, *Audit Report* No. GR–40–98–006, April 1998; U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the El Paso Police Department, El Paso, Texas," executive summary, *Audit Report* No. GR–80–01–013, May 30, 2001; U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the City of Sacramento Police Department, California," executive summary, *Audit Report* No. GR–90–98–022, May 1998. For additional audits of COPS-funded police departments, see U.S. Department of Justice, Office of the Inspector General, Office of Community Oriented Policing Services Grant Reports, *www.usdoj.gov/oig/grants/_cops.htm* (last visited September 11, 2007).

30. Dallas, Louisville, and Newark actually reduced their force sizes after receiving grants to hire *additional* officers. See U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the City of Dallas, Texas, Police Department," executive summary, *Audit Report* No. GR–80–00–003, November 1999; U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Louisville, Kentucky, Police Department," executive summary, *Audit Report* No. GR–40–01–002, February 2001; U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Newark, New Jersey Police Department," executive summary, *Audit Report* No. GR–70–98–007, June 1998.

31. David B. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," Heritage Foundation *Center for Data Analysis Report* No. 06–03, May 26, 2006, at *www.heritage.org/Research/Crime/upload/97702_1.pdf*; David B. Muhlhausen, "Why the Bush Administration Is Right on COPS," Heritage Foundation *Backgrounder* No. 1647, at *www.heritage.org/Research/Crime/bg1647.cfm*.

ism principles. The bill would create a National Gang Activity Database that is designed to gather and disseminate crucial information on gang activities, members, and other information that would bring together the collective knowledge of law enforcement around the country, especially as members move throughout a region. The bill would also create the national Commission on Public Safety Through Crime Prevention to conduct a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies. Many states may not have the resources or cross-state data for this type of meta-analysis, and such information could be a vital resource in choosing appropriate crime fighting policies.

The creation of a new National Gang Research, Evaluation and Policy Institute in section 301, however, seems particularly unnecessary. The Department of Justice already has a National Institute of Justice to study these issues.

Conclusion. Violent street crime committed by gang members is a problem in many of the 50 states—as is all crime. The existence of a problem alone does not justify the assertion and expansion of federal jurisdiction and authority. Even though many gangs have interstate connections, S. 456 does not restrict itself to the constitutional standard by covering only the wrongful conduct gang members commit that is directed at the instrumentalities and channels of interstate commerce or persons and goods in interstate commerce.[33]

Congress must tread carefully when bringing federal criminal law to bear on problems at the state and local level. Increasing the federal government's role invites unintended consequences, including the dilution of accountability among federal, state, and local law enforcement agencies. What Congress's various gang crime bills attempt to accomplish should largely be addressed at the state level. A bill similar to S. 546 would be appropriate if it were introduced in any state legislature, not in the United States Congress.

The best way to combat gang crime is to adhere to the principles of federalism by respecting the allocation of responsibilities among national, state, and local governments. To address gang-related crime appropriately, the national government should limit itself to handling tasks that are within its constitutionally designated sphere and that state and local governments are not equipped to perform.[34]

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32. David B. Muhlhausen and Erica Little, "Gang Crime: Effective and Constitutional Policies to Stop Violent Gangs" Heritage Foundation *Legal Memorandum* No. 20, June 6, 2007, at *www.heritage.org/Research/Crime/lm20.cfm.*

33. *See Morrison*, 529 U.S. at 608–09 (identifying the categories of activities Congress is confined to regulating when exercising its Commerce power).

34. *See* Muhlhausen and Little, "Gang Crime."

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Alternatives to the Over-Policing of Schools

Annenberg Institute for School Reform

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SAFETY WITH DIGNITY

Alternatives to the Over-Policing of Schools

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The New York Civil Liberties Union (NYCLU) is one of the nation's foremost defenders of civil liberties and civil rights. Founded in 1951 as the New York affiliate of the American Civil Liberties Union, we are a not-for-profit, nonpartisan organization with eight chapters and regional offices and nearly 50,000 members across the state.

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SUMMARY OF FINDINGS AND RECOMMENDATIONS

Safety with Dignity: Alternatives to the Over-Policing of Schools examines six New York City public schools that are successfully maintaining safety while simultaneously promoting a nurturing school environment. This report explores the methods employed by these schools, including the tangible and intangible qualities that have contributed to their success. It concludes with practical recommendations to help the New York City Department of Education (DOE)—and urban school districts across the country—replicate their successful approaches to discipline and security.

These six schools share a number of significant characteristics. Like schools that employ some of the most draconian discipline policies, these schools all serve at-risk student populations. None currently has metal detectors, although some did at one time. Yet each provides a safe and successful learning environment, as evidenced by significantly higher than average attendance, student stability and graduation rates, as well as a dramatically lower than average incidence of crime and school suspensions.

While every school requires a school safety policy unique to its specific characteristics and educational philosophy, the core principles of safe and nurturing learning environment are universal:

- dignity and respect for all members of the school community;
- authority and responsibility for discipline residing with educators rather than police personnel;
- strong and compassionate leadership;
- clear lines of authority and open lines of communication between administrators, teachers, police personnel and students; and
- unambiguous, fair rules and disciplinary procedures.

To maintain safety in a nurturing learning environment, school districts must reexamine their use of zero tolerance policies; ensure educator control over school discipline; and foster communication and understanding of school disciplinary policies among all stakeholders in the community, including students, educators, parents and School Safety Agents (SSAs).

The purpose of this report is to demonstrate that there are viable, real-world alternatives to metal detectors, zero tolerance policies, and police street tactics that simultaneously promote educational success and student safety.

This report makes the following recommendations to the DOE:

1) Discourage the installation of metal detectors.

High schools in New York City are currently under tremendous pressure to install or retain metal detectors. Many teachers and principals, however, doubt the efficacy of scanners in reducing violence in schools; they also believe metal detectors create a penal environment that interferes with teaching and learning. Metal detectors and the related routine of body scans and bag searches increase student/police interactions, expand police involvement in enforcement of school rules, and create flashpoints for confrontation. Schools can create safe learning environments without metal detectors.

Should a school choose to install metal detectors, it should do so only for a finite period after a careful review of alternatives, and only with the approval of the local parent council.

2) Restore discipline responsibilities to educators.

The vast majority of incidents in which SSAs become involved are disciplinary matters that should be handled by educators under the supervision of the school principal. To the extent SSAs are present in schools, New York City must adopt a clear governance structure—ideally in the form of a memorandum of understanding—that outlines the roles and responsibilities of Police Department and DOE personnel, and recognizes the principal as the primary authority. The current system fails to define the respective responsibilities of educators and SSAs in school discipline matters and results in grave confusion for police personnel, educators, parents and children alike.

3) Assign fewer School Safety Agents to patrol schools.

The responsibilities of SSAs should be limited to serious violations of the penal law.
The number of police personnel patrolling New York City's schools should, therefore, be reduced significantly. This should generate financial savings that can be applied to expand guidance, social work, and other support services to respond to disciplinary issues in ways that strengthen the educational environment and avoid excessive reliance on law enforcement tactics and the juvenile and criminal justice systems.

4) Mandate alternatives to harsh discipline.

Schools throughout the United States have begun to implement positive alternatives to harsh discipline policies, and have succeeded in reducing suspensions and dropouts. The DOE should mandate trainings for all school staff in restorative justice practices—a conflict resolution method that focuses on providing opportunities for all sides of a dispute to define the harms caused by an act and devise remedies—and implement such programs in all city schools.

5) Ensure students' voices in school rules.

Allowing students an authentic voice in a participatory school democracy leads to greater student ownership over school rules, a greater sense of belonging to the school community, and a greater willingness to comply with the code of conduct. The DOE should develop protocols for schools to ensure that students are given a meaningful voice in school rules.

6) Institute transparency and accountability in school safety practices.

Oversight of police practices in the schools is essential to both the safety and well-being of students, and to the maintenance of the public's trust and confidence in the Police Department and the DOE. The DOE and NYPD must release to the public raw data that will allow New Yorkers to determine the effectiveness of school safety practices. Moreover, SSAs, who have the authority to stop, search and arrest students, should be subject to the same oversight as police officers. The city should expand the jurisdiction of the Civilian Complaint Review Board to accept complaints of abuse by SSAs. Moreover, the DOE should allocate 1 percent of its current school safety budget to fund the expansion of the jurisdiction of the Civilian Complaint Review Board.

7) Provide support services for students' nonacademic needs.

Medical, mental health and social services connect students to the larger school community and address students' nonacademic challenges before they become a basis for behavioral problems in the classroom.

The DOE should seek ways to foster connections between individual schools and medical and social services providers to offer students medical and mental health care and resources to access public assistance, housing, child care, counseling and other social services.

INTRODUCTION

For tens of thousands of New York City public school students, school days begin in line waiting to walk through metal detectors. Sometimes they must stand outside in the rain until it is their turn to remove their belt buckles and shoes, open their backpacks and quite possibly submit to a pat down, body scan or search. Once inside, if they are caught in the hallway after the bell rings because they were talking to a teacher, using the bathroom or just dawdling on the way to class, they can end up with a suspension, in handcuffs or even arrested.

But a few New York City schools have recognized that another way exists. We call them "Successful Schools," and among them are the six profiled in this report: Progress High School for Professional Careers (Brooklyn), Urban Assembly for Careers in Sports (Bronx), Humanities Preparatory Academy (Manhattan), Urban Academy and Vanguard High School (both located in the Julia Richman Education Complex in Manhattan), and Lehman High School (Bronx).

These schools have rejected the twin pillars of school discipline in New York City: zero tolerance and police tactics. Instead, they approach school discipline as an educational matter, where principles of adolescent development guide policy and police methods and tactics do note dominate but are viewed only as a last resort.

IMPACT OF HARSH DISCIPLINE POLICIES

Recently, a number of reports have criticized school discipline policies in New York City.[1] They have documented the impact of zero tolerance policies on school educational environments, the excesses of policing operations in the schools, and the penalties students have paid as a result of those operations.

ZERO TOLERANCE POLICIES AND THEIR EFFECT

Following the high profile school shootings at Columbine and elsewhere in the 1990s, school administrators faced immense pressure to step up security measures and "get tough" on problem students. In response, districts nationwide began to adopt "zero tolerance" discipline policies. Wedged between ever-shrinking budgets and a climate of fear, counseling, mental health treatment, conflict resolution and intervention strategies gave way to this harsh new discipline philosophy. Between 79 and 94 percent of American public schools now have zero tolerance policies.[2]

As a disciplinary approach, zero tolerance stands for the proposition that certain behaviors trigger severe, mandatory responses, almost always beginning with removal of the child from the classroom. Zero tolerance schools impose suspensions, expulsions and arrests for infractions across the spectrum—from tardiness, cursing or writing on the desk to drug use and weapons possession.

Though zero tolerance resonates politically, several studies have shown it is ineffective as a corrective measure, and has a demoralizing effect on the student body.[3] Students who are suspended tend to be suspended repeatedly, until they either drop out or are pushed out of school by overwhelmed and under-resourced educators. In fact, the best demographic indicator of a student who will face suspension or expulsion is not the behavior of the student, but whether the student has been suspended before.[4] Moreover, zero tolerance tends to be implemented in a discriminatory manner: it is enforced more often against male students, students of color, students with disabilities and those from low-income households.[5]

Finally, zero tolerance is a major contributor to the School to Prison Pipeline, a devastating phenomenon whereby students are kicked out of school and find their way onto the streets and ultimately into the juvenile justice system. Children who are removed from the learning environment *for even a few days* are more likely to drop out, use drugs, face emotional challenges, become involved with the juvenile justice system and develop criminal records as adults.[6]

While the New York City Department of Education (DOE) does not promulgate an official zero tolerance discipline model for all schools, a zero tolerance climate has nonetheless proliferated. Zero tolerance in practice, if not in name, takes root in

the lowest performing schools that serve some of the city's most disadvantaged students, where teachers are under pressure to raise test scores, where the police are charged with enforcing school rules, and where permanent metal detectors and a significant police presence create a physical and symbolic barrier to a nurturing learning environment.

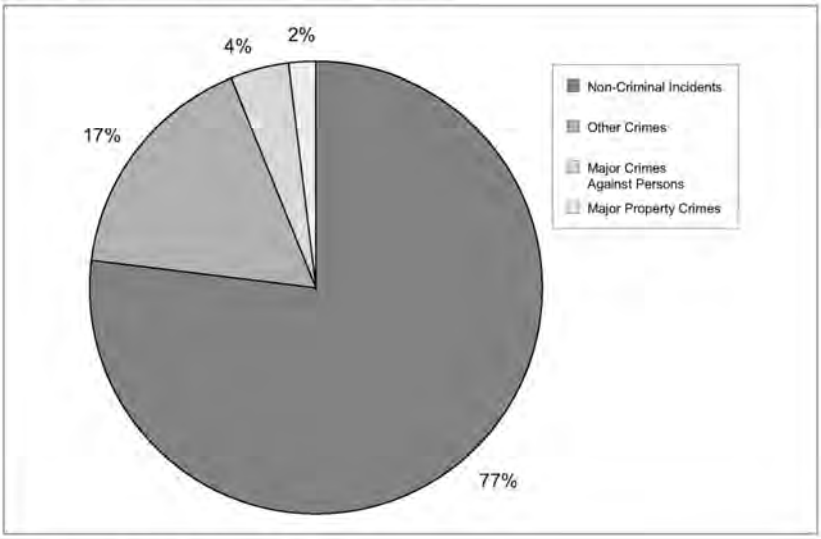
In New York City, unsurprisingly, *de facto* zero tolerance is manifest primarily in high schools with permanent metal detectors[7]—the number of which has grown dramatically in the past several years under the Bloomberg administration—schools which are attended by the city's most vulnerable children. Compared to citywide averages, the students at these schools are disproportionately working class, black and Latino, and according to the Police Department's own statistics, they are more often confronted by police personnel in school for "non-criminal" incidents than their peers citywide.[8] Their schools tend to be large and overcrowded and have unusually high suspension and drop-out rates[9] *(See **Figure 1.**, below)*.

OVER-POLICING OF SCHOOLS AND ITS EFFECTS

A large police presence in schools can damage the credibility and effectiveness of pedagogical employees, alienate students, and interfere with normal adolescent development.[10] The NYPD, with more than 5,200 police personnel patrolling New York City schools, has played a central role in the unacknowledged growth of zero tolerance, and its use of street tactics to enforce even minor noncriminal violations has fed countless students into the School to Prison Pipeline. As already-marginalized students begin to perceive their schools as extensions of the prison system, their chances for success diminish.

Since 1998, when Mayor Rudolph Giuliani transferred school security responsibilities to the NYPD—amidst promises that its uniformed School Safety Agents (SSAs) would not arrest students[11]—the handling of minor disciplinary issues in the city's most disadvantaged schools has resulted in heated confrontations between children and police personnel, sometimes followed by

Figure 1. Police Involvement in Metal Detector Schools by Type of Incident



Source: NYC Department of Education, Annual School Report, 2004-2005.

arrests, court summonses and even jail time.[13] Students, some as young as five, have been handcuffed, taken to jail, and ordered to appear in court for infractions such as tardiness, talking back, truancy, refusing to show identification and refusing to turn over cell phones.[13]

Moreover, since the transfer of school safety from the Board of Education to the NYPD, the number of police personnel in the schools has increased by 62 percent, from 3,200 to 5,200.[14] The dramatic increase in the number of police personnel occurred despite a decrease in the student population by approximately 70,000 during that same period. In effect, Mayor Michael Bloomberg brought into the schools former Mayor Giuliani's "broken windows" policing policy—cracking down heavily on minor offenses and punishing offenders to the fullest extent of the law, with a disproportionate impact on low-income black and Latino neighborhoods *(See **Figure 2.**, below)*.

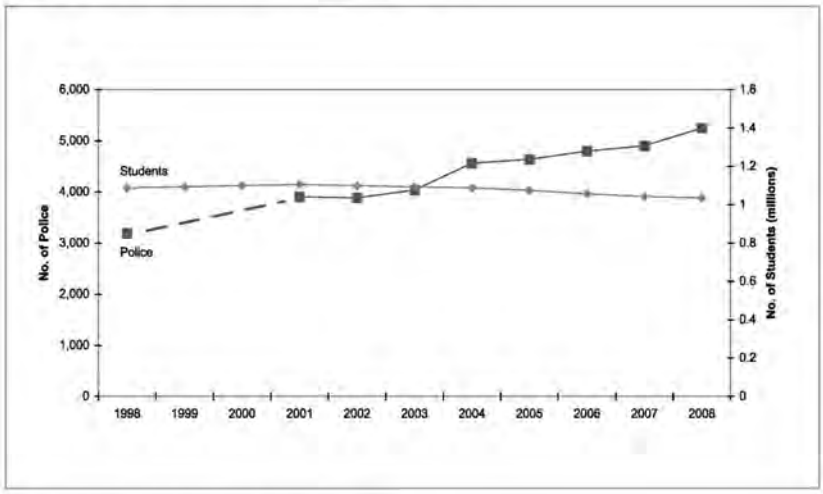
The relationship between the NYPD and the DOE in matters of school safety was initially defined in a 1998 memorandum of understanding, a legal agreement that expired in 2002 and has not been renewed.[15] With no clear written policy dictating the relationship of SSAs to the larger school community, agent interactions with students now vary widely.

In many schools—generally schools without permanent metal detectors—students and faculty report positive working relationships with SSAs. In schools with permanent metal detectors, there tends to be a more intense police presence. In these schools, even the most prosaic daily interactions can explode into misunderstandings, power struggles and violence.

SAFE AND BETTER SCHOOLS

This report focuses on six Successful Schools—schools that have developed effective strategies for addressing school safety while promoting an effective learning environment.

Figure 2. Number of Police Personnel vs. Number of Students (2001–2008)



Note: Police personnel data were not available for 1999 and 2000.

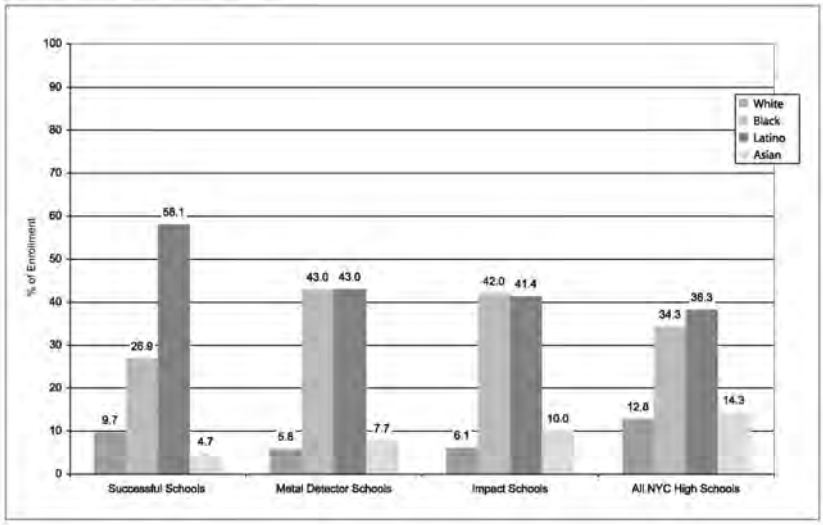
Source: Annual Mayor's Management Reports; correspondence with NYPD; City Council hearings; news articles

These Successful Schools serve at-risk student populations, similar to schools with some of the most punitive discipline policies. It is important to note that the student population of the Successful Schools is predominantly Latino—making up 58 percent of the total enrollment. Citywide, Latino students make up 38 percent of total high school enrollment; these students are currently graduating at the *lowest* rate and dropping out at the *highest* rate of all ethnic groups. In the class of 2007, 43 percent of New York City Latino students graduated in four years. The comparable rate in the Successful Schools—58 percent graduating in four years—speaks to the success of these schools in meeting the needs of some of New York City's most vulnerable high school students. *(See **Figure 3.**, below).*

Each Successful School employs alternative strategies to intervene with troubled students, and they generally enjoy long-term, positive relationships with SSAs. Their policies and practices invariably emphasize students' dignity, desire to learn, and capacity for responsible decision making. Students are approached as complete individuals who have needs, fears and ambitions, and clear rules govern the relationship between police personnel, educators and students. These schools provide safe and successful learning environments, as demonstrated through improved attendance, student retention and graduation rates, as well as dramatically lower numbers of criminal and noncriminal incidents, and school suspensions.

Several Successful Schools are transfer schools that serve students who fared poorly in other schools. Students often enroll after a year or two out of school and arrive with fewer credits and a troubled history with authority figures. Nonetheless, their four-year graduation rates are still higher than the rates for metal detector schools. Even more significant, though, are the Successful Schools' seven-year-graduation rates—which include students who graduated in five or six years—and the remarkable successes they have had graduating students who, chances are,

Figure 3. Student Demographics, 2006 – 2007



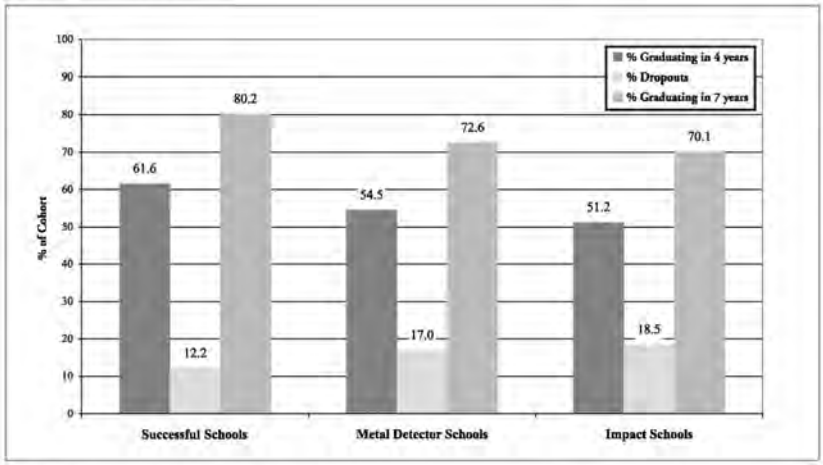
Source: New York State Education Department, "School Report Card" 2006-07.

would have dropped out or been pushed out of other schools *(See **Figure 4.**, below)*.

The Successful Schools provide flexible, adaptable models for school security. They prove that non-police strategies can maintain the safety of a school without damaging its mission or compromising its integrity.

The following sections of *Safety with Dignity: Alternatives to the Over-Policing of Schools* explain the methods of data collection, analysis and aggregation used in the study (section II); describe and analyze the common findings and characteristics of the Successful Schools (section III); and profile each of the schools, including both quantitative and in-depth qualitative information gathered through interviews (section IV). Section V presents recommendations for recreating the Successful Schools' environment in other schools. The appendices include a profile of Bushwick Community High School (which serves over-age and under-credited transfer students who have not had success in traditional high schools) and a sample of the interview instruments used to gather qualitative data for the study.

Figure 4. Graduation and Dropouts



Note: "% graduating in 4 years" and "% dropout" are calculated from the number in the total cohort of the graduating class of 2007 after four years. "% graduating in 7 years" is calculated from the number in the total cohort of the graduating class of 2007 after 7 years.

Source: NYC DOE Research and Policy Support Group, "Graduation Rates, Class of 2007 (2003 Cohort)," 2008; and "The Class of 2004 Final Longitudinal Report: A Three-Year Follow-up Study," 2008.

II DATA & METHODS

Safety with Dignity: Alternatives to the Over-Policing of Schools is based on a one-year study employing multiple methods for the collection and analysis of quantitative and qualitative data.

The school-based case studies in this report were designed to draw the maximum amount of pertinent information from a small, purposive sample of schools and stakeholders in those schools. We selected seven schools to profile, including six of the nine schools included in an article that appeared in the Spring 2008 issue of *Voices in Urban Education*, the Annenberg Institute for School Reform's quarterly journal.[16] The schools were chosen because they have no permanent metal detectors, have reputations for their positive learning environments, and serve populations similar to that of the average New York City school with permanent metal detectors. In selecting the Successful Schools, we also identified several measures of "success" beyond school safety: higher graduation, attendance and student stability rates, and low rates of suspensions, dropouts, absenteeism, as well as criminal and noncriminal incidents relative to schools serving comparable populations

Because some of the desired sample characteristics were rare, and because this study is intended to illustrate specific approaches to school safety and not general characteristics of New York City schools, we are justified in the use of a nonrandom selection process and the bias introduced in the resulting sample.

We also examined the 89 New York City high schools with permanent metal detectors and the 12 schools that were identified in 2006 by the DOE and NYPD as "Impact"[17] schools—schools with high reported levels of crime that were targeted for a program of increased policing.

We conducted an analysis of the qualitative data for each school. Additionally, we conducted in-depth interviews with 48 subjects serving in one of the following roles in each of the Successful Schools:

- School administrator (e.g., principal, assistant principal, director)
- School Safety Agent
- Parent
- Student
- Teacher
- Other school staff (e.g., guidance counselor, social worker)

Those interviewed were asked 40 to 54 questions about their experiences with school rules and safety policies, professional development, security measures and interactions with SSAs, violence prevention programs, parental involvement and other aspects of the school environment, as appropriate. The questionnaire items were drawn from existing instruments, well used in research on urban schools.[18] (A sample of the data-collection instruments—the interview questionnaire for administrators—is reproduced in Appendix B). All interviews were digitally recorded, transcribed and coded for qualitative themes about the school environment, discipline and adolescent development.

Information about SSAs was obtained from the annual *Mayor's Management Reports*, correspondence with the NYPD, City Council hearing transcripts, news articles, and personnel data produced by the New York State Department of Education (NYSED).

The most recently available quantitative data for each Successful School were obtained from several sources. Demographic, human resource, school environment and academic performance data came from the 2006-2007 School Report Card database produced by the NYSED (this database contains information from the 2005-2006 school year for some measures and from 2006-2007 for others). Additional academic outcomes, including graduation and dropout data for the 2006-2007 school year, were obtained from separate files distributed by the DOE. Fiscal data were obtained from 2005-2006 *School Based Expenditure Report* by DOE. These quantitative measures were collected into a school level database, indexed by school identifier. Each of the Successful Schools was identified and school-level statistics, where available, were reported for each school. (Some school-level statistics were not available for criminal and noncriminal incidents and a few fiscal variables; in those cases, data representing the school's building ("campus") were presented).

We tabulated the data described above, school by school. To compare our Successful Schools to schools with metal detectors and Impact schools on school environment, resources and educational outcomes, we also calculated weighted averages. Depending on the metric, aggregations of student demographic

and performance data were weighted by the number of pupils in the school, the number of students in the state-defined cohort or the number of students in the pertinent grades. To determine whether apparent differences in averages were statistically significant, we conducted independent sample t-tests.

We made a conscious decision not to include the data from Bushwick Community High School in our aggregate calculations. Bushwick is a school that serves overage and under-credited transfer students who have not had success in traditional high schools. Therefore, the data on graduation rates, attendance and other common measures of student success are drastically different from that at the other schools—not due to any failure on the part of the school, but due simply to the unique character of its student population. Because of the drastic variance in student populations, comparing Bushwick side-by-side with more traditional schools does a disservice to its accomplishments, and masks the successes of the rest. Therefore, the Bushwick data is included in the appendix independently of the aggregate data.

COMMON FINDINGS IN THE III SUCCESSFUL SCHOOLS

The Successful Schools present diverse and effective solutions to problems that nearly all high schools face at some point. Their mission statements, their specific tactics and goals, and the size and composition of their student bodies vary widely (although Latino students constitute a majority of the student enrollment in all but one of the schools).

Nevertheless, there were consistent themes in all the Successful Schools. The seven themes described below were not manifested in the same way at every school, but they shaped the environment in all six of our case studies. In some ways, these common themes set the Successful Schools apart from other schools in the city; but, by highlighting them, we hope to show that they can be replicated in other schools.

STRONG AND SUPPORTIVE LEADERSHIP

Each of New York City's 1,400 schools contains its own microcosm of values, practices and culture, and few factors play as pivotal a role in creating an atmosphere as a school's leadership. All of the Successful Schools are led by principals, educators and staff with a strong vision and commitment to creating a nurturing environment for all students; one that emphasizes positive rather than punitive measures to address disciplinary problems.

The leadership in the Successful Schools—often teams made up of administrators and teachers—views itself as responsible for the wellbeing of the entire school community. They believe that the goal of safety cannot be achieved solely by relying on punitive responses to misconduct but must address the causes of confrontations. They put in place mechanisms and organizational structures to reduce flashpoints of confrontation.

The leaders of the Successful Schools exhibit genuine concern for the emotional and physical, as well as the intellectual, wellbeing of their students. They attempt to understand, and even anticipate, the daily pressures faced by members of the school community. They pay close attention to the concerns expressed by students and staff, and make sure that they are available to provide guidance on how to handle pressures and struggles. These leaders do not hide behind closed doors in the principal's office, but rather embrace the school community and spend significant time with students and staff in the classrooms, hallways, cafeterias and school entrance.

The emphasis on building strong leadership within schools squares well with Mayor Bloomberg's emphasis on promoting strong leadership skills in the city's principals. In December 2002, Mayor Bloomberg and Chancellor Joel Klein launched an initiative to support principals to take on greater leadership roles in their schools. "As school leaders, principals are the key to overall school performance and to the kind of fundamental change that many of our schools require," said Chancellor

Klein at the unveiling of this new initiative.[19] "It is critical that we begin work immediately on building a team of 1,200 great principals—people who are true instructional leaders that can inspire and empower teachers, students and parents in their school community."[20]

Unfortunately, the emphasis by the DOE on principal leadership has not made its way to the area of school safety. Principals have expressed great concern about the obstacles they face from the central DOE in their attempts to ensure school safety. They fear retaliation should they seek to implement safety practices that are rooted in educational approaches rather than retribution.

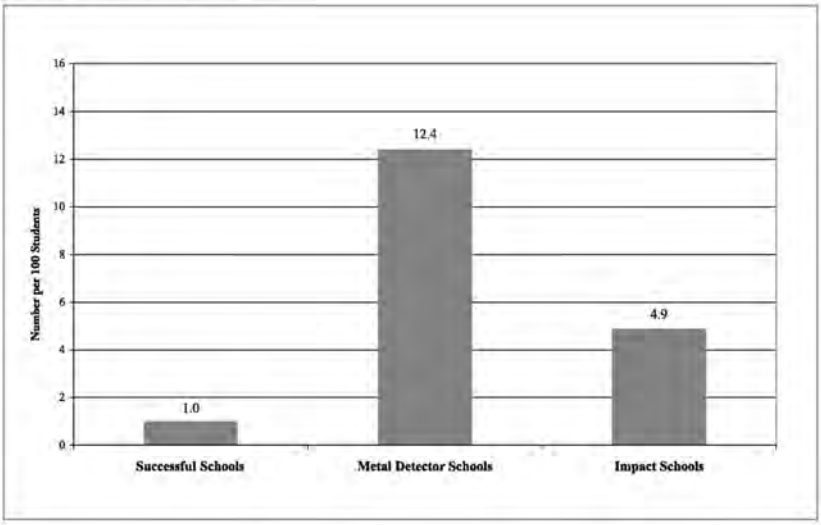
The mixed messages that principals receive—on the one hand, they're told to be strong leaders; on the other hand, they feel helpless to create alternative school safety practices—has been expressed to the city's policymakers, but little change has resulted. Ernest Logan, president of the Council of Supervisors and Administrators, the union that represents principals in New York City, testified about the feelings of his membership before the City Council in 2007:

> *My members who are the principals and the assistant principals in the schools feel that they cannot direct [School Safety Agents] who are providing the safety and security in their buildings because there is a conflict with what the Police Department tells the School Safety Agent they can and cannot do. ...*[21]

Now, the chancellor has said principals are empowered. Well, it's interesting, we're now empowered over everything but we can't say anything to the School Safety Agent about what we want them to do.

We believe that principals and assistant principals are in charge of their buildings and must have more direct control and su-

Figure 5. Noncriminal Police Incidents, 2005–2006



Source: NYC Department of Education, Annual School Report, 2005-2006.

pervision of safety agents. We believe that strongly. It makes no sense to me that those who are held accountable for school safety should have little control over their key personnel and the implementation of safety measures.

The Successful Schools are led by principals and staff who understand the importance of creating a safe school environment, the complexity of adolescent behavior and the long-term impact of excessive retributive discipline. By focusing on safety and support, the Successful Schools have become beacons of hope for students who would otherwise be left behind.

COMMUNICATION AND CLEAR LINES OF AUTHORITY BETWEEN SSAS AND EDUCATORS

The Successful Schools fill in the gaps left by the DOE's failure to establish clear rules of governance over school safety matters. These schools have similar responses to the basic questions: Who is responsible for maintaining order in the classroom? Who is in charge of ensuring that students do not roam the hallways during class time? When does a school infraction warrant the involvement of law enforcement officials?

In the Successful Schools, educators have the final say on school disciplinary matters, even when infractions rise to the level of a minor illegal offense, such as disorderly conduct. Teachers are encouraged to try to defuse hostile exchanges between SSAs and students and promote respectful and open communication. In fact, the Successful Schools have made an art of finding ways to minimize flashpoints that in other schools all too often lead to arrests of students.

Some of these schools once used metal detectors to counter high rates of violence, but they all now reject their use. The educational leadership of the Successful Schools agree that metal detectors harm the educational environment; provide a false sense of security; and provoke distrust, tension and animosity between students and staff. They also conclude that metal detectors can increase dropout rates and decrease graduation rates by negatively affecting student morale and the school environment *(See **Figure 5.**, left)*.

The Successful Schools maintain a free flow of information between all those involved in school safety, including school administrators, the NYPD, teachers and students. Regular communication occurs between school officials and the police so that potential problems are defused quickly without compromising the schools' educational missions. Staff, SSAs and students are encouraged to share ideas for improving safety, allowing the entire school community, not just SSAs, to feel responsible for ensuring safety.
If the school administration believes that as SSA is acting overly aggressive or disrespecting students, administrators immediately contact the supervising authority within the NYPD, so that both the DOE and police officials can swiftly handle the situation. Principals do not hesitate to seek the removal of SSAs who clash with the school community.

Some of the Successful Schools employ their own security staff, who are trained by the school, not the NYPD, and answer only to school administration. School security aides monitor the hallways, and since they are not NYPD personnel, matters such as cutting class are not handled as criminal manners. Limiting contact between police personnel and students prevents minor disciplinary matters from escalating into criminal offenses.

SSAs are better integrated into the Successful School communities. They form a meaningful relationship with the school, learning the names of students and educators. They stay at the schools longer than agents at other schools and feel respected by staff and students alike.

Beyond greeting students at the school entrance, SSAs at the Successful Schools function as a last resort to deal with serious and immediate problems. Only educators patrol the hallways and enforce school discipline rules. This way few students ever come in contact with law enforcement officials and the criminal justice system.

The calm and order at the Successful Schools stands in stark contrast to the confusion and lack of communication existing between educators and police personnel at other schools. During testimony before the City Council, Ernest Logan, president of the principals' union, stated:

> *I was surprised today to hear that the principal can even decide if they wanted scanning (metal detectors) or not. My members will love to hear that one. ...I have never heard that until today. ...*
>
> *Many of you have said that you have heard confusion here today at the City Council when people were asking questions about the DOE and the Police Department. Well, if you have confusion here at the City Council, imagine the confusion in 1,400 schools of how this is supposed to work. ...*
>
> *Well, the Police Department has never approached us about doing things jointly about educating our members on the role of school safety, and their members on the role of principals and assistant principals in schools. We would like to have that done, because there are some universal issues that we need to talk about.*
>
> *Every incident is unique, but I am truly troubled by the fact that we are criminalizing our children, because I heard*

today also that the School Safety Agent decides whether it is a crime or not. Now, maybe I'm a little confused by that. I know there is a principal of a school, two second-graders playing in the school yard. The game gets heated. Johnny hits Michael. Michael winds up with a bloody nose, the School Safety Agent observed that. Is that a crime? Are we now going to arrest the child who hit the other kid with the bloody nose? I don't think so.[22]

The leadership of the labor union that represents SSAs, UAW Local 237, has expressed similar concerns. According to Deputy Director Steve Gordon:

[T]here are areas where I feel that administrators can address discipline before it becomes a crime, and they look for School Safety Agents to intercede on disciplinary issues with law enforcement action. ...

So for example, Johnny is in class with his hat on, listening to his walkman. There's no reason why the School Safety Agent should have to address that issue, at all! But, I can tell you, every day they are called in to address that issue. And when they don't address that issue, there comes the problems. The calls ...

"Why do I have an agent here? The agent is not going to help the teacher."

"So what's the problem?"

"Johnny was in class being disruptive."

"Okay, disruption ... Okay, what was he doing? ... Was there a crime?"

If it wasn't a crime there really isn't any reason for a School Safety Agent to address that child!

I have a child in public school. I don't want a public safety officer addressing that issue! I want the principal, the dean, whoever to come in and discipline my child. Because he's in a school. And there's no crime there. If he's being disruptive to his class, that's something for the principals and the deans to deal with.[23]

Greg Floyd, the president of Local 237, agreed:

[The city needs to] clearly define for [DOE] staff, administrators at schools and teachers the guidelines under which they have to operate. And when they call school safety, for whatever the reason, they have to step back. Otherwise, do not call the School Safety Agents because the child will not take gum out of his mouth, the child will not take off his hat or her hat, the child will not sit down in the classroom. Those situations should be dealt with by the principals, the deans and the teachers. If you call the School Safety Agents, you run the risk of having problems escalate in those cases.[24]

Unfortunately, schools receive little guidance from the DOE on how to ensure that law enforcement officials do not become school disciplinarians.[25] The Successful Schools have succeeded despite the DOE's failure to provide a coherent school safety plan.

POSITIVE ALTERNATIVES TO EXCESSIVE DISCIPLINE

The Successful Schools use alternative approaches to address disciplinary problems. Most of them have either formally or informally embraced conflict-resolution programs, also known as fairness committees, which are based on restorative methods of handling discipline issues.

The restorative justice model is a dispute-resolution tool that focuses on providing opportunities for all sides of a dispute, victims and offenders alike, to become involved in defining the harm and devising remedies. The philosophy emphasizes an analysis of the harm done by particular actions and involves the impacted communities in repairing the harm.

Conflict-resolution, or fairness, committees are charged with adjudicating violations of school rules or school norms. The committees consider infractions such as cursing, disrespect or bullying, and even more serious matters such as fighting, vandalism or cheating. Students sit on the committees, allowing for the adjudication to be conducted by a group of peers. The committees are usually led by teachers or school social workers.

For example, Humanities Preparatory Academy in Manhattan has a fairness committee. When a student broke a window at the school, he was sent before the committee:

During that session, the members of the committee found out that the day before he broke the window, his family received notice that they were being kicked out of their shelter and had no place to go. While this did not fully excuse his actions, we were able to discuss more fully and fairly what the consequences should be, as well as discuss more constructive ways to deal with anger. We jointly decided that he needed to give back to the school community in some way. Knowing that it would be ridiculous to ask a student who was homeless to pay for the window, we all agreed he would help answer the phone after school for a month. In the meantime, his advisor and the school social worker were able to reach out to his family and offer support. If the fairness committee had been a systematic, rigid mechanism, we would not have been able to brainstorm these solutions.[26]

The restorative justice model allowed the school to gain a fuller understanding of the circumstances that led to the student's disruptive behavior and an opportunity to devise appropriate remedies for the conduct.

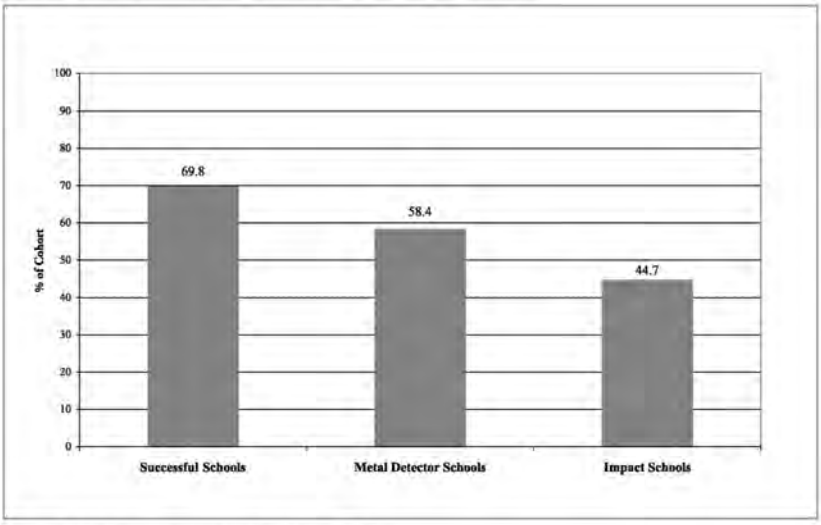
Conflict-resolution committees provide an alternative to punitive disciplinary actions and allow students and educators to be flexible and creative in handling infractions. Bringing a conflict before a committee of one's peers allows for a more nurturing process in determining appropriate dispositions. It also legitimizes the process in the eyes of the student being judged and brings the school community into the decisionmaking and rehabilitative process.

Student participation in the resolution of infractions of school rules allows students to feel some measure of ownership over the disciplinary process. The "punishments" for infractions are not predetermined, but rather come about through deliberation involving dialogue and understanding of the causes of the infraction. Moreover, it permits a broader discussion, beyond the one incident, to understand the impact that the school community at large may have had on the student's behavior, thus increasing the range of solutions for the proscribed behavior.

In April 2007, New York City Public Advocate Betsy Gotbaum released a report criticizing the DOE for not using conflict-resolution and other emotional support programs in city schools. She concluded: "Studies demonstrate that conflict resolution programs successfully teach children to act cooperatively and express themselves non-violently, which, in turn, leads to safer schools and a classroom environment more conducive to teaching and learning."[27] She recommended greater funding for conflict-resolution programs.

In October 2007, Elayna Konstan, CEO of the Office of School and Youth Development at the DOE, testified before the City

Figure 6. Percent of Students Planning to Attend a Four- or Two-Year College, 2006-2007



Source: New York State Education Department, School Report Card, 2006-2007

Council that conflict-resolution programs "help students to take more ownership and have a different approach to solving conflicts in a different way."[18] According to Konstan, 800 teachers have been trained on conflict resolution programs.[29] This is less than 1 percent of the approximately 83,000 teachers in the New York City school system.[30]

A STUDENT VOICE IN SCHOOL RULES

Successful Schools also involve students in the rule-making process. Students in many of these schools are involved in an annual process of revising the individual school's code of conduct or rules, which supplement the code of conduct stipulated by the DOE. The flexibility of school rules is even further decentralized in certain schools where individual classes can sometimes create their own rules for classroom decorum. For example, some classrooms allow students to listen to music as long as it doesn't interfere with their work or the work of other students.

Engaging students in the rule-making process encourages ownership over school rules. Throughout the year, many of these schools let students revisit and discuss school policies and practices. Rules that have become outdated or counterproductive may be amended during regular meetings built into the organizational structure of the school. Some of the schools even send students on retreats to allow for a more in-depth conversation on school rules and related issues. Students consistently reported that this process makes them feel a greater responsibility to obey school rules *(See **Figure 6**, page 19).*

The schools that do not directly engage students in the rule-making process supplement their codes of conduct with overarching themes that help students understand what is expected of them. These themes, such as "no personal attacks," are consistently incorporated into classrooms and the school community.

SUPPORT SERVICES FOR STUDENTS' NONACADEMIC NEEDS

Several of the Successful Schools have either created in-house services to support students' nonacademic needs or have formed partnerships with community based organizations to provide such services.

School officials cite several reasons for providing such nontraditional services, including to assist the student as a "whole," rather than focusing solely on the student's academic needs; to allow students to feel that they are part of a larger community that cares about their general well-being; to understand a student's struggles before they become the basis for behavioral problems in the classroom; and to allow students to focus better on their studies and, thus, bring less anger into school with them.

The schools that provide such services connect students with mentoring programs, counseling, internships and community-service opportunities. Some offer assistance to parents on how to become more engaged in their child's educational process. Urban Academy in Manhattan provides trainings for teachers on how to identify medical and mental challenges faced by students.

The schools that provide these services hope to intervene in a student's life early enough to prevent significant challenges from accumulating into insurmountable ones that will prevent the student from succeeding academically.

Geoffrey Canada, president and CEO of the Harlem Children's Zone, Inc., has adopted a similar model for the Harlem Children's Zone's Promise Academy. In 2006, the Promise Academy opened a health clinic in its middle school, providing free medical, mental health and dental services. The goal of the Harlem Children's Zone reflects the importance of providing nonacademic support services to students:

> *[The Harlem Children's Zone] focus[es] on the needs of children at every developmental age, including specific programs addressing pre-natal care, infants, toddlers, elementary school, middle school, adolescence and college. Academic excellence is a principal goal of the [Harlem Children's Zone], but high-quality schools are only one of the means we use to achieve it. Others include nurturing stable families, supporting youth development, improving health through fitness and nutrition, and cultivating engaged and involved adults and community stakeholders.*[31]

EMPOWERED PEDAGOGICAL STAFF AND CLOSE TEACHER-STUDENT RELATIONSHIPS

Teachers at the Successful Schools are strongly encouraged to form close relationships with one another and with their students, giving their schools a greater sense of community. The schools emphasize information-sharing among staff and the importance of professional development for educators to better serve students. Teachers and staff are encouraged to be creative and speak up about their needs and ambitions. Some of the schools hold retreats where teachers can share their concerns and review progress and achievements.

Progress High School for Professional Careers in Brooklyn invites students to teacher retreats, allowing students to share their own concerns and giving them a sense of belonging to a greater schoolwide community. Other schools hold regular town hall meetings where students are encouraged to share their thoughts. Multiday orientations at the beginning of the school year allow students to engage with teachers and staff.

The school curriculum also plays a role in fostering closer stu-

dent-teacher relationships and increased student commitment to the school. Several of the Successful Schools use culturally relevant curricula that attempt to integrate students' cultural backgrounds into the school's academic work. Some of the schools offer classes that deal specifically with urban issues, race and class.

Teachers in these schools feel that they have a complete sense of their students' needs and a basic understanding of the student's home life. This allows them to intervene in situations that may otherwise lead to classroom disruptions.

SCHOOL CULTURE OF TRUST AND RESPECT

One of the most intangible, yet important, qualities of a Successful School is its culture and environment. A school's culture is a self-fulfilling prophecy that forms the basis for all school interactions and relationships. The Successful Schools have a culture that is built on trust and respect for all members of the school community, including "bad students" that have been shunned by other schools.

These schools recognize that there is no cookie-cutter solution for dealing with misbehaving students, and they emphasize an individualized approach to addressing students' needs. They consider students' opinions when deciding on or implementing policies, including those related to discipline. They also emphasize a culture of respect, not only between students and staff, but among students as well. They attempt to build a positive atmosphere of empathy and respect among all members of the school community. There are rules against bullying and bias-based harassment, and personal attacks are not tolerated. Teachers are conscious of classroom dynamics and do not talk to students in ways that may inadvertently demean them.

IV. PROFILES OF SUCCESSFUL SCHOOLS

Table 1a. Demographics: Successful Schools vs. Metal Detector and Impact Schools

	SUCCESSFUL SCHOOLS	METAL DETECTOR SCHOOLS	IMPACT SCHOOLS
% White	9.7	5.8	6.1
% Black	26.9	43.0	42.0
% Latino	58.1	43.0	41.4
% Asian	4.7	7.7	10.0
% Male	53.6	51.8	52.9
% Female	46.4	48.2	47.1
% Free or Reduced Lunch	73.6	71.0	70.4
% Limited English Proficient	7.2	14.0	18.8
% FT Special Education	6.5	7.0	8.9

Table 1b. Indicators of Success: Successful Schools vs. Metal Detector and Impact Schools

	SUCCESSFUL SCHOOLS	METAL DETECTOR SCHOOLS	IMPACT SCHOOLS
% 4-Year Graduation	61.6	54.5	51.2
% Dropped Out	12.2	17.0	18.5
% 7-Year Graduation	80.2	72.6	70.1/ 75.2
Average Daily Attendence	82.0	79.6	74.0
% Student Stability	82.1	77.1	74.8
% Planning 4-Year College	42.6	39.0	29.1
% Planning 2-Year College	27.1	19.4	15.6
# Violent Incidents Per 100	0.12	0.40	0.11
# Property Crime Incidents Per 100	0.11	0.27	0.04
# Other Crime Incidents Per 100	0.53	2.92	0.85
# Non-Criminal Police Incidents Per 100	1.00	12.40	4.89
# Suspensions Per 100	4.01	7.06	6.25

PROGRESS HIGH SCHOOL FOR PROFESSIONAL CAREERS (BROOKLYN)

Table 2a. Demographics: Progress High School

STUDENT CHARACTERISTICS	PERCENT OF STUDENTS
% White	1.5
% Black	34.4
% Latino	62.4
% Asian	1.2
% Male	44.2
% Female	55.8
% Free or Reduced Lunch	67.6
% Limited English Proficient	11.9
% FT Special Education	6.7

Table 2b. Indicators of Success: Progress High School

INDICATORS	PERCENT OF STUDENTS
% 4-Year Graduation	65.5
% Dropped Out	5.8
% 7-Year Graduation	84.2
Average Daily Attendance	80.0
% Student Stability	80.0
% Planning 4-Year College	48.0
% Planning 2-Year College	24.0
# Violent Incidents Per 100	0.1
# Property Crime Incidents Per 100	0.2
# Other Crime Incidents Per 100	0.8
# Non-Criminal Police Incidents Per 100	1.0
# Suspensions Per 100	4.2

At Progress High School in Brooklyn, a holistic approach to student discipline begins with relationships. For a school with more than 1,000 students, Progress is a surprisingly close-knit community, allowing teachers, administrators, and students to work together to address potential safety and discipline problems *before* they occur. From student-teacher retreats and a staff that is personally dedicated to meeting students' needs to monthly "best practices" security meetings and a school-employed security staff, the school's leaders understand that strong personal relationships are an important foundation for student success.

"Our school is a safe place because our students feel safe," Assistant Principal for Organization Victor Rodriguez said. "We'll have a fight break out like any other school, but for the most part the students and staff feel safe. Because we establish a good relationship with the students, the students then establish a good relationship with the administrators and the educators."[32]

STRONG AND SUPPORTIVE LEADERSHIP

Principal William C. Jusino sets the stage for the school's nurturing environment by cultivating relationships with each student and teacher. He is known for his open-door policy and willingness to make time for each of his students and teachers.[33] His focus on developing relationships and respecting all members of the community trickles down to the school's administration, teachers, SSAs and students.

"I like to interact with the students," Rodriguez said. "I'm the first one they see in the morning, me and the security agent, and we greet them every morning, a friendly welcome. ... One of the best times of the day is when I'm downstairs in the cafeteria with the students because I get to interact with them, I get to see what's going on, I get to listen to them talk and I get to know what's going on in the neighborhood, in the hallways, in the classrooms."[34]

POSITIVE ALTERNATIVES TO EXCESSIVE DISCIPLINE

Progress does not use a zero tolerance approach to disciplinary problems. "In the last couple of years there has been a real interest in looking at the [discipline] policies and making sure that they're fair and making sure that the students, especially kids that have emotional problems—that they're getting the right support," special education teacher Emily Zaeske said. "[It's] about finding better ways to deal with kids who present a continual discipline problem and resolving it in a more positive way."[35]

Conflict resolution (also known as peer mediation) is used to handle discipline problems such as verbal sparring, tension between students, property disputes, hurt feelings and general misunderstandings. It relies on a dispute-resolution tool that focuses on providing opportunities for all sides of a dispute, victims and offenders alike, to become involved in defining the harm caused by an act and in devising remedies. When students are referred to conflict resolution, a group of peers known as "judges," led by a teacher who was not a witness to the conflict, help them work through the incident to a place of agreement. Mediation principles allow the students involved to tell their sides of the story while establishing common ground.[36]

The student judges are trained in a conflict-resolution class, and mediations are supervised by their conflict-resolution teacher.[37] Students receive credits for enrolling in the class, making them more likely to commit time and energy to the conflict-resolution program than if they were volunteers. Training students in conflict-resolution principles allows them to contribute a unique skill to their school, communities and homes.

Progress uses conflict resolution both to prevent fights and to restore order after a fight.[38] In both instances, the program helps students explore the motivations behind their anger and develop strategies when faced with similar situations in the future.

A STUDENT VOICE IN SCHOOL RULES

At Progress, students are involved in the development and revision of the code of conduct.[39] An annual revision process allows the school to change or eliminate rules that are not working, improve on and learn from those that are, and add new items as needed. This system does away with outdated or irrelevant policies and actively engages students in improving their school environment. The school community works on the revisions each summer with the goal of ensuring fairness for all parties.

The first step in revising the code of conduct is community involvement. Suggestions are gathered from student government and leadership programs and from teacher and student retreats.[40] In addition, administrators and teachers gather information through informal interactions with students and parents.[41]

The second step is ensuring that the revisions are fair, uniform, understandable, sensible and flexible. Flexibility allows teachers and administrators to take a holistic view of discipline and work with students to correct behavior problems. Assistant Principal for Guidance Jorge Arias saids, "Like everything in life, you have to look at the individual. ... It's not a black-and-white type thing; sometimes there's a little shade of gray, and we have to look at the individual and see, make sure we're being fair in all senses of the word."[42]

Principal Jusino ensures that students involved with the school's leadership program play an important role in determining school rules and discipline processes that are outside the direct

purview of the DOE, such as general classroom decorum and lunchtime behavior.[42]

Teacher Zaeske explained that students and teachers often work together to determine what demeanor is acceptable in a particular class, depending on the makeup and style of the class. For instance, students might decide that a conversational environment, inappropriate for a math class, is acceptable in a class with a creative component, such as art.

In addition to the annual revision of the code of conduct, there are monthly policy and practices discussions. At these meetings the entire Progress community, including students and parents, is invited to "review, discuss, revise and initiate school policy and procedures."[44] Topics discussed include upcoming holiday celebrations, Regent's exam tutoring, schoolwide curricula development and day-to-day campus operations.[45]

COMMUNICATION AND CLEAR LINES OF AUTHORITY BETWEEN SSAS AND EDUCATORS

Part of the school's success can be attributed to the establishment of clear lines of authority between administrators and SSAs. Principal Jusino allows administrators and teachers to intervene in interactions between students and SSAs, especially if the situation seems dangerous or disrespectful to the student or the agent. Teachers and administrators are encouraged to use their discretion in diffusing hostile interactions between SSAs and students and encourage respectful and open communication. "The goal is always to diffuse the situation," Jusino said.[46]

In addition, the administration reviews interactions between SSAs and students, particularly hostile interactions and those that involve teachers.[47] This review allows the administration to spot patterns of unrest, such as particular areas on campus where there is more conflict or specific personnel who behave aggressively.

If an SSA is perceived as overly aggressive, disrespectful to students or disruptive to the community, Principal Jusino or the assistant principal for security will ask the NYPD SSA supervisor to address the matter. This allows the principal to maintain a nurturing, respectful environment, while avoiding a power struggle between the administration and the agent. In addition, Assistant Principal Rodriguez said he has the authority to recommend the removal of an SSA who is not interacting well with the community.[48]

Progress also hires its own security staff, known as security aides, to give administrators an extra level of oversight on safety issues and to ensure that school rules are enforced by school employees and not SSAs. The aides are trained to work with the SSAs but answer only to the administration (the assistant principal of security directly oversees them).

The aides use radios, like SSAs and administrators, and spend most of their time in the hallways interacting with students. Their primary responsibility is to ensure students travel between classes in a safe and orderly manner. Because the aides are school employees and not NYPD personnel, cutting class is treated as a discipline issue at Progress, not a potential criminal violation.

Once a month, the administration holds a meeting with SSAs, school-employed security aides, United Federation of Teachers representatives, members of PROGRESS, Inc., (see next section) and other community-based organizations, and NYPD personnel to make sure all aspects of school safety are running smoothly.[49] The main thrust of the meeting is to agree on a set of best practices—a constantly evolving collection of policies that contributes to the school's safe and peaceful atmosphere. Any of the participants can express concerns or share suggestions for safety and discipline at the school.[50]

In addition, the administration reviews safety and discipline data on a weekly basis with a safety committee composed of key school safety personnel, teachers, and administrators. The committee examines the overall picture of safety at the school, as well as any particular incidents that need to be addressed.[51]

Jusino said the most effective SSAs have a long relationship with the school.[52] When SSAs know students by name and spend enough time at the school to learn the students' schedules and personalities, there are fewer negative interactions and misunderstandings. As one student said, "The [SSAs] we have now know what time you finish, they know what type of students you are. They don't give you too much problems. When you bring in new [agents], they harass you more. ... they don't know you."[53]

Teachers and administrators at Progress assume roles that some schools reserve for school safety personnel. For instance, between class periods, Assistant Principal Rodriguez says, "every teacher" comes out into the hallway, along with support staff, school aids and guidance counselors to help ensure that students move between classes peacefully and arrive on time.[54] The presence of other school employees and pedagogical personnel may reduce tension between SSAs and students.

SUPPORT SERVICES FOR STUDENTS' NONACADEMIC NEEDS

Progress also draws on the expertise and resources of PROGRESS, Inc., the community-based organization that founded the school and is responsible for helping to secure much-needed resources and support. PROGRESS, Inc., provides a focused mission and goal for the school, as well as its basic educational philosophy: the belief that youth are the community's most important resource.[55]

To that end, employees of PROGRESS, Inc., are involved in everything from curriculum development to empowering students through leadership programs to connecting them with mentors, community service opportunities (community service is a key component of the Progress High School curriculum), and internships with local businesses and government agencies.[56]

PROGRESS, Inc., also provides tangible support to the high school in the form of laptop computers and software, SAT and academic tutoring, and a range of counseling services. The student support services that PROGRESS, Inc., offers include family and group therapy, peer tutoring, weekend home visits by paraprofessionals, and a monthly parent discussion group.[57]

EMPOWERED PEDAGOGICAL STAFF AND CLOSE TEACHER-STUDENT RELATIONSHIPS

The teachers we interviewed said information sharing, co-teaching arrangements and a schoolwide emphasis on meaningful professional development better gives them confidence in the classroom and helps them address their students' needs.[58]

Principal Jusino's leadership has helped the school develop and retain a strong, confident and creative teaching staff. The teachers described Principal Jusino as a good listener who is interested in their experiences, ideas and input. They said he goes out of his way to meet their needs.[59]

The teachers had three retreats in 2008, including one where student leaders were invited to brainstorm about safety and the school's learning environment.[60] The teacher-only retreats focused on professional development.

The retreat with students was a unique experiment that strengthened the bond between students and teachers. Held at a lakeside resort over a weekend, it featured planning and goal-setting, and allowed students to express the student body's concerns in a trusting environment.[61]

Every teacher we interviewed noted that students who misbehave are often dealing with serious personal, social or family issues or general adolescent development challenges.[62] They explained the importance of simply taking the time to listen, asking questions about students' school and home lives, and interacting with the community where most of the students live. One of the teachers said that living in the same neighborhood as her students allowed her to better understand their daily lives and challenges. Progress teachers freely share information across grade levels and departments, allowing them to form a more complete picture of who their students are outside the classroom.

Knowing their students equips teachers to intervene before situations get out of hand, avoiding disruptive incidents, student violence and defiance, and the need for aggressive discipline. It permits teachers to refer their troubled students to the conflict-resolution program instead of issuing a suspension.

"I think that most of the people here know their kids well so that you can tell when something's going to happen," said Zaeske. "All of the stuff that happens is usually based on small things, so you can usually get that solved with just a little bit of mediation."

URBAN ASSEMBLY SCHOOL FOR CAREERS IN SPORTS (BRONX)

Table 3a. Demographics: Urban Assembly for Careers in Sports

STUDENT CHARACTERISTICS	PERCENT OF STUDENTS
% White	1.2
% Black	31.7
% Latino	66.1
% Asian	0.6
% Male	69.9
% Female	30.1
% Free or Reduced Lunch	80.4
% Limited English Proficient	1.6
% FT Special Education	0.3

Table 3b. Indicators of Success: Urban Assembly for Careers in Sports

INDICATORS	PERCENT OF STUDENTS
% 4-Year Graduation	86.8
% Dropped Out	3.9
% 7-Year Graduation	N/A
Average Daily Attendance	87.0
% Student Stability	87.0
% Planning 4-Year College	16.0
% Planning 2-Year College	4.0
# Violent Incidents Per 100	0.0
# Property Crime Incidents Per 100	0.1
# Other Crime Incidents Per 100	0.5
# Non-Criminal Police Incidents Per 100	2.2
# Suspensions Per 100	3.9

The Urban Assembly School for Careers in Sports is located in the South Bronx, a neighborhood with a high crime rate. Alixon Delgado, a student at the high school, calls it the "safest place" he's ever been. "When I say I go to [the] South Bronx Campus, [people] tell me, 'Oh, it's probably bad, it's project central around there.' But actually, it's very good," Delgado said. "In the school, I've never been robbed, threatened, jumped, anything like that. I don't think there are any gangs, and if there are, I don't know about them."[63]

Careers in Sports, a high school of about 325 students, was established in 2002 with two other small high schools in a building that once housed the dysfunctional and unsafe South Bronx High School. By all academic measurements its students are thriving, and its rate of criminal incidents is close to zero. It accomplishes this without metal detectors, zero tolerance policies or other punitive disciplinary measures.

STRONG AND SUPPORTIVE LEADERSHIP

Felice Lepore, the school's principal since 2003, has based school security on trust, communication and a disciplinary policy widely perceived as fair and legitimate. His school has no metal detectors, and discipline is handled almost entirely by educators—teachers, principals and school aides. The few SSAs assigned to the building mainly function as greeters at the entrance.

Although the student body is almost identical demographically to the city's Impact schools and other metal detector schools, Careers in Sports is no hybrid schoolhouse and juvenile hall. Instead, this school trains its students in self-discipline and mutual respect, creating a calm and orderly environment. Explained Lepore:

> *One thing I'm proud of is that the campus doesn't have metal detectors. We're one of the few high schools in the Bronx that can actually make that claim.*
>
> *I think metal detectors bring a false sense of security. ... If somebody wants to get something inside a building, they're going to do it. You're not going to be able to have complete protection. And then, what kind of a message are you sending kids to have to go through that process to get inside of the school? Speaking to colleagues from other schools, you create tension right from the beginning. There's animosity between adults and the students, SSA agents and the students. When you're having inclement weather, imagine kids having to wait outside for an hour at a time to get inside of the school building. It demoralizes the school, which ultimately leads to higher and higher dropout rates and lower and lower graduation rates.*[64]

Principal Lepore's opinion is supported by statistics: Careers in Sports had a four-year graduation rate of 82.7 percent in 2007, while schools with permanent metal detectors graduated only 54.5 percent of students in 2006.

A STUDENT VOICE IN SCHOOL RULES

Students have a meaningful voice at Careers in Sports. Principal Lepore frequently meets with members of the student government. T is regular, formalized communication between students and staff. Each grade has a town hall meeting once a week with a team of teachers, aides and administrators.[65]

Recently, the students' successfully advocated for a liberalization of the school's dress code.

"We had certain policies in place when it came to dress codes in the past that were very antagonistic, and the kids felt as if their voices weren't heard," said Lepore, a U.S. Navy veteran. "Many of them would cut the detention [which followed a dress code violation], so it led to suspensions and we realized this wasn't going to work. So we were willing to make changes at that time and we'll continue to make changes that create an environment that works for everybody."[66]

This willingness to compromise and respond to student demands legitimizes the educators' authority. It gives students a sense of ownership over the school rules, providing them an incentive to obey them. "I feel like students within the school have a right and a say in the safety and the attitude and the conduct in which everything happens at the school," student Krystal Rodriguez said.[67]

POSITIVE ALTERNATIVES TO EXCESSIVE DISCIPLINE

Students appreciate that Careers in Sports is one of the few Bronx high schools without metal detectors.

"Students are more relaxed here," said Rodriguez. "They don't have to rush into school and know they have to get searched every single day. It's more of a comfort zone. You're in school. It's a place you can rely on. You know you're safe, and you feel safe when you walk into the building and have people trust you."[68]

Careers in Sports founds its disciplinary policy on detention, an effective, time-honored tool to maintain order and punish classroom misbehavior and other minor transgressions. Another disciplinary tool is the homework center. Parent Debra Burns explains: "If you don't do your homework at home, you are mandated to go to the homework center. You have to get that homework done. To me, that's discipline. I love it."[69]

Whenever more serious trouble is brewing betweens students,

or between a student and a staff member, the school's educators preemptively defuse the situation before punches are thrown by getting the student to talk through his or her conflict, usually with a school aide, and usually before any punches are thrown or a suspension handed down.

Student Krystal Rodriguez said this preventive approach entails a team effort. "The aides, the principal, the safety agents, they're all helpful when they see a situation of a student who doesn't like another student," she said. "They sit them down one-on-one. They talk to them. They try to solve it. When they know there's going to be a confrontation, they're always on the look-out."[70]

School aides can anticipate potential trouble because the students trust them and communicate with them. Administrator Johanny Garcia said, "The students have that constant interaction with the aides in the cafeteria, in the gym, in the hallways."[71]

Faculty and students praise the nine aides that work at the South Bronx Campus. "Parents love them. Students love them," teacher Sharon Aiuvalsit said. "They're not looked at as teachers. They're looked at as more as ... well, there's that kind of playful respect between them."[72]

"We really depend on them to mediate between problems as well, when a kid is really riled up either because of another kid or because of a teacher," she said. "They're often the first people to talk to them, and they're really good at that."[73]

COMMUNICATION AND CLEAR LINES OF AUTHORITY BETWEEN SSAS AND EDUCATORS

The communication network in place at Careers in Sports is the main component of its security policy. Constant streams of communication keep everyone in the school—students, principals, school aides, teachers, SSAs—on the same page.

"You have to be cognizant of the fact that anybody at any given time—students, staff, visitors—could bring anything inside this school," said Principal Lepore. "You become dependent on folks being able to communicate so that you're able to provide a safe environment."

The security team meets monthly. Students regularly meet with educators and have come to feel they have a meaningful voice in how the school operates. The educators—teachers, school aides, principals and administrators—meet on a weekly basis. Administrator Johanny Garcia sees these meetings as a forum for sharing ideas and working out solutions together. "We want to show the staff that we're open to ideas and suggestions, and we want them to be proactive and bring any type of idea to the table," he said. "If we, as a group, feel that it's something that's going to be beneficial to the school, and to the kids in particular, we're going to take that idea and run with it."[74]

Educators are chiefly responsible for discipline at Careers in Sports, not NYPD personnel, who function as a last resort. Beyond that, the educators rarely require their assistance. "I don't have any SSAs patrolling my hallways," Lepore said. "I trust my school aides for that. I know my aides can do the job. And that's not putting the SSAs down."[75]

If there is a classroom disruption, teachers call on the school aides for assistance. They might even have a student notify the aides, which makes the students feel involved in maintaining safety and discipline. SSAs are seldom called upon. "My school aides are, in my eyes, no different from the SSA agents or the cops," Lepore said. "As a matter of fact, they're the first line of defense, and I would say 90 percent of all incidents stop at that point. They're able to handle them. If not, we have a dean that works for the campus. If it has to go higher than the dean, then you may need to involve the SSA agents, and there are incidents that ultimately the police may have to get involved in; but in the six years I've been here, you can count those on one hand."[76]

Whereas educators at other schools have struggled to assert control over the police personnel in their buildings, Lepore believes he has "100 percent authority" over his SSAs. Lepore prefers his approach to the punitive model in use at other schools:

> *For the most part, the adults check their ego at the door. You don't have people who are on a power trip here; and, again, when you communicate, and that's ongoing, as an entire team, then if incidents occur and you don't see eye to eye, you have some good will to fall back on. Some people may say that you're not so lucky because you don't have those aggressive agents, you need those aggressive SSAs. No, I don't think I want those types of aggressive agents. I know what some of my colleagues go through. I've read some of the articles in terms of principal arrest. I wouldn't know what to do if I were in an environment where others became the authority.*[77]

HUMANITIES PREPARATORY ACADEMY (MANHATTAN)

Table 4a. Demographics: Humanities Prep

STUDENT CHARACTERISTICS	PERCENT OF STUDENTS
% White	10.5
% Black	36.8
% Latino	46.8
% Asian	5.8
% Male	49.1
% Female	50.9
% Free or Reduced Lunch	N/A
% Limited English Proficient	2.3
% FT Special Education	2.4

Table 4b. Indicators of Success: Humanities Prep

INDICATORS	PERCENT OF STUDENTS
% 4-Year Graduation	64.8
% Dropped Out	5.6
% 7-Year Graduation	92.6
Average Daily Attendance	81.0
% Student Stability	81.0
% Planning 4-Year College	63.0
% Planning 2-Year College	31.0
# Violent Incidents Per 100	0.2
# Property Crime Incidents Per 100	0.2
# Other Crime Incidents Per 100	0.7
# Non-Criminal Police Incidents Per 100	1.4
# Suspensions Per 100	10.1

Educators at Humanities Prep credit its success to a familiar principle: democracy in action. At Prep, student input is encouraged, cultivated and respected through town hall meetings, colloquium-style classes and a fairness committee. "I'm not saying it's perfect and everyone's holding hands and singing," said teacher Maria Hantzopoulos, "but it's an effort to move towards a more humane learning institution."[78]

Seven core values guide decision making at the school: respect for humanity, respect for diversity, respect for the intellect, respect for the truth, commitment to peace, commitment to justice, and commitment to democracy.[79] These values help instill a nurturing, fair and peaceful learning environment at Prep.

Prep is a transfer school, welcoming students who have had behavioral, emotional or learning problems at other schools. The population it serves is representative of some of the city's highest-need populations. Yet its graduation, student retention and college enrollment rates are higher than other schools serving similar populations.

STRONG AND SUPPORTIVE LEADERSHIP

Prep's commitment to democracy is demonstrated in its organizational structure. There are no administrators other than the principal. Decisions are based on the consensus of the teachers—who meet every Wednesday for a two-and-a-half-hour staff meeting—giving them a greater investment in their educational mission, more control over their day-to-day interactions with students and colleagues, and a greater impact on the health of their school environment. "Nothing is ever just handed down to us," said teacher Kate Bush. "[I]t is about hearing everyone's voices."[80]

Teachers at the school often fill leadership roles in place of the administrator. For instance, at the time of our interview, Bush was leading the professional development program at the school.[81] Arriving at a consensus also requires the teachers to make judgment calls and forge compromises, which builds their individual leadership qualities and their ability to be flexible.

The unique governance structure at Prep is due in part to the school's history. In the 1990s, a small group of teachers at Bayard Rustin High School began working on a half-day program for students that used the core values as a basis for building a more humane and sympathetic learning environment.[82] As more students joined the half-day program, the teachers got the green light from Bayard Rustin's principal to write a prospectus for a school that would become Humanities Prep. While the principal was and still is an important leadership figure at Prep, it is the core values that provide the school with its integrity and direction.

Educators at the school are expected to use the core values in all aspects of their work, including during class time, in interactions with students, and in their approach to school safety and discipline. The values are enforced through the fairness committee and also as a community norm: teachers told us their students actively keep each other mindful of the core values by expressing when they feel a peer is out of line.[83]

By structuring the school around a strong but flexible governing document instead of an individual or a title, Prep's founders ensured that its approach to educating and nurturing students would survive personnel changes, trends in education and the personality dynamics of any one leader.

A STUDENT VOICE IN SCHOOL RULES

Humanities Prep strives to not overwhelm students with insignificant or "nitpicky" rules, but to focus on building a positive learning community while strongly emphasizing a few major prohibitions, such as those against drugs, alcohol, weapons, fighting and leaving campus without permission.[84] The school does not have a rule prohibiting hats or other headwear, students are permitted to chew gum as long as they are neat and considerate about it, and students can even listen to music in some classes.[85]

Prep students say they understand that serious infractions result in serious consequences; students can be suspended or expelled for fighting, which, in addition to being dangerous and disruptive, is a violation of Prep's core values. Nevertheless, even in situations like fighting—which Hantzopoulos described as "non-negotiable"—Prep teachers are committed to examining all the aspects of an incident. They are hesitant to resort to drastic punishments that can have a serious and lasting effect on a student's success, Hantzopoulos said. "We really try to understand what's going on with the kids and so it's very different than the other schools where [discipline is] just automatic. [At Prep,] it depends on the circumstances."

POSITIVE ALTERNATIVES TO EXCESSIVE DISCIPLINE

At Prep, minor offenses or disagreements between students and teachers are handled through a conflict-resolution process known as the fairness committee. If any member of the Humanities Prep community feels that another member is violating one of the core values, they can take that person to fairness committee to try to work out their differences. At fairness committee, two students and a teacher serve as investigators and jury. Students can take both students and teachers to the committee. For instance, if a student feels that a teacher's classroom policies do not reflect the core values, he or she has recourse by taking that teacher to the fairness committee.

"It could be a kid showing up to class late consistently and I've had conversations with her and it's not working so I may take her to fairness because I feel like she's violating 'respect for the intellect,'" Hantzopoulos said. "Or she could take me because she doesn't understand my grading policy and maybe she's tried to talk to me and I haven't given her a full explanation."[86]

Fairness committee gives students a sense of ownership over school rules, a safety net when they feel that something negative has happened to them, an outlet for frustrations and emotional turmoil, and the power to renegotiate daily interactions that could lead to conflict if they go unnoticed. "It's a way to have a deeper conversation before things escalate into something else," Hantzopoulos said.[87]

For more serious incidents—such as fights—Prep relies on a mediation process. Mediation involves the two participants and one teacher or social worker, who acts as the mediator, in a confidential environment.[88] The goal of mediation is to diffuse a disagreement or fight by finding common ground, while the goal of fairness committee is to "unearth" what happened, allowing everyone to tell his or her side of the story.[89] Hantzopoulos explained that the difference between the two is nuanced, and teachers use their discretion when deciding which is more appropriate for a situation. Having both systems allows teachers to recommend the most positive and impactful form of conflict resolution.

EMPOWERED PEDAGOGICAL STAFF AND CLOSE TEACHER-STUDENT RELATIONSHIPS

Democracy and community are some of the most valued principles at Prep. To that end, the school makes a unique effort to unite its students, to eliminate cliques and competition between students, and to encourage students to take an active role in their own education.[90] For example, Prep holds periodic town hall meetings where students are encouraged to discuss their thoughts on different timely topics. Teacher Hantzopoulos emphasized that the town hall meetings are not assemblies, but "lively" and sometimes "chaotic" discussions where students are given freedom to express themselves on topics chosen by a different advisory group each week.[91]

Past town hall topics have included environmental racism, the war in Iraq, drug policy, and police in schools. Sometimes the meetings will be dedicated to theater or dance performances or art exhibitions.[92] A recent town hall invited students to talk about how they felt when roving metal detectors were installed in their building.[93]

There are also smaller versions of town hall meetings, called quads, made up of three or four advisory classes, which give students another opportunity to speak their minds. Students may attend quads and/or town hall meetings several times a month, strengthening their sense of community, appreciation of democratic values, respect for intellectual debate and expression, and self esteem.[94]

At the beginning of every school year, all Prep students participate in a several-day-long orientation known as the cliquebuster. The orientation includes ice breakers and a town hall meeting. After the orientation, students break into smaller groups for an event called the intensive, which features workshops and projects based on a common theme. The intensive involves group work, guest speakers, panel discussions and field research. It fosters a team spirit within the school.[95]

The emphasis on fairness and democratic values is carried over to all aspects of the school. For example, students call teachers by their first names, creating a greater sense of trust, familiarity and community. Students say that being able to address their teachers on a first-name basis makes them feel more mature, more respected and relaxed, and enhances their sense of place at the school.[96]

JULIA RICHMAN EDUCATION COMPLEX: URBAN ACADEMY AND VANGUARD HIGH SCHOOL (MANHATTAN)

Table 5a. Demographics: Vanguard

STUDENT CHARACTERISTICS	PERCENT OF STUDENTS
% White	8.4
% Black	33.0
% Latino	54.2
% Asian	1.6
% Male	53.0
% Female	47.0
% Free or Reduced Lunch	77.5
% Limited English Proficient	5.8
% FT Special Education	3.0

Table 5b. Indicators of Success: Vanguard

INDICATORS	PERCENT OF STUDENTS
% 4-Year Graduation	67.7
% Dropped Out	6.5
% 7-Year Graduation	76.5
Average Daily Attendance	81.0
% Student Stability	81.0
% Planning 4-Year College	78.0
% Planning 2-Year College	20.0
# Violent Incidents Per 100	0.0
# Property Crime Incidents Per 100	0.1
# Other Crime Incidents Per 100	0.3
# Non-Criminal Police Incidents Per 100	0.1
# Suspensions Per 100	0.3

Table 6a. Demographics: Urban Academy

STUDENT CHARACTERISTICS	PERCENT OF STUDENTS
% White	34.4
% Black	37.4
% Latino	24.4
% Asian	3.8
% Male	40.7
% Female	59.3
% Free or Reduced Lunch	33.6
% Limited English Proficient	1.5
% FT Special Education	N/A

Table 6b. Indicators of Success: Urban Academy

INDICATORS	PERCENT OF STUDENTS
% 4-Year Graduation	37.0
% Dropped Out	0
% 7-Year Graduation	90.9
Average Daily Attendance	94.0
% Student Stability	94.0
% Planning 4-Year College	80.0
% Planning 2-Year College	5.0
# Violent Incidents Per 100	0.0
# Property Crime Incidents Per 100	0.1
# Other Crime Incidents Per 100	0.3
# Non-Criminal Police Incidents Per 100	0.1
# Suspensions Per 100	0.8

Julia Richman was the first female district superintendent of New York City schools. She spent 40 years advocating for the welfare of marginalized youth.[97] Today, the Julia Richman Education Complex continues the work of educating some of the city's most vulnerable students in a progressive and nurturing atmosphere.

Julia Richman High School had its share of challenges. The massive, five-story building was once a self-contained school of more than 2,000 students. During the fiscal crisis of the mid-1970s, Julia Richman, like many high schools in New York City, suffered major budget cuts. Overcrowded and under-funded, the institution began to decline by the late 1980s. Violence rose and student morale plummeted. By 1993, the graduation rate was the lowest in Manhattan, and the school was facing closure. School board officials knew a dramatic restructuring needed to take place if the high school was to survive. The board sought help from the Coalition of Essential Schools (CES), a network of advocates and educators dedicated to creating and sustaining unique, equitable and intellectually challenging schools.[98]

In 1995, CES opened the doors of the Julia Richman Education Complex (JREC).[99] Re-imagined as six smaller schools, JREC became the first large school in New York City to adopt the small-school model. Serving the same population it always has, JREC is now an academically rigorous, multiage, collaborative learning community, a place where students and staff say they feel at home.

JREC currently comprises four high schools: Vanguard, Urban Academy, Manhattan International and Talent Unlimited, a performing arts school. There is also a middle school for children with autism and a pre-K—8 elementary school. Although each possesses strong ties with the campus community, JREC schools operate autonomously, with separate budgets, staff and curricula. Perhaps most importantly, each school has its own distinct culture. For this report, we highlight Vanguard High School and Urban Academy, focusing on their successes as part of the JREC community.

Urban Academy opened in 1985 as a half-day program for less than three dozen students. The program went through several transformations before Herb Mack, the founding principal of the school and one of the founders of JREC, moved Urban Academy into the Julia Richman building in 1995. Unique in many ways, Urban Academy is a transfer alternative school that accepts students who have been unsuccessful at their previous schools. Many of its 140 students are overage for their grade and/or behind in credits.[100]

Vanguard High School opened in 1993 as a school intended for the Julia Richman building, though it was hot-housed in an off-site location for two years before moving into the complex. This incubation period allowed the school to develop its own unique culture and model for success. Starting with a student population of 80, Vanguard has now grown to more than 300 students.

STRONG AND SUPPORTIVE LEADERSHIP

The co-directors of Urban Academy, Herb Mack and Ann Cook, and Vanguard Principal Louis Delgado take different approaches to school leadership, but all three emphasize student responsibility, respect for all and effective communication. Though distinctive, their approaches are complementary and contribute to the culture of responsibility and self-awareness at JREC.

From an early morning talk with a student to facilitating JREC's building council meetings, Mack says small moments and budding issues deserve his attention as much as the big picture.[101] But even with day-to-day management challenges, Mack says students can always command his undivided attention. A former social worker and skillful listener, he has both the ability to engage students and the desire to do so. Students know Mack is accessible and that they are his top priority. One recent grad told Cook that if he and the superintendent were both waiting at Mack's office, Mack would speak to the student first.[102]

Mack's administrative style reflects the principles upon which Urban Academy was founded: an empowered student voice and participatory learning. Mack emphasizes the importance of giving students a role in the school's decision-making process. He encourages teachers and staff to listen to students and to incorporate their ideas and concerns into the discipline code. Not only does this help to establish an environment of trust and respect, but it is also an educational tool. "These are the future decision-makers," Mack said. "If they can't defend their own opinions, then what is the point of education?"[103]

Inverse to Mack's on-the-ground role as an administrator, Cook often works outside of the school. She advocates at the city level for the school's welfare and stability and its continued permission from the New York State Board of Regents to experiment with alternative practices and policies. She stresses the importance of administrators who have teaching experience. Both Mack and Cook were teachers prior to their role as directors. Cook believes that if administrators understand what their teachers have to contend with on a daily basis, they can facilitate discussions based on knowledge and experience.[104]

Cook is also a coordinator of the New York Performance Standards Consortium, a growing network of 31 schools—including Urban Academy and Vanguard (as is Humanities Prep, also profiled in this report). Consortium schools allow students to utilize a performance-based system of assessment to receive credit, instead of taking Regents exams. At least one study has suggested that Consortium schools are better at preparing stu-

dents for college than schools with Regents testing, and they boast lower dropout rates.[105] Because the students are more involved with the learning process at a Consortium school, they are less likely to become frustrated and disengaged from the curriculum and more likely to feel at home at their school.[106] Cook has worked to incorporate statewide initiatives that have the support of the New York State Board of Regents, and her efforts have paid off with a recent five-year extension of the Consortium schools initiative.

The work of juniors and seniors at Urban Academy is assessed by their demonstration of college-level skills in social science research, literary analysis, application of mathematical skills and the scientific method, creative arts and art criticism. "The way some people identify success is through test scores," Cook said. "But there are far more effective ways to assess what students know and can do. Assessments should reflect the curriculum—not be imposed on it as are standardized tests. A complex, rich and challenging curriculum requires multidimensional assessments."[107]

Delgado is also engaged and relaxed, partially because he has had experience playing a number of different roles in the school setting. Like Cook and Mack, Delgado was a teacher before he became an administrator. Before that, Delgado started his career as an SSA. He had such a rapport with the students that the principal asked him to spend time in the classroom as a paraprofessional. From there, he moved on to a teaching position in Lower Manhattan. He became principal of Vanguard High School at its inception in 1993.[108] Because he is familiar with the functions of school employees at every level, he is free of the need to micromanage but still recognizes when something needs adjustment. His strong relationship with his teachers and SSAs is due in large part to his experience working as both a teacher and an SSA.

Delgado said his personal philosophy is based on respect, and others in the school community say respect is a distinct trait of life at Vanguard. Teacher Carol Saft, who considers Delgado a mentor, believes that "once young people know that you respect them, you also gain trust; and once you have trust, you have [the] possibility for very good communication."[109]

A STUDENT VOICE IN SCHOOL RULES

While most New York City high schools create a list of rules for their students and use a combination of threatened punishment and loss of incentives to enforce them, Urban Academy has established a different approach. It has just one fundamental rule: No personal attacks. That includes no fighting. "That's basically like we can't hurt other peoples' feelings intentionally—we can disagree as much as we want, but we can't make them feel bad," explained student Mio Cook.[110]

Teachers, students and administrators describe this maxim as not really a rule, but a social responsibility that the community takes to heart. Mack explained that the development of a workable one-rule system took time and dedication: "We set up a tradition. Now, it didn't happen overnight. ... If you're working to develop a culture, you just have to be patient."[111]

Urban Academy teacher Caitlin Schlapp-Gillgoff incorporates the "no personal attacks" rule into classroom debate and decorum, stressing the importance of consistency. "It's not just about what you say, it's about your facial expressions, it's about your body language," she said. "In the beginning of the school year, teachers take on more of a responsibility for reinforcing that rule and they will stop class discussions and say something as often as it takes to create that culture within the classroom. But over time, often the kids in a class will call each other out on personal attacks even if the teacher doesn't hear it."[112]

Over time, students have taken ownership of this school norm, and have an active role in its enforcement. For instance, student Mio Cook (no relation to Ann Cook) encourages her peers to follow the rule, not because they will be disciplined otherwise, but because it is in the best interest of the community.[113] If students do not respect each other, the community's sense of unity, cohesiveness and strength begins to fall apart.

Ann Cook's philosophy rests on the notion that rules do not matter if students are unhappy in the school environment. "You can have all the rules you want but if kids don't want to be there, then the rule becomes useless," she said. "You have to first create the climate where kids really want to be in a place."[114] Students like Mio Cook believe that Urban Academy has created that climate.

Vanguard High School's approach to rules is a little more traditional, but only a little. At Vanguard, rules are referred to as values. Administration and staff believe that "rules" are not the best guides for their educational environment. Instead, the school's structure begins with exploring and improving interpersonal relationships. Using the Coalition of Essential Schools model of "common principles," the Vanguard community works to integrate values of trust, decency and respect into everyday school activities and relationships. Their core values are similar to those of other CES schools, including Humanities Preparatory Academy, also profiled in this report. The values do not include a dress code, which is all too often the spark ignites a conflict between a teacher and student.

Principal Delgado and JREC's SSAs believe that dress-code violations are less urgent than a student's emotional needs and academic success. "Adolescents are beginning to carve out their space in the world," Delgado said. "How they dress or how they walk or the music they listen to is part of that makeup. ... I think students could learn with a hat on, could get here on time

with a hat on, and could do homework and follow through on their responsibilities with a hat on."[115]

POSITIVE ALTERNATIVES TO EXCESSIVE DISCIPLINE

Instead of relying on a zero tolerance discipline model, Vanguard High School operates on the notion of fairness. Each discipline issue is handled on an individual basis, and there are no mandatory punishments.[116] Often before resorting to punishment, teachers and administrators will meet with a student and his or her parent to discuss the student's behavior and what can be done to help that student improve. Principal Delgado makes it clear that, while Vanguard students must take responsibility for their actions, it is the school's responsibility to address the root causes of conflicts and disruptive behavior.

With guidance from administration and staff at Humanities Prep and CES, Vanguard has adapted mediation and restorative justice techniques such as fairness committee to their own environment.[117] By drawing on the successes of another Successful School, Vanguard capitalizes on experience without investing resources in systems that fail.

Vanguard's fairness committee, like that at Prep, is student-run. As both judge and jury, members of a student leadership team listen to the case of a fellow student who has been accused of violating one of the school's values. After hearing all sides of the story, the committee recommends an outcome that best suits everyone. If the student is found "guilty," the committee determines how to help him or her become a better member of the community.[118] This proactive approach is most effective in a system based on communication and fairness. Teacher Margaret Lum said the fairness committee allows students to have more of a voice in disciplinary issues, teaching them to identify potential problems before they get out of hand.

Though Urban Academy does not have formal conflict-resolution programs, student leadership often steps in to calm conflicts. Student Zoe Magik is a member of the school's student committee where, among other things, disagreements between students are mediated.[119] However, Urban Academy rarely sees conflicts escalate into school safety incidents, perhaps because of the success of the "no personal attacks" rule. The rule encourages students to identify and constructively deal with aggressiveness before acting out. This is a key element in the practice of conflict resolution.[120] Students learn to communicate thoughtfully and without fear. "We can express our thoughts without having to fight to express our thoughts," said Mio Cook.[121]

Moreover, there are no "hallway sweeps" at Urban Academy—the rounding-up of students who are caught outside of class once the late bell has sounded—because the hallways double as a student lounge. Cozy couches and a kaleidoscope of chairs and tables line the halls so that students have a place to wind down. "When students are not in class and they're not assigned to a class, they're allowed to be in the hallways," parent Danielle Gonzalez explained. The student lounge concept invites students to feel comfortable at school, to reinforce the feeling that they belong, rather than "sweeping" them out of hallways as if they were trespassing.

Like Vanguard, Urban Academy has no rules against hats, and eating is allowed almost anywhere except computer classes.[122] Students at Urban Academy are given a level of autonomy unusual in New York City schools. However, this freedom is not awarded arbitrarily. The environment of high expectation, personalized attention and trust was built upon a strong foundation of individualized discipline.

COMMUNICATION AND CLEAR LINES OF AUTHORITY BETWEEN SSAS AND EDUCATORS

While Urban Academy and Vanguard High School are distinct in many ways, they share a school safety unit. A team of five SSAs, led by Agent Rebecca Lemon, presides over the building. Teachers, parents and administrators all say they are comfortable with the limited role that SSAs play in their schools. "Our security guards... know everyone in the building," parent Gonzalez said. "My daughter says she feels like a superstar when she comes in because all the security guards greet her; they ask about her day."[123]

The majority of SSA Lemon's time is spent talking to students rather than punishing them. "[Students] come with all kinds of concerns and you just have to stop and listen," she said. "They just want someone to talk to."[124] JREC's SSAs believe that making students feel welcome when entering the building helps establish a culture of safety.

Lemon has been a safety agent for 18 years and a supervising sergeant for the past 10 years. She feels that the success of Urban Academy's and Vanguard's school safety policies can be attributed to school-wide communication. At JREC, principals, teachers, staff and SSAs meet on a weekly basis, so the channels of communication are always open. This also allows the individuals to develop relationships with one another and avoid confrontations over their roles in the school.[125]

But it was not always this way. "Before we got our current supervisor," Mack said, "we had guys who loved to put kids in handcuffs because it's a good statistic. But Rebecca, she's interested in students, in teenagers, and not in creating a career that will let her into the Police Department."[126]

Mack, Cook and Delgado emphasize the importance of good communication in maintaining a cohesive atmosphere in the school community. In order to achieve that sense of unity, these leaders rely on clear communication of roles and expectations,

and open channels for sharing thoughts and voicing concerns. All three make it a point to plan, attend and facilitate regular meetings with teachers, students, staff and parents. As building manager, Mack checks in periodically with SSAs about school safety issues. He also runs Urban Academy's weekly schoolwide meetings.

All three administrators are members of the JREC building council, in which all principals at JREC and their staffs gather to discuss common causes. The building council operates entirely by unanimous consent: no decision is made without the approval of every member of the council. This contributes to campus harmony and ensures the best decisions are made for the entire complex. While the administrators acknowledge occasional dissonance and though obtaining unanimous consent can take a while, "once participants reach a decision, they take ownership of that decision," said Ann Cook. In the long run, all members of the community say they are happier. For nearly 15 years, the system has proved successful.

"What makes this place work is that there is a continual conversation with everyone on the staff," Mack said. "There's not a hierarchy. We listen to people, seeing what the problems are, and contending with the problems we have to deal with."[127]

SUPPORT SERVICES FOR STUDENTS' NONACADEMIC NEEDS

Urban Academy makes a serious effort to understand students' personal struggles and challenges before they become the basis for behavioral problems. A teacher's center located within the JREC building provides professional development for teachers from across the city. The center is always accessible to JREC teachers for professional development and discussion. It provides workshops in hands-on curriculum and inquiry-based teaching and learning. The center helps teachers develop and explore their skills in pedagogy and instruction.[128]

In addition, all schools at JREC take advantage of Mt. Sinai Health Center, and social workers and physicians' assistants conduct workshops for staff. Mental health experts, for instance, educate teachers about the challenges some of their students are facing.[129] Members of Mt. Sinai Adolescent Health are often invited to speak with students about drug prevention, depression and sexual health.[130] They are an important part of the JREC community and are able to answer questions confidentially. They have become such a trusted presence within the building that students feel free to consult with Health Center staff independently.[131]

Vanguard has collaborated with a social work program, Liberty Partnerships, which works within the DOE. Liberty Partnerships provides services in counseling, parental engagement, crisis intervention and academic support.[132] Vanguard has many students with learning challenges, and the school works with Liberty Partnerships to provide supplemental tutoring and to design inclusive curriculum.

Because Urban Academy does not have guidance counselors, the teachers often counsel students. For more serious cases, Urban Academy (with help from a grant) works cooperatively with two clinical physiologists to meet with students and provide licensed support. One psychologist works six hours a week with students in school and another works outside of the building. Students are referred to her by administration or Mt. Sinai staff.[133]

Another important program within the JREC building is First Steps, an infant and toddler daycare center for the children of teen parents.[134] First Steps is part of a citywide initiative known as LYFE, providing developmentally appropriate child care for children from two months to three years of age. Teachers are also able to enroll their children in the program, but there is no charge for JREC students.

EMPOWERED PEDAGOGICAL STAFF AND CLOSE TEACHER-STUDENT RELATIONSHIPS

The power of student voices and self-expression is also a prevalent characteristic at Urban Academy. There is a new-student orientation every fall and winter semester to help incoming students adjust to the school and learn about its alternative structure. School assemblies invite students to make their concerns known to a broader audience. Even in classrooms, teachers engage students in vigorous debates. These opportunities for dialogue build students' confidence in the classroom. "As students, we are so prepared to be in college, to write, to discuss, to just present our ideas," said Mio Cook.[135]

Ann Cook believes that schools must have a strong belief in the intellectual and reasoning capacity of their students. "Kids at Urban are engaged and they're interested—and they have something to say," she said. Students are invited into the decision-making process because adults at Urban Academy respect their opinions and expect great things from them. In turn, students believe in their own ability to make mature and informed decisions.

Urban Academy assigns students to "organizational tutorials," small groups of students led by a teacher that meet three times a week throughout the year.[136] The tutorial allows students to develop a strong relationship with a teacher, who can monitor their work and help them develop good study habits.

Vanguard has a similar system, called advisories. Advisories are small groups that operate similar to homeroom classes. Students report to the same room every day for 40 minutes; and, like the tutorials at Urban Academy, teachers take the role of advisor and discussion leader, providing students with the space to air grievances or discuss issues of conduct. Vanguard's advisories

are also important avenues through which students influence school rules. During advisory sessions, students tackle a school-related issue or problem from different angles and attempt to solve the problem together.[137]

Another avenue enabling Vanguard students to influence decision-making is the Student Leadership Team (SLT). The SLT functions like a student government. Each advisory has one representative who attends weekly SLT meetings. The assistant principal is present, as well as at least one member of the faculty. At SLT meetings, students are able to relay to the administration the discussions they have had during advisories and present recommendations for adjustments to school rules.[138]

Urban Academy teachers also make a concerted effort to incorporate student voices in shaping school norms and policies.[139] Urban Academy has developed a series of projects that cater to the interests of students while keeping disruptive behavior at a minimum. One way of addressing disruptive behavior is to provide an outlet for it. To that end, the school installed a graffiti wall where youth can express themselves constructively and creatively without causing trouble.

SCHOOL CULTURE OF TRUST AND RESPECT

School culture refers to the intangible qualities of school life: the way in which individuals in a school relate to one another, their roles and expectations, their community values and norms, and their approach to school work and school conflict.[140]

The culture at Urban Academy is best described by Danielle Gonzalez, the mother of two young JREC students. "The idea that you can't take a cookie-cutter model and apply it to every kid I think is greatly understood here. ...The staff, the parents, the students, all respect the idea that every opinion, every set of skills, every individual is viable, is important. People need to be heard, people need to be seen. All those things are taken into consideration and encouraged."[141]

Positive relationships between staff members are influential and are reflected in the positive relationships that students from various grade levels and backgrounds have with each other. Principal Mack encourages student interactions and collaborative work to build relationships and solve problems. While there is no formal conflict resolution program, Mack relies on the responsibility students feel for one another to keep the school peaceful.[142]

Part of that sense of shared responsibility comes from being members of a multi-age community.[143] Gonzalez said she was initially concerned about her small children going to school in a building that houses four high schools. But her fears were alleviated when she realized the students took on the responsibility of caring for their younger counterparts. "[O]ne of the things that I noticed was a pre-K student walking down the hallway [with] this huge high school student," said Gonzalez. "They were addressing each other by first name, saying 'What's up.' And it wasn't an aberration; it wasn't just these two students who knew one another. This was the prevailing feeling in the building."[144]

This multiage school setting is another important factor in the social development of young people. "Adolescents look at the world differently when they know there are young children around," Mack said. "It softens their way of interacting with each other."[145]

At Vanguard, school culture relies heavily on the trust that community members build with one another through constant dialogue. "This is our community, this is our safe space," Saft said. "I don't have to talk about theft or danger, because we spend a lot of time trying to create open communication."

Saft also explained the role Vanguard teachers take in their students' lives. "I say to the students, 'I'm here today, and I'm going to be here next year, and I'm going to watch you graduate. ...I'm going to be here and I'm going to clap, and watch you graduate, and I'll be cheering for you'."

At Vanguard the culture revolves around having a concrete understanding of young people and a belief in their potential. Teachers say they have faith that their students are vessels of intellectual growth, constantly learning and evolving as they mature into adults. Teachers and students describe their classroom as having an optimism and confidence often missing from other urban schools.

"The kids come in here happy," Gonzalez said. "The staff seems happy to be here and the security officers seem happy to be a part of the community in this building. You don't get this type of happiness when there's turmoil, when there's mistrust. ... People are happy to work with one another—teachers, students and parents. That becomes the overall feeling or aura in the building. I don't worry about my kids here."[146]

LEHMAN HIGH SCHOOL (BRONX)

Table 7a. Demographics: Lehman

STUDENT CHARACTERISTICS	PERCENT OF STUDENTS
% White	11.8
% Black	23.4
% Latino	58.2
% Asian	6.1
% Male	55.5
% Female	44.5
% Free or Reduced Lunch	75.5
% Limited English Proficient	6.9
% FT Special Education	7.4

Table 7b. Indicators of Success: Lehman

INDICATORS	PERCENT OF STUDENTS
% 4-Year Graduation	58.2
% Dropped Out	16.1
% 7-Year Graduation	78.5
Average Daily Attendance	82.0
% Student Stability	82.0
% Planning 4-Year College	40.0
% Planning 2-Year College	32.0
# Violent Incidents Per 100	0.2
# Property Crime Incidents Per 100	0.0
# Other Crime Incidents Per 100	0.4
# Non-Criminal Police Incidents Per 100	0.8
# Suspensions Per 100	4.1

With more than 4,100 students, Lehman High School is one of the largest high schools in New York City. The major challenge at such a large school—and one that struggles with overcrowding—is to unite the student body and establish a sense of belonging to keep students secure, peaceful and engaged. By this measure, Lehman has been a great success. Unique course offerings and the division of students into close-knit groups known as houses help students develop a sense of identity while connecting them to the larger school community. In addition, conflict-resolution programs, school-employed safety aides, and an array of support services allow this huge school to operate as smoothly as schools a fraction of its size, without resorting to suspensions or metal detectors to keep the peace.

Lehman High School's student body comprises several ethnic and racial groups, including students who are immigrants and students for whom English is a second language. This type of diversity can lead to cliques, disagreements and even violence. But that is rarely the case at Lehman, where teachers, social workers and administrators have largely succeeded in harnessing diversity and drawing on the strengths of a large school to empower students. "We have our own issues, but for the most part, it's just a calm, cool, and collected environment, and it's just like a little family," recalled Francis Eward, Lehman High School graduate. "I may not know everybody; but at the same time, when it's time to rep for your school, we're all for Lehman."[147]

Students do not want to disrupt Lehman's "calm" atmosphere. "For the most part," said one student, "the environment was just so regular, not hectic, and I don't think anybody really wanted to disturb that."[148]

SCHOOL CULTURE OF TRUST AND RESPECT

Part of the way Lehman bridges the cultural gulfs between its students is by allowing them to affiliate with one of 12 houses. Houses are communities of students, each with a name and identity, headed by its own student government consisting of a student president, secretary, treasurer and other officers. Each house is coordinated by a guidance counselor, ensuring each student has access to a trained guidance professional—a rare feat in a large high school.[149]

The Ninth-Grade Academy is a house that helps new students get acclimated to the large school by taking them on campus tours, assisting in the transition from middle to high school and providing daily after-school tutoring. The Ninth-Grade Academy is led by five staff members, three of whom are certified counselors.[150]

Other houses help students feel connected to the school by providing social activities such as pizza parties, fundraisers, award ceremonies and events geared toward a particular subject or interest area.[151] Older students can affiliate with a house based on academic achievement, personal interests or participation in school leadership activities. For instance, the Def Academy is a house open to students who are admitted to the school's honor roll and/or ethics roll.[152] There are also houses dedicated to the performing arts, sports and computer technology.[153] This approach provides the benefits of small-school life to students, while still offering the targeted programs and wide-ranging choices available at a larger campus.

Lehman also contributes to the sense of community by offering many extracurricular activities for students, even in a time when many schools are cutting these programs. For instance, Lehman has basketball and football teams, dances, Senior Week activities and pep rallies.[154] It also provides uncommon electives for students including guitar, aerobics and fishing classes.[155]

POSITIVE ALTERNATIVES TO EXCESSIVE DISCIPLINE

Like many of the other Successful Schools, Lehman has a conflict-resolution program where students who are involved in a fight or altercation are encouraged to seek common ground with the help of a mediator. But with such a large student body, conflict resolution alone is not enough to ensure that every student has a safe and productive school day. To that end, Lehman has adopted policies and programs to offer a larger proportion of students the assistance they need, both personally and academically, to resist negative behaviors. In addition, the administration and faculty at Lehman remain open to alternatives to suspension so that punishment is proportional to the offense committed.

At many schools, discipline problems, such as absenteeism and tardiness, are punished with suspensions. But former Lehman social worker Ebony Wright Campbell says teachers and administrators at Lehman are willing to examine the situation from different vantage points and "make the punishment fit the crime."[156] Part of the Lehman strategy of educating the "whole" student is determining when a student has problems at home or in a relationship that are causing negative behavior at school. Often students are referred to counseling, or even required to attend sessions with a social worker, as an alternative to suspension.[157] For students who are late, the usual first stop is a guidance counselor's office, not a meeting with a dean or SSA.[158]

At Lehman, there are no hallway sweeps. Alumnus Zamira Castro says that if a safety aide found a student in the hallway during class time, the student would not be taken to the principal's office but, instead, escorted to his scheduled class.[159] That way, students who are tardy do not miss more class time.

SUPPORT SERVICES FOR STUDENTS' NONACADEMIC NEEDS

Lehman High School is home to several student support programs, including social, health care and counseling services. Students with access to medical and mental care and counseling services can focus on their studies and may carry less anger and anxiety into school with them.

Lehman has an on-site health center sponsored and run by Montefiore Hospital that provides free health care to students. Staffed by a doctor, a mental health provider, a nurse and a community health organizer, the clinic provides free services to many students who might not otherwise have access to medical care. The clinic offers everything from regular checkups and physicals to sexual health care, weight loss and body-image counseling, flu shots, treatment for asthma, and stress management.[160]

Lehman also offers an in-depth counseling program for students called SPARK. SPARK combines prevention and intervention strategies to assist adolescents with forming healthy relationships, coping with family challenges, developing social skills, exploring sexuality and gender identity, and substance abuse prevention. The program is headed by two social workers, one of whom also runs another program called RAPP—Relationship Abuse Prevention Program. In addition to offering group and individual counseling, SPARK and RAPP employees conduct workshops and train students to be peer leaders.[161]

A STUDENT VOICE IN SCHOOL RULES

The Lehman High School Student Council often discusses school rules and presents the concerns of the student body to administrators. One student we interviewed said the purpose of the Student Council is to "bring forth issues to the table and then try to do something about it."[162] The presidents of the houses are often invited to Student Council meetings, allowing more students to participate in leadership activities and ensuring that a broad range of students' concerns are heard and addressed.[163]

Lehman student leaders also have the opportunity to attend some administration meetings to directly express the concerns and opinions of the student body. In addition, Lehman has an all-student executive board, where 12th grade students are given the opportunity to plan events and activities and contribute to the school's overall governance.[164]

COMMUNICATION AND CLEAR LINES OF AUTHORITY BETWEEN SSAS AND EDUCATORS

One hallmark of Lehman's safety and security policies is that teachers take an active role in managing discipline issues in their classrooms. While the practice at many city schools is for teachers to call on SSAs to deal with disciplinary issues, at Lehman the teachers attempt to work with students before calling security. And when SSAs intercede, the teachers try to stay involved and make a fair assessment of the student's behavior, which will factor into any discipline that follows.[165] The relationship between SSAs and teachers at Lehman is characterized by open lines of communication and mutual respect.[166] Their ability to work together in managing school discipline is vital to Lehman's low suspension rate.

In addition to the SSAs, Lehman is staffed by school-employed safety aides who answer to its administration. This helps give faculty and staff a say in discipline issues and the types of incidents that require the involvement of security.

The SPARK program is also available for in-class training and counseling on topics the teachers and students request. Alumnus Eward said, "If a teacher is getting on your nerves or you're feeling angry or you want to fight, they have people there that you can talk to and communicate with so you won't get in trouble if you're thinking about doing something."[167]

RECOMMENDATIONS V

All of the Successful Schools have created safe and orderly environments while improving academic performance. In all the schools we studied, security and disciplinary policies are based on mutual respect, an expectation of self-discipline and proportional responses to rule breaking. These successful policies have only been possible because of a strictly limited police presence: no metal detectors and only a very minor role for SSAs and other NYPD personnel. Therefore, our primary recommendation is that the DOE reduce its reliance on police personnel and policing tactics such as metal detectors.

We also recommend a small number of programs and practices that have achieved security at the schools surveyed. But these programs will only have a chance to work if there is a high-level commitment to let them. The top priority must be to reestablish the control of educators over all but the most exceptional disciplinary matters.

Cutting back the heavy police presence in city schools is not pushing the system into uncharted waters. This report demonstrates with six real-life examples that high schools can do a better job of educating students and maintaining security without metal detectors and squadrons of police personnel patrolling the hallways. The alternative models we have presented in this report are not merely theoretical. From Brooklyn to the South Bronx, alternative discipline models are working on students who are demographically no different from those in heavily policed Impact schools.

Our research also suggests a strong correlation between the Successful Schools' security methods and the improved academic performance of their students, with higher graduation rates and lower dropout rates. "You'd think the Department of Education would want to know all about us, but they don't," said Principal William Jusino of Progress High School. "But we're one of the best kept secrets in New York."

This report recommends the following to the Department of Education:

Discourage the use of metal detectors and install them only as a last resort, for a limited period of time and following community approval.

The Successful Schools have a key common trait that separates them from other, less successful schools that serve similar populations: no metal detectors. School administrators, parents, students, teachers and staff consistently agreed that the lack of metal detectors did not make their schools less safe; rather, it engendered an atmosphere of trust, respect and dignity that led to greater student retention rates and fewer dropouts. Conversely, many principals, teachers and students at schools with metal detectors will privately say that the scanners are easy to circumvent and that they do not promote real safety—a conviction that is all too often tragically affirmed by violent, weapons-related crimes at schools with metal detectors.[168] The DOE should strongly discourage schools from installing metal detectors.

The qualitative and quantitative data in this report prove that schools can create safe and successful learning environments without relying on metal detectors. The absence of metal detectors reduces flashpoints of confrontation between students and the police—much to the benefit of SSAs. It also reduces the instances in which police personnel are enforcing minor school rules. Students feel more welcome in these schools and are more committed to reporting violations of the code of conduct, including the presence of weapons in the school.

Should a school decide to install metal detectors, it must do so for a limited period of time and only after a careful review of alternative safety mechanisms and a determination that less intrusive means are unavailable to ensure student safety in the face of a credible danger. All members of the school community, including students and parents, must be consulted prior to the installation of metal detectors. And they should only be

installed following a deliberative process that allows for public input, including the approval of the Citywide Council on High Schools or local Community Education Council.

Schools must maintain data that will allow them to make a determination about the metal detectors' impact on the school environment. Schools should keep data on the number of scans conducted each day, the wait-time for each scan, the number of students subjected to a secondary scan, the number of students subjected to a more intrusive body search and the number of altercations that result from a scan, including but not limited to the number of fights and arrests. Schools should also retain demographic information on the students being subjected to metal detector scans and searches, as well as on students who are involved in altercations that originated from a metal detector scan.

Schools with metal detectors must follow an annual evaluation process to determine the impact the instruments have had on the educational environment and to assess if they are still needed. In addition to the data gathered directly from the daily scanning of students, the evaluation must include an analysis of student attendance, retention, dropout rates and loss of class time. Special attention should be given to whether certain student populations have been disproportionately impacted by the metal detectors.

Adopt a school governance structure that restores discipline responsibilities to educators.

While the NYPD and the DOE take the position that SSAs are responsible for enforcing criminal laws and not school discipline, the inconvenient truth is that the vast majority of incidents in which SSAs become involved may be interpreted as both, resulting in grave confusion for SSAs, educators, parents and children alike. When does a shoving match in the hallway constitute a criminal assault? Is a child who shouts or refuses to sit down guilty of disorderly conduct and subject to an arrest? Is refusing to leave school grounds after school considered trespass?

The DOE must adopt a clear governance structure, ideally in the form of a memorandum of understanding (MOU), that outlines the roles and responsibilities of SSAs and DOE personnel, including principals and teachers, in maintaining discipline in the schools. Such an MOU must also address when children shall be subject to arrest, referral to juvenile court or other law enforcement interventions.

A school governance document must make clear that a school's principal has final authority in the school building. An MOU must provide school administrators with decision-making authority over the training, placement and removal of SSAs. School administrators are in the best position to oversee, evaluate and discipline SSAs.

In order to ensure consistent communication and oversight, the MOU must mandate regular communication among all school staff with responsibilities over school safety. SSAs should provide weekly reports to the school principal and school staff and meet with principals on a biweekly basis. Periodic meetings should take place that include students and parents so they can provide feedback on school safety matters.

Finally, the MOU must be clear that police personnel are responsible only for criminal law enforcement, and not school discipline maters. Therefore, minor disciplinary infractions, such as disorderly conduct, trespass, harassment, loitering, profanity, and tardiness should be handled exclusively by school officials. Students should be arrested only as a last resort, and no student should be arrested at school absent an immediate and ongoing physical threat to students or staff. Principals—and to the extent possible parents or guardians—must be consulted prior to the arrest of a student. SSAs should not use handcuffs—not even the purportedly more humane Velcro handcuffs—or other physical restraints on a child absent an immediate and ongoing physical threat to students or staff that rises to the level of a crime.

Place fewer School Safety Agents in city schools.

The responsibilities of SSAs should be limited to enforcing the penal law and not school discipline matters; therefore, the number of police personnel patrolling New York City's schools should be reduced significantly, leading to financial savings and the strengthening of the educational mission of city schools.

The very presence of SSAs in city schools places them in the difficult position of having to become involved in minor disciplinary matters. For example, when a minor fight breaks out in a school without a police presence, it is generally resolved by educators unless the situation rises to the level of a serious violation of the penal law. However, in schools with a permanent police presence, minor fights escalate quickly to involve SSAs and, subsequently, the juvenile justice and criminal justice systems.

There are more than 2,000 additional police personnel patrolling the schools today than there were when school safety was first transferred to the Police Department. Most of this increase occurred under Mayor Bloomberg. Today, the DOE spends an extra $88 million a year to support the additional police force in the schools.

Reducing the number of SSAs in the schools will allow for the hiring of non-police personnel to handle school disciplinary matters in a manner that will not expose children to the juvenile and criminal justice systems. The savings should be redirected to the hiring of guidance counselors, social workers, discipline deans and school aides that are trained in conflict resolution and restorative justice methods to handle disciplinary infractions.

Mandate alternatives to harsh discipline.

Schools throughout the United States and Europe have begun to implement restorative justice alternatives to harsh discipline, with great success in reducing suspension and dropout rates. The DOE should mandate trainings for all school staff in restorative justice practices and subsequently implement restorative justice programs in all city schools.

In 2004, the Youth Justice Board of England and Wales released a report on its use of restorative justice programs in schools to reduce the number of infractions and bullying in schools and to improve student attendance.[169] Twenty-six schools in London and other districts facilitated conferences to resolve incidents involving physical or verbal altercations between students and between students and teachers. According to the report, 92 percent of conferences resulted in an agreement. Two to three months following the conferences, 96 percent of agreements had been upheld. Eighty-nine percent of students were satisfied with the outcomes, and 93 percent reported that the process was "fair" and "justice had been done."[170]

A similar experiment in two Colorado school districts in 2002 found that following 95 percent of the restorative conferences, the offender completed the terms of the agreement. Moreover, 92 percent of participants felt that the restorative process helped to create a safer school, 91 percent indicated that the process helped to hold offenders accountable for their actions and 96 percent felt satisfied with the outcome of the process.[171]

In 2002, a Minneapolis school adopted a restorative justice program for students recovering from chemical addictions. Since implementation, the number of disciplinary problems had dropped, and students reported a greater sense of connectivity to the school community and to one another.[172]

The DOE should mandate trainings on restorative practices, peer mediation, conflict resolution and fairness committees for all staff and mandate implementation of a face-to-face resolution process as a first step when addressing disciplinary problems. Moreover, students should receive credit for taking classes that educate them on restorative practices and for participation in conflict resolution boards. Evidence strongly suggests that such a mandate will decrease the number of incidents in schools, while at the same time improving student attendance and encouraging closer relationships between students, teachers and authority figures such as police personnel.

Encourage student input into school rules.

The DOE should develop protocols for schools to ensure that students are given meaningful opportunities to provide input on school rules.

The DOE produces an annual discipline code that includes a lengthy list of proscribed behavior for students. While it is important to have consistent standards to adjudicate student behavior in all schools operated by the DOE, it is as important for schools to have the flexibility to amend minor rules that are determined to be nonconducive to fostering a nurturing learning environment. Rules on matters such as carrying cell phones or wearing hats have a strong impact on a student's perception of the school environment and should not be subject to one-size-fits-all solutions.

Students should be able to participate in a school's review of its rules. Such exercises in participatory democracy enhance the legitimacy of school rules, increase the students' incentive to obey them and strengthen students' sense of belonging to the community.

Institute transparency and accountability in school safety practices.

Oversight of police practices in the schools is essential to both the safety and well-being of students, and to the maintenance of the public's trust and confidence in the Police Department and the DOE. Yet, there are currently few mechanisms in place to ensure adequate accountability and oversight of police practices in the schools. The DOE conceals from the public key data on school safety practices, and shields school safety personnel from proper oversight and accountability. The DOE must bring transparency and accountability to its school safety practices in order to gain the trust of New Yorkers.

The DOE must release to the public basic raw data that will allow New Yorkers to determine the effectiveness of school safety practices. At a minimum, the DOE must regularly release the following data: the number and type of noncriminal and criminal incidents; the number of incidents due to metal detectors; the type of police action taken—including the number of individuals arrested—following each incident; the number of student suspensions and expulsions; the duration of each suspension; and a description of each incident that resulted in a suspension or expulsion. All of this information must be broken down by school, race/ethnicity, age, sex/gender and student status (general education, special education or resource room) to determine whether school safety practices have a disproportionate impact on certain communities.

Moreover, SSAs—who have the same authority as police officers to stop, search and arrest students—should be subject to the same oversight and accountability as police officers. The DOE must support expansion of the jurisdiction of the Civilian Complaint Review Board (CCRB) to accept complaints against abusive SSAs. The public currently has the right to file a complaint with the CCRB against police misconduct on the streets. The public should be able to file similar complaints with the

CCRB against abusive police behavior in the schools. Moreover, the DOE should allocate 1 percent of its current school safety budget to fund the expansion of the jurisdiction of the CCRB.

Further, the DOE should support the Student Safety Act, Intro. 816, which is pending in the City Council and would mandate the above reporting and oversight requirements. The legislation is cosponsored by a majority of Council members, including the members of the Public Safety and Education committees. The DOE should work with the City Council to pass this important civil rights legislation.

Provide support services for students' nonacademic needs.

Medical, mental health and social services connect students to the larger school community and address students' nonacademic challenges before they become a basis for behavioral problems in the classroom. The DOE should seek ways to foster connections between individual schools and medical and social services providers to offer students medical and mental health care and resources to access public assistance, housing, child care, counseling and other social services.

The DOE will reduce future costs associated with higher dropout rates and entanglements in the criminal justice system by investing in programs that assist students with their nonacademic needs and addressing behavioral problems that will inevitably make their way into the classroom.

In 2005, the Board on Children, Youth and Families of the National Research Council of the National Academies issued a report with recommendations for school districts to adopt to improve student graduation rates, particularly in urban school districts. The board explained its reasoning for issuing the report:

> *Disengagement or dropping out of school have negative consequences for all students, but the effects are especially problematic for those youth who do not have the social or economic resources available to cushion the effects of academic failure. If students do not acquire the basic skills needed to function in adult society, whether or not they complete high school, they are at significant risk of unemployment, poverty, poor health, or involvement in the criminal justice system.*

The report concluded with a set of reform strategies for schools to adopt to foster greater motivation and engagement among students. A key recommendation included:

> **Schools should make greater efforts to identify and coordinate with social and health services in the community, and policy makers should revise policies to facilitate students' access to the services they need.** *Federal, state, and local policy makers should work with school administrators to improve access to physical and mental health resources, social services, and other community supports. [Emphasis in original]*

The DOE should follow the advice of the National Academies and provide services for students' nonacademic needs in an effort to improve student retention and graduation rates.

BUSHWICK COMMUNITY HIGH SCHOOL (BROOKLYN)

Table A1a. Demographics: Bushwick Community

STUDENT CHARACTERISTICS	PERCENT OF STUDENTS
% White	1.6
% Black	43.2
% Latino	54.6
% Asian	0.5
% Male	44.3
% Female	55.7
% Free or Reduced Lunch	96.8
% Limited English Proficient	4.3
% FT Special Education	0.8

Table A1b. Indicators of Success: Bushwick Community

INDICATORS	PERCENT OF STUDENTS
% 4-Year Graduation	6.2
% Dropped Out	38.5
% 7-Year Graduation	38.0
Average Daily Attendance	65.0
% Student Stability	65.0
% Planning 4-Year College	79.0
% Planning 2-Year College	5.0
# Violent Incidents Per 100	0.0
# Property Crime Incidents Per 100	0.0
# Other Crime Incidents Per 100	1.6
# Non-Criminal Police Incidents Per 100	4.3
# Suspensions Per 100	1.1

On July 1, 2004, Bushwick Community High School (BCHS) opened as a transfer school for 17- to 21-year-old students. Transfer schools are smaller, full-time high schools designed to re-engage students who are overage and under-credited or have dropped out of high school.[1] According to founding Principal Tira Randall, "[BCHS students] have not been successful in their previous school, have had attendance issues, might have gotten pregnant, left school for awhile, and now they're ready to come back. Whatever the case, the typical student is about 18-years-old and comes to me with anywhere from 0 to 15 credits."[2]

STUDENT VOICE IN SCHOOL RULES

All entering students must attend a three-day orientation. In addition to preparing students for the academic challenges that lie ahead, this orientation also allows students to help shape BCHS school policies.[3] On the first day of orientation, school staff presents the rules to the new students. On the second day, students provide their feedback. Student participation in decision making over the school rules allows them to take ownership over the rules, which then leads students to obey the rules they helped define.[4]

COMMUNICATION AND CLEAR LINES OF AUTHORITY BETWEEN SSAS AND EDUCATORS

The success of Bushwick's school safety policies is the product of a team effort by all members of the school.[5] Everyone at BCHS seems to agree that School Safety Agent Gayle Baine is the backbone of Bushwick Community High School.

For more than 16 years, Baine has worked as a safety agent in the building that houses BCHS. She was head of security when

[1] New York City Department of Education Website http://schools.nyc.gov/Offices/OMPG/TransferHighSchools/default.htm.
[2] Tira Randall, personal interview, 13 Aug. 2008.
[3] Aaron Boyle personal interview, 23 Sept. 2008.
[4] Ibid.
[5] Aaron Boyle personal interview, 23 Sept. 2008.

the school was known as Bushwick Outreach."[*] Her years of experience and her approach to school safety seem to have earned her a profound level of admiration from the BCHS school community. Teacher Aaron Boyle said of Baine, "She's someone who really plays a key role. ... She's the person who interacts with students first. They're coming up the stairs, and the first person they see is Baine. And she holds down the line. But she does it in this really loving and supportive way. Every time she's speaking to a student, she's communicating how much she cares about them. And being able to set that kind of tone right from the beginning is so important for students."[**]

While the middle school that shares a building with BCHS has metal detectors, Bushwick Community High School does not. Teacher Neil Pergamant believes that even without metal detectors, the school is a safe place, mainly due its proactive discipline policies.[***]

While working during the summer semester, BCHS guidance counselor Millie Lopez-Martir met guidance counselors from other schools in New York City. "They were amazed at the fact that I had students who [used to be] fighters; kids that had been arrested," she said. "[They] were in my school for at least a year [and] hadn't been arrested or in a fight. They said, 'Is it because you're so strict?' and I said, 'No, [it's] because they know I love them.' But with the love there has to be discipline. And with the two there has to be balance."[****]

"I have Bloods. I have Crips. I have Latin Kings," said Principal Randall. "I'm sure I have Nietas, and every other gang that's represented in New York. I know that I have those students in my school. But what I will say is that [in] four years, we haven't had a single act of violence. And our policy extends so far that our students know that if you fight in the street a borough away and we hear about it, you will meet with somebody here to discuss why." [*****]

SUPPORT SERVICES FOR STUDENTS' NEEDS

The two guidance counselors and three social workers employed at BCHS work with students from the moment they arrive.[******] Principal Randall believes that BCHS must serve as a resource for students to address problems, not only in school, but outside of school as well. This includes acting as a resource for the provision of basic social services and assistance with day-to-day problems. "We work with the student to get things in place—housing, child care, public assistance, health insurance," explained Randall. "Whatever the issues outside of the building are, my social work and guidance staff access those services and get it taken care of for the student before they [begin classes]."[*******]

A SCHOOL CULTURE OF TRUST AND RESPECT

Mutual respect is an important aspect of Bushwick's school culture.[********] Teachers such as Pergamant are very conscious of the role that respect plays in classroom dynamics. "You can't talk to kids in a way that's going to put a student down, even if you don't mean to belittle them," Pergamant explained. "You have to be very cognizant that you may be belittling them if you talk to them a certain way."[!!!!]

Millie Lopez-Martir, once a Bushwick Outreach student, is now the head guidance counselor at BCHS, having graduated from Teachers College at Columbia University.[@@@@] "I remember my first day of orientation clearly," she said. "That was in 1995. I was greeted with warmth and acceptance. I didn't feel like they were judging me...I was thrown out of three schools, so I was one of those kids that was always getting into trouble, fighting and cutting, I was a truant. There was just something about this place from the minute you walked in the door."[#####]

When asked to describe Bushwick's environment, student Carl Cochrane replied, "It's like, when you're outside, you feel stressed, like everything negative comes on you; and when you're in this school, it releases. Like, you don't have to worry who's gonna fight you, you know? And that's a good feeling."

Elizabeth Billingsea has a much simpler answer for the question of school culture at BCHS. "It's just the love," she said. "I think everything comes down to the bond and the love that people have for one another."[$$$$$$]

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[*] Tira Randall, personal interview, 13 Aug. 2008.
[**] Aaron Boyle, personal interview 23 Sept. 2008.
[***] Niel Pergamant, personal interview, 23 Sept. 2008.
[****] Millie Lopez-Martir, personal interview, 23 Sept. 2008.
[*****] Tira Randall, personal interview, 13 Aug. 2008.
[******] Ibid.
[*******] Tira Randall, personal interview, 13 Aug. 2008.
[********] Aaron Boyle, personal interview 23 Sept. 2008.
[!!!!] Niel Pergamant, personal interview, 23 Sept. 2008.
[@@@@] Millie Lopez-Martir, personal interview, 23 Sept. 2008.
[#####] Ibid.
[$$$$$$] Elizabeth Billingsea, personal interview, 23 Sept. 2008.

APPENDIX B

SAMPLE QUESTIONNAIRE

The questionnaires used to interview teachers, students, SSAs, parents and administrators for this report are on file with the New York Civil Liberties Union. Below is a sample questionnaire used to interview school administrators.

INTRO

1. How long have you been an administrator here?
2. Where did you work before?
3. Why did you become an administrator?
4. How long has this school been in its current format?
5. What was the school like before?

SCHOOL RULES

6. Does the school have rules or a code of conduct? Are they effective?
7. Do you have any influence in setting standards for student behavior?[iiiii] Does anyone else?
8. Does this school encourage opportunities for students to decide things like school rules?[iiiiii]
9. Does this school clearly communicate to students the consequences of breaking school rules?[iiiiiii] How?
10. Do teachers and staff explain the reasons for rules?[iiiiiiii] How?

TRAINING AND PROFESSIONAL DEVELOPMENT

11. Does this school provide professional development opportunities for staff on how to deal with the social, emotional and developmental needs of youth?[iiiiiiii]
12. This year, did teachers receive professional development in classroom management?[iiiiiiiii]

SAFETY POLICIES

13. Are your school's safety policies effective? Why?
14. Does this school have a well understood procedure to deal with criminal incidents? Non-criminal incidents?[iiiiiiiii]
15. Are there written guidelines on safety procedures?
16. Do the educators and SSAs work cooperatively to keep the school safe?
17. Do educators and SSAs meet collaboratively to discuss safety policies and incidents? How often?
18. Please describe what would happen in your school in the following situations and which staff members would be involved:
    - A student arrives 45 minutes late to school.
    - A fight breaks out in the hallway and one of the students has a knife.
    - A student refuses to remove his hat when asked by a teacher.

[iiiii] Consortium on Chicago School Research, Surveys of CPS Schools, 2007.
[iiiiii] CA Dept. of Education, California Healthy Kids Survey, 2006.
[iiiiiii] CA Dept. of Education, California Healthy Kids Survey, 2006.
[iiiiiiii] Belden Russonello and Stewart, Annotated questionnaire: survey of 1000 public high school students in New York City for Citizen's Committee for Children of New York, 2001.
[iiiiiiiii] CA Dept. of Education, California Healthy Kids Survey, 2006.
[iiiiiiiiii] Belden Russonello and Stewart, Annotated questionnaire: survey of 1000 public high school students in New York City for Citizen's Committee for Children of New York, 2001.
[iiiiiiiiiii] CA Dept. of Education, California Healthy Kids Survey, 2006.

SSAS

19. How effective are your SSAs at preventing incidents, breaking up incidents, reporting incidents?[******]
20. How would you describe the relationship between SSAs and the following groups at your school: teachers, administrators, other staff, students, parents?[(((((((]
21. Do you feel you have authority over SSAs?
22. Do you feel that the educators run the school, as opposed to the SSAs?
23. Do you have any influence in hiring new SSAs?[''''''']
24. Do you have any influence in removing SSAs?[''''''''']

SECURITY MEASURES

25. Does your school use any of the following: metal detectors, magnometers, student ID cards, staff ID cards, surveillance cameras, cutting/holding room(s), hallway sweeps?[********]
26. Has your school used any of these in the past?
27. Who monitors surveillance camera footage?
28. Who stores surveillance camera footage?
29. Who has access to surveillance camera footage? Under what circumstances?

PERCEPTIONS OF SAFETY IN SCHOOL

30. Is your school a safe place? Why or why not?
31. Is violence towards teachers a problem at your school? Robbery or theft? Vandalism? Gang activity? Fights or incidents between ethnic groups? Disorder in classrooms? Physical conflicts among students? Student disrespect of teachers? Disorder in hallways?[((((((((]
32. Are there any other kinds of safety problems?

SAFETY AND VIOLENCE PREVENTION PROGRAMMING

33. What makes your school a safe community?
34. Does this school provide conflict resolution instruction?[''''''''']
35. Does this school provide harassment or bullying prevention?[''''''''']
36. Does this school use any restorative justice practices such as peer mediation or peer juries?
37. Does this school use mentoring?

DISCIPLINE PROCESS

38. Does this school handle discipline problems fairly?[''''''''']
39. Can you give an example of discipline in your school?

[******] Belden Russonello and Stewart, Annotated questionnaire: survey of 1000 public high school students in New York City for Citizen's Committee for Children of New York, 2001.
[(((((((] Belden Russonello and Stewart, Annotated questionnaire: survey of 1000 public high school students in New York City for Citizen's Committee for Children of New York, 2001.
[''''''] Consortium on Chicago School Research, Surveys of CPS Schools, 2007.
[''''''''] Consortium on Chicago School Research, Surveys of CPS Schools, 2007.
[********] Belden Russonello and Stewart, Annotated questionnaire: survey of 1000 public high school students in New York City for Citizen's Committee for Children of New York, 2001.
[''''''''] Consortium on Chicago School Research, Surveys of CPS Schools, 2007.
[''''''''] CA Dept. of Education, California Healthy Kids Survey, 2006.
[''''''''] CA Dept. of Education, California Healthy Kids Survey, 2006.
[''''''] CA Dept. of Education, California Healthy Kids Survey, 2006.
[((((((((] CA Dept. of Education, California Healthy Kids Survey, 2006.
[''''''''] CA Dept. of Education, California Healthy Kids Survey, 2006.
[''''''''] CA Dept. of Education, California Healthy Kids Survey, 2006.

PARENTAL INVOLVEMENT

40. Are parents very involved in your school?
41. Does the school involve most parents in school events or activities?††††††††
42. Does the school encourage opportunities for parents to decide things like class activities or rules?********
43. Does this school collaborate well with community organizations to help address things like substance abuse or other problems among youth?‡‡‡‡‡‡‡‡

DEMOGRAPHICS

44. What are your qualifications?
45. What is your gender?
46. What is your race?
47. What relationship do you see between race and school safety policies? At your school? In general?

RECENT IMPACT SCHOOLS

Abraham Lincoln High School, 2005

Adlai E. Stevenson High School, 2005

Canarsie High School, 2005

Christopher Columbus High School, 2005

Evander Childs High School, 2005

Harry S. Truman High School, 2005

High School for Service & Learning at Erasmus (K539), 2005

High School for Youth & Community Development at Erasmus (K537), 2005

John Brown High School, 2005

Lafayette High School, 2005

Norman Thomas High School, 2005

Samuel J. Tilden High School, 2005

Science, Technology & Research Early College High School at Erasmus (K543), 2005

Sheepshead Bay High School, 2005

Springfield Gardens High School, 2005

Theodore Roosevelt High School, 2005

Thomas Jefferson High School, 2005

Walton High School, 2005

Abraham Lincoln High School, 2006

Canarsie High School, 2006

Christopher Columbus High School, 2006

Harry S. Truman High School, 2006

John Brown High School, 2006

John F. Kennedy High School, 2006

Lafayette High School, 2006

Newton High School, 2006

Norman Thomas High School, 2006

Samuel J. Tilden High School, 2006

Sheepshead Bay High School, 2006

Walton High School, 2006

NOTES

[1] *See, eg.*, Drum Major Institute for Public Policy, *A Look at the Impact Schools* (June 2005); Desis Rising Up and Moving, *Education Not Deportation: Impacts of New York City School Safety Policies on South Asian Immigrant Youth* (June 2006); Kevin P. Brady, Sharon Balmer and Deinya Phenix, *School–Police Partnership Effectiveness in Urban Schools: An Analysis of New York City's Impact Schools Initiative* (Education and Urban Society, Aug. 2007); National Center for Schools and Communities, *Policing as Education Policy* (2006); National Education and Social Rights Initiative and Teachers Unite, *Teachers Talk: School Culture, Safety, and Human Rights* (Oct. 2008); New York Civil Liberties Union and American Civil Liberties Union, *Criminalizing the Classroom: the Over-Policing of New York City Schools* (Mar. 2007); Urban Youth Collaborative, *Bill of Rights* (2006).

[2] American Academy of Pediatrics, *Out-of-School Suspension and Expulsion* (2003). Available at www.pediatrics.org/cgi/content/full/112/5/1206. Last visited 21 Apr. 2009.

[3] Russel Skiba and M. Karega Rausch, *Zero Tolerance, Suspension, and Expulsion: Questions of Equity and Effectiveness* in Everston and Weinstein, *Handbook of Classroom Management* (Lawrence Erlbaum Associates, 2006) 1063-1077; American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations* (2006).

[4] Ibid.

[5] American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations* (2006).

[6] NAACP Legal Defense Fund, *Dismantling the School to Prison Pipeline* (2007). Available at http://www.naacpldf.org/content/pdf/pipeline/Dismantling_the_School_to_Prison_Pipeline.pdf. Last visited 21 Apr. 2009.

[7] Although the DOE has not released figures on the number of schools with permanent metal detectors, the NYCLU estimates the number to be at least 90.

[8] In schools with permanent metal detectors, 77 percent of incidents involving police were non-criminal incidents. In schools without metal detectors this number is reduced by half. *New York Civil Liberties Union and American Civil Liberties Union, Criminalizing the Classroom: the Over-Policing of New York City Schools* (Mar. 2007).

[9] Ibid, 20-21.

[10] *See, e.g.*, Kathleen Nolan, *The Impact of Order-Maintenance Policing on an Urban School Environment: An Ethnographic Portrait*, in *Voices in Urban Education* (Annenberg Institute for School Reform, Spring 2008); Youth Researchers for a New Education System, *The YRNES Report* (2008).

[11] Associated Press, "Board of Ed Approves NYPD School Safety Plan," 16 Sept. 1998.

[12] New York Civil Liberties Union and American Civil Liberties Union, *Criminalizing the Classroom: the Over-Policing of New York City Schools* (Mar. 2007).

[13] New York Civil Liberties Union and American Civil Liberties Union, *Criminalizing the Classroom: the Over-Policing of New York City Schools* (Mar. 2007); *see also* Bob Herbert, "School to Prison Pipeline," New York Times, 9 June 2007; NAACP Legal Defense Fund, *Dismantling the School to Prison Pipeline*. (2007). Available at http://www.naacpldf.org/content/pdf/pipeline/Dismantling_the_School_to_Prison_Pipeline.pdf. Last visited 21 Apr. 2009.

[14] New York Civil Liberties Union and American Civil Liberties Union, *Criminalizing the Classroom: the Over-Policing of New York City Schools* (Mar. 2007).

[15] Kathleen Grimm, deputy chancellor for finance and administration, New York City Department of Education, testimony, hearings on police in schools, New York City Council, 10 Oct. 2007; James Secreto, commanding officer, School Safety Division, New York City Police Department, testimony, hearings on police in schools, New York City Council, 10 Oct. 2007.

[16] John M. Beam, Chase Madar, and Deinya Phenix, "Life Without Lockdown," *Voices in Urban Education*, 19 (Spring 2008) 27.

[17] Mayor Bloomberg and Chancellor Klein announced the Impact Schools Initiative in January 2004. The program targeted schools with high reported levels of crime for increased policing; the schools were identified using a computer program based on an NYPD method of identifying high-crime neighborhoods. Impact schools have twice as many permanent police personnel assigned to them and institute zero-tolerance discipline and expedited suspension procedures. *See*, New York Civil Liberties Union and American Civil Liberties Union, *Criminalizing the Classroom: the Over-Policing of New York City Schools* (Mar. 2007) 9.

[18] *See, e.g.*, the Citizen's Committee for Children survey of 1000 New York City public school high students; the Consortium on Chicago School Research surveys of Chicago Public Schools. For full citations, see the reproductions of the instruments in appendix B.

[19] Office of the Mayor of the City of New York, *Mayor Michael R. Bloomberg and Schools Chancellor Joel I. Klein Announce Sweeping Initiatives To Promote Principal Leadership and Accountability in Schools*, Press Release, 11 Dec. 2002. Available at http://www.ci.nyc.ny.us/portal/site/nyccgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?pageID=nyc_bluroom&catID=1194&doc_name=http%3A%2F%2Fwww.ci.nyc.ny.us%2Html%2Fom%2Fhtml%2F2002b%2Fpr326-02.html&cc=unused1978&rc=1194&ndi=1. Last visited 22 Apr. 2009.

[20] Ibid.

[21] Ernest Logan, president, Council of Supervisors and Administrators, testimony, hearings on police in schools, New York City Council, 10 Oct. 2007.

[22] Ibid.

[23] Steve Gordon, deputy director, UAW Local 237, personal interview, 7 July 2008.

[24] Greg Floyd, President, UAW Local 237, personal interview, 7 July 2008.

[25] Kathleen Grimm, deputy chancellor for finance and administration, New York City Department of Education, testimony, hearings on police in schools, New York City Council, 10 Oct. 2007; James Secreto, commanding officer, School Safety Division, New York City Police Department, testimony, hearings on police in schools, New York City Council, 10 Oct. 2007.

[26] Kelly Vaughn, "Restorative Justice: An alternative method to make schools safer?" Gotham Schools, 15 Aug. 2008. Available at http://gothamschools.org/2008/08/15/restorative-justice-an-alternative-method-to-make-schools-safer/. Last visited 22 Apr. 2009.

[27] Betsy Gotbaum, *Conflict Unresolved: DOE Fails to Recognize What Works in School Safety and Student Achievement* (New York: Office of the Public Advocate, Apr. 2007) 3. Available at http://pubadvocate.nyc.gov/policy/documents/ConflictResolutionReport.pdf. Last visited 22 Apr. 2009.

[38] Elayna Konstan, CEO, Office of School and Youth Development, New York City Department of Education, testimony, hearings on police in schools, New York City Council, 10 Oct. 2007.

[39] Ibid.

[40] Betsy Gotbaum, *Conflict Unresolved: DOE Fails to Recognize What Works in School Safety and Student Achievement* (New York: Office of the Public Advocate, Apr. 2007) 13. Available at http://pubadvocate.nyc.gov/policy/documents/ConflictResolutionReport.pdf. Last visited 22 Apr. 2009.

[41] Harlem Children's Zone, "The Harlem Children's Zone Project Model," Dec. 2008. Available at http://hcz.org/images/white_paper-edit_exium12_12_08.pdf. Last visited 22 Apr. 2009.

[42] Victor Rodriguez, assistant principal for organization, Progress High School, personal interview, 11 June 2008.

[43] Emily Zaeske and Rebecca Morel, teachers, Progress High School, personal interview, 11 June 2008.

[44] Victor Rodriguez, personal interview, 11 June 2008.

[45] Emily Zaeske and Rebecca Morel, personal interview, 11 June 2008.

[46] Ibid.

[47] Victor Rodriguez, personal interview, 11 June 2008.

[48] Jorge Arias, assistant principal for guidance, Progress High School, personal interview, 11 June 2008.

[49] Victor Rodriguez, personal interview, 11 June 2008; Jasmine Williams and Yimel Young, students, Progress High School, personal interview, 11 June 2008.

[50] Jasmine Williams and Yimel Young, personal interview, 11 June 2008; Emily Zaeske and Rebecca Morel, personal interview, 11 June 2008.

[51] Emily Zaeske and Rebecca Morel, personal interview, 11 June 2008.

[52] Jorge Arias, personal interview, 11 June 2008.

[53] William Jusino, principal, Progress High School, personal interview, 11 June 2008.

[54] Progress High School for Professional Careers Web Site, "School Identity." Available at http://progresshs.org/pages/about_pages/school_identity.html. Last visited 22 Apr. 2009.

[55] Ibid.

[56] William Jusino, via email, 19 Dec. 2008.

[57] Ibid.

[58] Victor Rodriguez, personal interview, 11 June 2008.

[59] Ibid.

[60] William Jusino, via email, 19 Dec. 2008.

[61] Ibid.

[62] Jasmine Williams and Yimel Young, personal interview, 11 June 2008.

[63] Ibid.

[64] Victor Rodriguez, personal interview, 11 June 2008.

[65] Progress High School for Professional Careers Web Site, "School Identity." Available at http://progresshs.org/pages/about_pages/school_identity.html. Last visited 22 Apr. 2009.

[66] Ibid.

[67] Progress High School for Professional Careers Web Site, "Student Support Services." Available at http://progresshs.org/pages/about_pages/support_services.html. Last visited 22 Apr. 2009.

[68] Ibid.

[69] Emily Zaeske and Rebecca Morel, personal interview, 11 June 2008.

[70] Ibid.

[71] Ibid.

[72] Ibid.

[73] Alixon Delgado, student, Urban Assembly School for Careers in Sports, personal interview, 11 Sept. 2008.

[74] Felice Lepore, principal, Urban Assembly School for Careers in Sports, personal interview, 3 Sept. 2008.

[75] Johanny Garcia, assistant principal, Urban Assembly School for Careers in Sports, personal interview, 11 Sept. 2008

[76] Felice Lepore, personal interview, 3 Sept. 2008.

[77] Krystal Rodriguez, student, Urban Assembly School for Careers in Sports, personal interview, 11 Sept. 2008

[78] Ibid.

[79] Debra Burns, parent, Urban Assembly School for Careers in Sports, personal interview, 11 Sept. 2008.

[70] Krystal Rodriguez, personal interview, 11 Sept. 2008.

[71] Johanny Garcia, personal interview, 11 Sept. 2008.

[72] Sharon Aiuvalsit, teacher, Urban Assembly School for Careers in Sports, personal interview, 11 Sept. 2008.

[73] Ibid.

[74] Ibid.

[75] Felice Lepore, personal interview, 3 Sept. 2008.

[76] Ibid.

[77] Ibid.

[78] Maria Hantzopolous, teacher, Humanities Preparatory Academy, personal interview, 2 Sept. 2008.

[79] Ibid.

[80] Kate Burch, teacher, Humanities Preparatory Academy, personal interview, 7 Nov. 2008.

[81] Ibid.

[82] Maria Hantzopolous, personal interview, 2 Sept. 2008.

[83] Kate Burch, personal interview, 7 Nov. 2008.

[84] Humanities Preparatory Academy, "User's Guide" (2004-2005), 6, 11, 17, 18.

[96] Ibid. 16

[97] Maria Hantzopoulos, personal interview, 2 Sept. 2008.

[98] Ibid.

[99] Maria Hantzopoulos, via email, 29 Dec. 2008.

[100] Ibid.

[101] Humanities Preparatory Academy, "User's Guide" (2004-2005): 5, 8.

[102] Maria Hantzopoulos, personal interview, 2 Sept. 2008.

[103] Humanities Preparatory Academy, "User's Guide" (2004-2005): 21.

[104] Maria Hantzopoulos, personal interview, 2 Sept. 2008.

[105] Maria Hantzopoulos, via email, 29 Dec. 2008.

[106] Humanities Preparatory Academy, "User's Guide" (2004-2005). 8.

[107] Lauren Henriquez, student, Humanities Preparatory Academy, personal interview, 7 Nov. 2008.

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[120] Carol Saft, teacher, Vanguard High School, personal interview, 21 July 2008.

[121] Mio Cook, student, Urban Academy, personal interview, 19 June 2008.

[122] Herb Mack, personal interview, 19 June 2008.

[123] Caitlin Schlapp-Gollgof, teacher, Urban Academy, personal interview, 19 June 2008.

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[164] Ebony Wright Campbell, personal interview, 29 Oct. 2008.

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Hampton Roads Pilot Online

Rep. Scott's blueprint can save young people

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SEN. DIANNE FEINSTEIN chose to promote her anti-gang bill earlier this month by visiting a youth community center, not a prison. So it's too bad her plan would invest most of its money into putting kids behind bars rather than helping them improve their grades or find jobs.

The California Democrat should consider throwing her support behind a competing measure authored by Rep. Bobby Scott.

The congressman from Virginia's 3rd District has introduced legislation that would commit $2.6 billion in an array of gang-prevention programs, including mentoring, mental health counseling, Boys & Girls Clubs, after-school programs, summer jobs, college scholarships and early childhood education.

The Youth PROMISE Act would help communities with high murder and school dropout rates develop plans for reducing gang activity, set up the programs and track data to determine whether they are succeeding. The effort would be overseen by local councils composed of police officers, court officials, educators, church leaders and social service workers.

Scott wants Congress to rethink its historic emphasis on tougher enforcement measures against gangs, a philosophy that has put more teenagers in adult prisons and left them there to serve longer and longer sentences.

On the streets, though, enforcement-heavy programs have failed to get a firm handle on gang violence. Los Angeles, which spends two-thirds of its anti-gang resources on surveillance and incarceration, has six times as many gangs now as it did in the 1980s. In contrast, New York City and Boston have kept their gang-related crime down by pairing police efforts with early intervention for troubled youngsters.

But Congress continues to throw money at failing programs and starve those that are making progress.

The U.S. Senate unanimously approved the brass-knuckled Feinstein bill with little discussion. It would institute sentences of life without parole for juveniles and would federalize an assortment of street crimes associated with gangs by declaring them a threat to interstate commerce, an argument that has the bespectacled conservatives at the Heritage Foundation rolling their eyes and muttering constitutional epithets.

Fortunately, Scott has helped to stir up a healthy debate in the House of Representatives about the need for a new approach to gangs.

Getting kids out of gangs is a worthy goal, he says, but what then? If they all end up in prison cells or milling around on street corners, any reduction in crime will be short-lived.

"Success in fighting gangs can only happen if young people are given more positive alternatives," Scott said last week.

He's under pressure to compromise, melding enforcement and prevention into a single measure. But Scott is resistant because he's seen the "balanced approach" before. When budgets get tight, the prevention programs are the first to be sliced off and discarded.

Scott has been a passionate but thoughtful voice for juvenile justice reform for years. It's time his colleagues pay attention.

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The Youth PROMISE Act

(H.R. 1064 / S. 435)

Fighting juvenile crime vs. "playing politics"

For too long, Congress has chosen to play politics by enacting so-called "tough on crime" slogans such as "three strikes and you're out" or "you do the adult crime, you do the adult time". As appealing as these policies may sound, the impacts of codifying these sound bytes range from a negligible reduction in crime to an actual *increase* in crime. [1]

The U.S. now has the highest average incarceration rate of any nation in the world[2], with the impact of this focus on slogan driven law enforcement disproportionately falling on minorities, particularly Blacks and Hispanics. For Black boys being born in 2001, the Children's Defense Fund (CDF) estimates that one in every three will end up incarcerated in their lifetime without appropriate intervention, a trajectory the CDF has described as a "cradle-to-prison pipeline." [3]

There is overwhelming evidence to show that it is entirely feasible to move children from a cradle to prison pipeline to a cradle to college, or jobs, pipeline. All the credible research shows that a continuum of evidenced-based prevention programs for youth identified as being at risk of involvement in delinquent behavior, and intervention for those already involved, will greatly reduce crime and save much more than they cost when compared to the avoided law enforcement and social welfare expenditures. And the research reveals that these programs are most effective when provided in the context of a coordinated, collaborative local strategy involving law enforcement and other local public and private entities working with children identified as at risk of involvement in the criminal justice system.

The PROMISE Model Fights Crime, Saves Money

Under the Youth PROMISE (**P**rison **R**eduction through **O**pportunities, **M**entoring, **I**ntervention, **S**upport, and **E**ducation) Act, communities facing the greatest youth gang and crime challenges will be able to develop a comprehensive response to youth violence through a coordinated prevention and intervention response. Representatives from local law enforcement, the school system, court services, social services, health and mental health providers, foster care providers, other community and faith-based organizations will form a council to develop a comprehensive plan for implementing evidence-based prevention and intervention strategies. The plans can be funded up to four years. The act also enhances state and local law enforcement efforts regarding youth and gang violence.

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[1] Charles Hamilton Houston Institute for Race & Justice. "No More Children Left Behind Bars". Harvard Law School. March, 2008, p. 12. http://www.charleshamiltonhouston.org/Publications/Item.aspx?id=100012

[2] International Centre for Prison Studies. "World Prison Population List". Eigth Edition, Kings College, London. January 2009, p.1. http://www.kcl.ac.uk/depsta/law/research/icps/downloads/wppl-8th_41.pdf

[3] Children's Defense Fund. "America's Cradle to Prison Pipeline". October. 2007, p.16.

Nothing in the Youth PROMISE Act eliminates any of the current tough on crime laws, and while it is understood that law enforcement will still continue to enforce those laws, research tells us that no matter how tough we are on the people we prosecute today, unless we are addressing the underlying root causes of criminal activity, nothing will change.

Aside from reducing crime and providing better results in the lives of our youth, many of the programs funded under the Youth PROMISE Act will save more money than they cost. The State of Pennsylvania implemented a process very similar to the one provided for in the Youth PROMISE Act in 100 communities across the state. The state found that it saved, on average, $5 for every $1 spent during the study period.[4] The Richmond, Virginia Gang Reduction and Intervention Program (GRIP), a DOJ pilot program funded through a grant from the Office of Juvenile Justice and Delinquency Prevention, spent $2.5 million in a collaborative effort between the City of Richmond, federal, state and local partners focusing on a target community. In two years, major crimes in that target community were down 43% and homicides fell from 19 to two.[5] Cities that receive grants under the Youth PROMISE Act will be required to track governmental cost savings that accompany a drop in crime, and recapture a portion of those savings to keep the PROMISE programs alive after the four year federal grant period ends.

Moving Forward

The Act currently has 228 co-sponsors in the House, including 18 Republicans. In the Senate, the Act was introduced by Sens. Casey (D-PA) and Snowe (R-ME) and has 8 co-sponsors. There is also a coalition of over 240 national, state and local organizations that support the act. This coalition also includes many cities and counties across the country that have passed resolutions in support of Youth PROMISE, including Los Angeles, CA, Pasadena, CA, Santa Fe County, NM, New York, NY, East Cleveland, OH, Pittsburgh, PA, Norfolk, VA, Newport News, VA, and Hampton, VA. The US Conference of Mayors, at their 77th Annual Meeting in June 2009 adopted a resolution urging Congress to pass the Youth PROMISE Act.

The Youth PROMISE Act represents a paradigm shift in the way we address juvenile crime policy in America. Instead of doing what is politically expedient, we have the opportunity to both reduce crime and save money. For more info on the Youth PROMISE Act you can contact Christian Haines in the office of Congressman Scott at (202)225-8351, or Morna Murray in the office of Senator Casey at (202)224-6324.

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[4] Bumbarger, Jones, et al., "The Economic return on PCCD's Investment in Research-based Programs: A Cost-Benefit Assessment of Delinquency and Prevention in Pennsylvania", The Prevention Research Center for the Promotion of Human Development, Penn State, March 2008, p. 3 http://www.prevention.psu.edu/pubs/docs/PCCD_Report2.pdf

5 Neil H. Simon, "Richmond anti-gang program applauded" *Richmond Times-Dispatch*, December 16, 2008, pg. A1.

STATEMENT OF

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TESTIMONY BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY
OF THE
COMMITTEE ON THE JUDICIARY
OF THE
UNITED STATES HOUSE OF REPRESENTATIVES

REGARDING

"GANG CRIME PREVENTION AND THE NEED TO FOSTER INNOVATIVE SOLUTIONS AT THE FEDERAL LEVEL"

OCTOBER 2, 2007

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Thank you, Chairman Conyers and Chairman Scott, for inviting me here today to address the subject of a proper and effective federal role in the prevention and elimination of gang-related crime. In my allotted time, I will touch briefly on two topics: the constitutional principles of federalism that apply to the criminalization of gang-related conduct and the effective federal funding of programs to reduce and prevent gang-related crime.[2]

My name is Brian Walsh, and I am the Senior Legal Research Fellow in The Heritage Foundation's Center for Legal and Judicial Studies. I direct Heritage's projects on countering the abuse of the criminal law and criminal process, particularly at the federal level. My work also emphasizes constitutional issues, such as the protection of civil liberties in national security and homeland security measures.

Violent street crime committed by gang members is a serious problem in many states, but turning crimes that are fundamentally local in nature into federal crimes is not the solution. Approximately 95 percent of U.S. criminal investigations and prosecutions are conducted – not by federal law enforcement – but by law enforcement at the state and local levels.[3] Unjustified federal intervention against "gang crime" would detract from the most effective anti-gang enforcement strategies available to state and local law enforcement officials, i.e., those who carry out the vast majority of anti-gang efforts.

The federal government has an important role to play in combating gang-related crime. But that role is limited by the Constitution and should be further confined to developing and funding programs that (1) carry out traditional federal functions, (2) are carefully crafted and evaluated to ensure they achieve their stated goals, and (3) include sufficient oversight and auditing to minimize waste and abuse.

On several occasions in recent Congresses, Members of Congress have proposed broad bills that attempt to federalize "gang crime," conduct which, in most instances, is nothing other than ordinary street crime.[4] Two of the most recent examples of such legislation, the Gang

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[2] Although all opinions expressed and any errors herein are my own, my Heritage colleagues Todd Gaziano, Erica Little, and David Muhlhausen contributed much to this analysis, and this testimony is based on papers I co-authored with Erica Little. *E.g.*, Erica Little & Brian W. Walsh, "The Gang Prevention and Abatement Act of 2007: A Counterproductive and Unconstitutional Intrusion into State and Local Responsibilities," Heritage Foundation *WebMemo* No. 1619, Sep. 17, 2007, *available at* www.heritage.org/Research/Crime/wm1619.cfm.

[3] Edwin Meese III & Robert Moffit, MAKING AMERICA SAFER: WHAT CITIZENS AND THEIR STATE AND LOCAL OFFICIALS CAN DO TO COMBAT CRIME xiv (Wash., D.C.: Heritage Foundation 1997).

[4] *See, e.g.*, "Gang Prevention & Effective Deterrence Act of 2005," S. 155, 109th Cong.; "Gang Prevention & Effective Deterrence Act of 2003," S. 1735, 108th Cong.. Previous publications by The Heritage Foundation have addressed the flaws in several of these bills. *E.g.*, Erica Little & Brian W. Walsh, "Federalizing 'Gang Crime' Remains Counterproductive and Dangerous," Heritage Foundation *WebMemo* No. 1486, June 6, 2007, *available at* www.heritage.org/Research/Crime/wm1486.cfm; Erica Little and Brian W. Walsh, "Federalizing Gang Crime Is Counterproductive and Dangerous," Heritage Foundation *WebMemo* No. 1221, September 22, 2006, *available at* www.heritage.org/Research/Crime/wm1221.cfm; Edwin J. Feulner, "Ganging Up on Crime," Heritage Foundation *Commentary*, May 19, 2005, *available at* www.heritage.org/Press/Commentary/ed052005a.cfm; Paul Rosenzweig, "The Gang Act Needs Modification," Heritage Foundation *WebMemo* No. 494, May 3, 2004, *available at* www.heritage.org/Research/Crime/wm494.cfm.

Abatement and Prevention Act of 2007 (S. 456), which passed the Senate last month, and a related bill in the House of Representatives, the Gang Prevention, Intervention, and Suppression Act (H.R. 3547), would effectively transform state-law crimes into federal offenses and dramatically increase federal penalties for existing federal offenses that the bills characterize as "gang crimes." The bills also include hundreds of millions of dollars of spending on new and expanded gang-prevention programs.[5]

The federal criminal provisions in these legislative proposals would invite serious constitutional challenges. Like their predecessor bills in the House and the Senate, S. 456 and H.R. 3547 may, in many cases, unconstitutionally attempt to extend Congress's powers beyond the limits of the Commerce Clause.[6] The bill incorporates boilerplate language purporting to establish jurisdiction under the Commerce Clause but nonetheless disregards most of the constitutional structure underlying the state and federal criminal justice systems.

Although inappropriate at the federal level, some of the bills' proposals to criminalize gang activity might be good ones if made at the state level, where, as constitutional precedent has long held,[7] criminal law enforcement and crime prevention have traditionally (and most effectively) been handled. New York City and Boston in the 1990s and early 2000s demonstrated that when accountability for law enforcement is increased at the state and local levels, local police officials and prosecutors can make impressive gains against crime, including gang-related crime. By contrast, federalizing authority over crime reduces accountability of local officials. Human nature being what it is, when it is convenient a significant percentage of state and local officials can be expected to shift responsibility or (depending on the circumstances) blame to federal law enforcement authorities.

Proposed Legislation Runs Afoul of Recent Supreme Court Precedent

Federal involvement may seem like a good idea whenever some crime or pattern of criminal activity becomes prevalent in several states. But the mere existence of the same crimes or types of crime in multiple states does not alone justify an exercise of federal criminal law. To warrant federal involvement, an activity must fall within Congress's constitutionally granted powers. There are serious reasons to doubt that S. 456 and H.R. 3547 do so.

In 2000, the Supreme Court held that the provision of the Violence Against Women Act at issue in *United States v. Morrison* was unconstitutional. The federal criminal provisions on

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[5] *See, e.g.*, Cong. Budget Office, *S.456, Gang Abatement and Prevention Act of 2007* 1, July 2, 2007, *available at* http://www.cbo.gov/ftpdocs/82xx/doc8294/s456.pdf (estimating that "implementing S. 456 would cost $1.1 billion over the 2008-2012 period").

[6] The text of the Commerce Clause states that it grants Congress power "[t]o regulate commerce . . . among the several States." U.S. Const. art. I, § 8, cl. 3.

[7] *See, e.g.*, Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 426, 428 (1821) (Marshall, C.J.) (explaining that Congress has the right to punish violent crimes such as murder that are committed, for example, in federal facilities, but Congress has "no general right to punish [crimes] committed within any of the States"); *id.* at 428 ("It is clear, that Congress cannot punish felonies generally . . .."); *accord* United States v. Morrison, 529 U.S. 598, 618 (2000).

which the challenged provision was based exceeded Congress's commerce-clause power. In the course of this holding, the Court affirmed that the Constitution places fundamental limits on the federal legislative power:

> Every law enacted by Congress must be based on one or more of its powers enumerated in the Constitution. "The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written."[8]

This limitation on Congress's power to legislate is neither arbitrary nor accidental. The Framers crafted it to protect the American people—including those suspected of criminal conduct—from the unchecked power of a centralized national government that would otherwise be all-powerful. As the Court stated, "This constitutionally mandated division of authority 'was adopted by the Framers to ensure protection of our fundamental liberties.'"[9]

No power that civil government commonly uses against its citizens is greater or more prone to abuse than the criminal law and criminal process.[10] This is a compelling reason for crafting any new federal criminal law with great care and attention to the limitations the Constitution places on the legislative power.

S. 456 and H.R. 3547 implicitly acknowledge these limits by purporting to rely on the Commerce Clause for the assertion of federal jurisdiction over crimes that are essentially local in nature. The bills include language purporting to restrict the scope of their central criminal provisions to conduct and activities that "occur in or affect interstate or foreign commerce."[11] But to fall within Congress's power to "regulate Commerce…among the several States," a problem must not merely be common to the states; it must be truly interstate in nature and "substantially affect" interstate commerce.[12] For this reason, Congress's power under the Commerce Clause does not include the authority to federalize most non-commercial street crimes, whether or not they share some minor nexus with interstate commerce. In short, local,

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[8] *Morrison*, 529 U.S. at 607 (quoting Marbury v. Madison, 5 U.S. (1 Cranch) 137, 176 (1803) (Marshall, C.J.)); *accord* United States v. Lopez, 514 U.S. 549, 552 (1995) ("We start with first principles. The Constitution creates a Federal Government of enumerated powers."); The Federalist No. 45, 292-93 (C. Rossiter, ed., 1961) ("The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.").

[9] *Lopez*, 514 U.S. at 552 (quoting Gregory v. Ashcroft, 501 U.S. 452, 458 (1991)).

[10] *See* Herbert Wechsler, *The Challenge of a Model Penal Code*, 65 Harv. L. Rev. 1097, 1098 (1952) ("Whatever view one holds about the penal law, no one will question its importance in society. This is the law on which men place their ultimate reliance for protection against all the deepest injuries that human conduct can inflict on individuals and institutions. By the same token, *penal law governs the strongest force that we permit official to bring to bear on individuals*." (emphasis added)).

[11] *See, e.g.*, S. 456 § 101, 110th Cong.; H.R. 3547 § 101, 110th Cong..

[12] The Court reaffirmed in 2000 that the "regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the states." *Morrison*, 529 U.S. at 618

violent crime that is not directed at interstate commerce – that is, the sort of crime that is at the heart of most gang-related street crime – is not a proper subject matter for federal legislation.

Although broader and broader readings of the Commerce Clause during the latter part of the twentieth century allowed the federal government to regulate more and more economic activity,[13] the Supreme Court has set limits and rejected recent attempts to federalize common street crimes,[14] even ones that have some interstate impact. Yet an expansive (many would say virtually unlimited) interpretation of the Commerce Clause is still employed to justify the creation of many new federal crimes. This expansive interpretation does violence to the original meaning of the Constitution. As Justice Thomas wrote in a concurring opinion in *United States v. Lopez*, if Congress had been given authority over any and every matter that simply "affects" interstate commerce, most of Article I, Section 8 would be superfluous, mere surplusage.[15]

Both S. 456 and H.R. 3547 attempt to take advantage of a similarly broad and erroneous view of the Commerce Clause by including in their findings sections statements that "gang crime" disrupts communities by reducing property values and inhibiting corporations from transacting business, presumably because safety concerns make an area less attractive. Viewed in the light of recent Supreme Court precedent, this sort of lengthy, attenuated chain of causation is insufficient to establish federal jurisdiction over local crimes.[16]

In *Lopez*, the Supreme Court rejected the government's "costs of crime" and "national productivity" rationales for asserting federal authority over crime that is essentially local in nature. The government argued that violent crime resulting from the possession of firearms in the vicinity of schools affected interstate commerce by increasing the costs of insurance nationwide and by reducing interstate travel to locales affected by violent crime.[17] The government further argued that the possession of guns on or near school grounds threatened educational effectiveness, which would reduce productivity of students coming from those schools, which would in turn reduce national productivity.[18]

The Court explained that if it were to accept these attenuated chains of but-for reasoning, the limits on congressional power would be obliterated:

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[13] *See Lopez*, 514 U.S. at 555–56 (surveying the advent and development of the Court's expansionist view of commerce-clause power starting from the New Deal era).
[14] *See generally Morrison*, 529 U.S. 598 (2000) (striking down § 13981 of the Violence Against Women Act of 1994 because the predicate crimes the Act created were beyond Congress's power under the Commerce Clause); *Lopez*, 514 U.S. 549 (1995) (striking down the provision of the federal Gun-Free School Zones Act of 1990 that made it a federal crime to possess a firearm in a school zone because the provision exceeded Congress's Commerce power).
[15] 514 U.S. at 589 (Thomas, J., concurring). By contrast, the express powers to coin money and punish counterfeiting granted to Congress in Article I of the Constitution surely do affect interstate commerce.
[16] *See, e.g.*, *Morrison*, 529 U.S. at 618.
[17] *Lopez*, 514 U.S. at 564
[18] *Id.*

> Congress could regulate any activity that it found was related to the economic productivity of individual citizens: family law (including marriage, divorce, and child custody), for example. Under [these] theories..., it is difficult to perceive any limitation on federal power, even in areas such as criminal law enforcement or education where States historically have been sovereign. Thus, if we were to accept the Government's arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate.[19]

Congress's recent proposals to create a new set of federal "gang crimes" have all raised these same constitutional concerns.

S. 456 and H.R. 3547 have attempted to "cure" this problem by asserting that gang presence, intimidation, and crimes "directly and substantially" affect interstate and foreign commerce. But merely saying so does not make it so, and such language adds little or nothing to the constitutional analysis.

Even though several of the criminal provisions in S. 456 and H.R. 3547 include language limiting their own application to criminal street gang activities that "occur in or affect interstate or foreign commerce," in *United States v. Morrison*[20] the Supreme Court ruled that this sort of language is not sufficient to bring an act within the scope of Congress's Commerce power.[21] The regulated act must have more than *some* effect on interstate commerce; the effect must be a *substantial* one, and the connection between the regulated act and its substantial effect may not be too attenuated.[22]

In addition to constitutional problems, the bills' extensive and unfocused list of predicate "gang crimes" is not well-tailored to the most problematic gang activity. The list of predicate offenses that would give rise to federal gang-crime prosecution includes many non-violent offenses, some of which are already federal crimes, such as obstruction of justice, tampering with a witness, misuse of identification documents, and harboring illegal aliens. Regardless of its unlawfulness, such conduct is not specific to criminal street gangs or gang-related crime.

GANG-CRIME PREVENTION PROGRAMS

The same constitutional concerns that would arise from the federal criminal provisions in S. 456 and H.R. 3547 do not generally apply to federal expenditures for gang-related programs, including those in the Youth PROMISE Act (Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act). Congress's constitutional power to spend to create programs involving state and local government agencies is broad and includes the

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[19] *Id.*
[20] 529 U.S. 598 (2000).
[21] *Id.* at 612-13.
[22] *Id.*

authority to impose conditions on grant recipients. There are, however, pragmatic and sound policy considerations to guide choices among competing proposals for spending programs to reduce state and local crime.

To be a prudent use of funds, any federal program should be carefully and thoroughly:

- Targeted to perform a traditional federal function;
- Evaluated to determine whether it is achieving stated goals/the purposes for which it is being funded; and
- Audited to prevent the diversion of funds and other abuses by grant recipients.

One of the best uses of federal funding include programs to research and promote so-called evidence-based crime-prevention, that is, crime-prevention strategies and methods the effectiveness of which can be verified empirically.[23] Other sound applications of federal funding include programs to fund the enforcement of existing federal laws vindicating inherently federal interests, which will free up state and local resources to be used to combat local street crime, and programs to share among the states information about gangs and gang members as well as law-enforcement best practices for reducing and preventing gang-related crime.

Targeted to Perform a Traditional Federal Function

Although universities, private foundations, and consortiums of state-government agencies should continue to play a central role in promoting research and information-sharing on gang-related crime, the federal government can fulfill an important role in such efforts. The federal government is well-situated to collect and rigorously analyze whatever information on gang-related crime that is made available by state and local agencies. In addition to disseminating this basic data and analysis, the federal government should promote those policies and innovations that have proven effective in reducing crime. The federal government should help foster and guide standards for identifying and establishing law-enforcement best practices for combating gang crime, while recognizing that what constitutes best practices may vary by state and region.

One example of a sound federal program is the FBI's National Gang Intelligence Center (NGIC). Created in 2004, the NGIC is intended to help federal, state, and local law enforcement coordinate the collection of intelligence on gangs and then analyze and share the information. The NGIC should allow law enforcement to identify and analyze whatever linkages may exist between gang members and gang activities across the nation.

Other proposals would similarly allow Congress to support the fight against gang crime without violating federalism principles. The federal government is well-situated to create national databases on gangs and gang-related crime and to gather and disseminate crucial

[23] *See generally* LAWRENCE W. SHERMAN ET AL., EVIDENCE-BASED CRIME PREVENTION (2002) (focusing on a Justice Department-funded study that considered the effectiveness of a wide range of federally funded crime-prevention programs).

information on gang activities and members. The goal would be to bring together the collective knowledge of law enforcement around the country, especially as some gangs and gang members move throughout a region. It would be similarly effective and appropriate for the federal government to fund comprehensive studies of the effectiveness of crime and delinquency prevention and intervention strategies. Many states may not have the resources or multistate data to carry out this type of meta-analysis, and such information could be a vital resource in choosing appropriate crime-fighting policies.

Another core federal function would be in increased funding to enforce related laws, such as immigration laws, that are by nature federal. The federal government should fund efforts to identify illegal aliens who have been convicted of crimes, including those who are in custody, and who are thus subject to immediate deportation. Enforcing these federal laws would reduce the pool of potential gang members who are on the streets or in state and local jails and prisons. Currently, state and local jurisdictions also bear a significant financial burden for their efforts detaining illegal aliens until federal immigration officers arrive. Providing federal funding for these detention services would allow state and local governments to spend more of their own money on local gang crime abatement.

The U.S. Department of Justice's primary mission is to promote and protect interests that are fundamentally federal in nature. The Department's main focus should not be on funding the responsibilities of state and local governments. Federal funding levels for law enforcement should reflect these priorities, and federal funding for state and local law enforcement programs should not be greater than funding for core federal responsibilities.

The federal government's spending priorities for law enforcement in the recent past have been out of balance. At the end of the last decade, for example, some elements of federal funding for law enforcement were weighted too heavily in favor of funding state and local law enforcement.[24] The programs administered by the Justice Department's Office of Justice Programs (OJP) and Office of Community Oriented Policing Services to fund local police officer salaries, programs for state and local juvenile justice, and related programs cost taxpayers approximately $23 billion from FY 1996 through FY 2000. By contrast, Congress appropriated just $1 billion for the Federal Bureau of Investigation's national security and counter-terrorism efforts over this same period. The federal government is intended under the Constitution to be the predominant actor in national security investigations and prosecutions.[25] The state governments are independent sovereigns, and they and their constituent governments at the local level should generally be expected to fund and operate their own law enforcement functions.

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[24] *See* David B. Muhlhausen, "Where the Justice Department Can Find $2.6 Billion for Its Anti-Terrorism Efforts," The Heritage Foundation *Backgrounder* No. 1486, at 1-2, Oct. 5, 2001, *available at* http://www.heritage.org/Research/Budget/BG1486.cfm.

[25] The Preamble states that to "provide for the common defence" is one of the fundamental purposes of the U.S. Constitution. U.S. CONST. pmbl.

Crafted and Evaluated to Ensure Achievement of Stated Goals

Preference for funding should be given to those programs that are carefully crafted to implement strategies for crime reduction and crime prevention that have been tested empirically and proven reliable. Congress should set high standards for measuring effectiveness. No one other than the administrators of programs receiving federal grants are well-served by standards that are easy to satisfy, either because the standards are too subjective or not sufficiently rigorous to produce meaningful crime reductions.

As in any well-run business, such programs must have measurable results to demonstrate their effectiveness. The metrics to be used must be standardized if each grantee's performance is to be readily compared with the performance of others. The federal government should also impose meaningful interim benchmarks to ensure that the gang-prevention programs it funds are on-target to meet the goals for which they were funded.

By contrast, programs that are demonstrably ineffective, that are unproven and unsupported by empirical evidence, or that result in substantial waste should not be funded. If they already exist, they should not be given renewed or expanded funding. Whatever lessons can reasonably be learned from failed programs should be incorporated into the design of any new spending program intended to achieve the same or similar goals.

One current need for gang-crime funding is clearly evident: More research needs to be conducted to develop scientific standards for effectiveness of gang-crime prevention programs. The Justice Department published a 1997 University of Maryland report that compared evaluations of various federal crime programs.[26] After observing that many of the federal government's crime-prevention programs to that date had either been evaluated as ineffective or had never received any meaningful evaluation, the report concluded: "By scientific standards, there are very few 'programs of proven effectiveness.'" (Sherman et. al) The federal government thus should emphasize new programs to conduct multiple, independent research projects to study crime prevention. Studies designed to develop and test empirical standards should be given priority for funding.

Programs that improperly measure "intermediate effects" instead of actual prevention should not be funded.[27] The results of such programs tend to be entirely subjective and incapable of being repeated.[28] For example, of little value is a teacher's evaluation that a

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[26] Lawrence Sherman, Denise Gottfredson, Doris Mackenzie, John Eck, Peter Rueter, & Shawn Bushway, University of Maryland Department of Criminology and Criminal Justice, *Preventing Crime: What Works, What Doesn't, What's Promising* (Wash., D.C.: U.S. Dept. of Justice, Office of Justice Programs, 1997).

[27] *See* David B. Muhlhausen, "Where the Justice Department Can Find $2.6 Billion for Its Anti-Terrorism Efforts," The Heritage Foundation *Backgrounder* No. 1486, at 6, Oct. 5, 2001, *available at* http://www.heritage.org/Research/Budget/BG1486.cfm.

[28] For an example, see Gail A. Wasserman & Laurie S. Miller, "The Prevention of Serious and Violent Juvenile Offending," *in* RALPH LOEBER AND DAVID P. FARRINGTON, EDS., SERIOUS AND VIOLENT JUVENILE OFFENDERS: RISK FACTORS AND SUCCESSFUL INTERVENTIONS 197-247 (Thousand Oaks, Cal.: Sage, 1998).

juvenile's behavior in school "improved" after attending a course intended to increase his sociability and decrease his likelihood of committing criminal or delinquent acts. A subjectively "better" attitude makes little difference if the student committed actual crimes for which the program's evaluation criteria did not account. Tracking official acts of delinquency in and out of school would be a far better measure of the crime-prevention effectiveness of the course.

Carefully Audited to Prevent Abuse by Grantees

Any successful crime-prevention program requires tight oversight and auditing controls. Without such controls, fraud and outright abuse are not the only possibilities. The funds may be used to supplant current state and local funding, sometimes resulting in less overall spending on the targeted activity.[29]

Even when there is a federal prohibition against supplanting state funding, as there was in the federal Community Oriented Policing Services (COPS) legislation, a lack of federal supervision may still allow state and local governments to use the funds to pay existing personnel. This resulted in several COPS-funded jurisdictions adding no additional police officers, despite promising to do so as a condition of receiving the federal grant money.[30] Even worse, some major jurisdictions took federal grant money for additional officers yet downsized their state-funded police forces.[31] Similar shortcomings of the COPS program have been well-documented by the media and independent reports.[32]

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[29] *See* David B. Muhlhausen and Erica Little, *Federal Law Enforcement Grants and Crime Rates: No Connection Except for Waste and Abuse*, Heritage Foundation *Backgrounder* No. 2015, March 14, 2007, *available at* www.heritage.org/Research/Crime/bg2015.cfm.

[30] For example, audits by the Justice Department's inspector general indicated that Atlanta, El Paso, and Sacramento used COPS grants to supplant local funding. *See* U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Atlanta, Georgia, Police Department," Executive Summary, *Audit Report* No. GR–40–98–006, April 1998; U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the El Paso Police Department, El Paso, Texas," Executive Summary, *Audit Report* No. GR–80–01–013, May 30, 2001; U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the City of Sacramento Police Department, California," Executive Summary, *Audit Report* No. GR–90–98–022, May 1998. For additional audits of COPS-funded police departments, see U.S. Department of Justice, Office of the Inspector General, Office of Community Oriented Policing Services Grant Reports, http://www.usdoj.gov/oig/grants/_cops.htm.

[31] Dallas, Louisville, and Newark actually reduced their force sizes after receiving grants to hire *additional* officers. *See* U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the City of Dallas, Texas, Police Department," Executive Summary, *Audit Report* No. GR–80–00–003, November 1999; U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Louisville, Kentucky, Police Department," Executive Summary, *Audit Report* No. GR–40–01–002, February 2001; U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Newark, New Jersey Police Department," Executive Summary, *Audit Report* No. GR–70–98–007, June 1998.

[32] David B. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," Heritage Foundation *Center for Data Analysis Report* No. 06–03, May 26, 2006, *available at* www.heritage.org/Research/Crime/upload/97702_1.pdf; David B. Muhlhausen, "Why the Bush Administration Is Right on COPS," Heritage Foundation *Backgrounder* No. 1647, *available at* www.heritage.org/Research/Crime/bg1647.cfm.

CONCLUSION

Thank you again, Chairman Conyers and Chairman Scott, for inviting me to address this subject. I look forward to responding to any questions.

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