

**AN OUNCE OF PREVENTION: INVESTMENTS  
IN JUVENILE JUSTICE PROGRAMS**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON CIVIL RIGHTS AND  
HUMAN SERVICES**

OF THE

**COMMITTEE ON EDUCATION AND LABOR  
U.S. HOUSE OF REPRESENTATIVES**

**ONE HUNDRED SEVENTEENTH CONGRESS**

**SECOND SESSION**

HEARING HELD IN WASHINGTON, DC, SEPTEMBER 8, 2022

**Serial No. 117-55**

Printed for the use of the Committee on Education and Labor



Available via: [edworkforce.house.gov](https://edworkforce.house.gov) or [www.govinfo.gov](https://www.govinfo.gov)

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59-485 PDF

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## AN OUNCE OF PREVENTION: INVESTMENTS IN JUVENILE JUSTICE PROGRAMS

Thursday, September 8, 2022

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CIVIL RIGHTS AND HUMAN SERVICES,  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 12:04 p.m., via Zoom, Hon. Suzanne Bonamici (Chairwoman of the Subcommittee) presiding.

Present: Representatives Bonamici, Hayes, Bowman, Scott (ex officio), Fulcher, Fitzgerald, and Foxx (ex officio),

Staff present: Ilana Brunner, General Counsel; Rashage Green, Director of Education Policy; Christian Haines, General Counsel; Rasheedah Hasan, Chief Clerk; Sheila Havenner, Director of Information Technology; Stephanie Lalle, Deputy Communications Director; Kota Mizutani, Press Secretary; Max Moore, Staff Assistant; Casey Peeks, Professional Staff; Kayla Pennebecker, Policy Associate; Veronique Pluiose, Staff Director; Dhrtvan Sherman, Staff Assistant; Banyon Vassar, Deputy Director of Information Technology; Sam Varie, Press Assistant; ArRone Washington, Clerk and Special Assistant to the Staff Director; Cyrus Artz, Minority Staff Director; Tyler Dufrene, Minority Research Assistant; Cate Dillon, Minority Director of Operations; Amy Raaf Jones, Minority Director of Education and Human Resources Policy; Hannah Matesic, Minority Director of Member Services and Coalitions; Audra McGeorge, Minority Communications Director; Eli Mitchell, Minority Legislative Assistant; Ethan Pann, Minority Press Assistant; Gabriella Pistone, Minority Staff Assistant; Katy Roberts, Minority Staff Assistant; Mandy Schaumburg, Minority Chief Counsel and Deputy Director of Education Policy; and Krystina Skurk, Minority Speechwriter.

Chairwoman BONAMICI. The hearing of the House Education and Labor Subcommittee on Civil Rights and Human Services will come to order. Welcome, everyone. I note that a quorum is present.

The subcommittee is meeting today to hear testimony on “An Ounce of Prevention: Investments in Juvenile Justice Programs.” This is an entirely remote hearing, and as such, the committee’s hearing room is officially closed.

All microphones should be kept muted as a general rule to avoid unnecessary background noise. Members and witnesses will be responsible for unmuting themselves when they are recognized to speak or when they wish to seek recognition.

I also ask that members please identify themselves before they speak.

Members should keep their cameras on while the proceeding is happening, and members shall be considered present in the proceeding when they are visible on camera, and they shall be considered not present when they are not visible on camera.

The only exception to this is if they are experiencing technical difficulty and inform committee staff of such difficulty.

If any member experiences technical difficulties during the hearing, you should stay connected on the platform, make sure you are muted, and use your phone to immediately call the committee's IT director, whose number was provided in advance.

Should the chair experience technical difficulty, Chairman Scott or another majority member is hereby authorized to assume the gavel in the chair's absence.

To ensure that the committee's 5-minute rule is adhered to, staff will be keeping track of time using the committee's field timer, which should appear in its own thumbnail picture and will be named 001 Timer.

There will be no 1-minute warning. The field timer will show a blinking light when time is up. Members and witnesses are asked to wrap up promptly when their time has expired.

Pursuant to committee rule 8(c), opening statements are limited to the subcommittee chair and ranking member. This allows us to hear from our witnesses sooner and provides all members with adequate time to ask questions.

I now recognize myself for the purpose of making an opening statement.

Today we are meeting to discuss the need to invest in prevention, to keep young people out of the justice system and on a path to success.

Research shows that, in recent decades, our communities have seen a steady decline in violence among young people, but unfortunately too many juveniles continue to come into contact with formal court systems where they face detention or incarceration.

Unfortunately, these systems are poorly equipped to address delinquency, and actually, they increase the chances of recidivism.

This is especially true for youth of color. Black and Brown youth are gravely overrepresented in juvenile courts compared with White youth.

Additionally, LGBTQ+ youth also face disproportionate rates of involvement in the juvenile justice system.

Research shows that youth who identify as LGBTQ are twice as likely as their heterosexual peers to be arrested and detained for nonviolent offenses.

Although the juvenile justice system is intended to rehabilitate, not punish young offenders, data shows that the more a young person interacts with the juvenile justice system, the more likely they are to reenter the system and struggle throughout life.

I am going to say that again.

The juvenile justice system is intended to rehabilitate, not punish young offenders. Data shows that the more likely a young person interacts with the juvenile justice system, the more likely they

are to reenter the system and struggle through life. That bears repeating.

We know these outcomes can be avoided. With evidence-based prevention and intervention initiatives, we can limit juveniles' exposure to the system and effectively and efficiently address and reduce delinquency, recidivism, and crime overall.

That is why Congress established grant funding, to help States and localities prioritize prevention and intervention through the Juvenile Justice and Delinquency Prevention Act, or JJDP.

Prevention initiatives, like after-school programs, bullying prevention programs, mentorship programs, they help keep young people out of the juvenile justice system and reduce both adult criminal careers and the likelihood of serious and violent offenses.

This, in turn, can reduce the burden of crime in our society and, importantly, save taxpayers billions of dollars.

For example, Multnomah County, in my home State of Oregon, like in many places across the country, youth of color experience exclusionary school discipline, disconnection from school, and a lack of educational attainment at disproportionate rates.

One program helping to reduce violence is the Community Healing Initiative. This program is a partnership among Portland Opportunities Industrialization Center, Rosemary Anderson High School, Latino Network, and Multnomah County.

It focuses on reducing the disparities faced by youth of color in the juvenile justice system through culturally appropriate services and education and workforce opportunities.

The Community Healing Initiative works to eliminate disparities at the point of law enforcement involvement through its range of intervention and prevention programming, including risk and needs assessment, needed services referral, and resources for gang violence affected youth and families.

Simply put, prevention programs are proven to help youth lead meaningful lives outside of the justice system, and they also save taxpayer dollars.

We know, however, that prevention programs do not eliminate all delinquent activity. When youth do engage with the justice system, it is critical that they be cared for holistically.

To that end, intervention programs like workforce development training, mental health treatment, and drug courts seek to redirect offenders from the juvenile justice system without removing them from their existing support structure, school, and family.

By allowing youth to receive the support they need without generating an early record, these initiatives help young people stay out of the system, succeed in school, and ultimately avoid delinquency.

In addition to better serving justice involved youth, intervention programs help cut the cost of the juvenile justice system by redirecting young people out of the system and into community services.

Billions of dollars and futures would be saved if even a fraction of eligible youth were rerouted into these programs.

Despite the clear benefits of prevention and intervention initiatives, Congress has generally underfunded these programs under JJDP, limiting their capacity to serve our youth in our communities.

Despite resource constraints, Congress has recognized the need to enhance crime prevention programming nationally. Under Chairman Scott's leadership, Congress included funding for evidence-based programs that are designed to reduce juvenile delinquency, known as Youth Promise Grants, in the last bipartisan reauthorization of the JJDP.

If we are serious about supporting our Nation's young people, we must provide full funding for evidence-based prevention and intervention programs that will keep them on a path to success.

Our commitment to supporting young Americans and those in the juvenile justice system must be treated with the urgency this important issue demands.

Thank you again to all of our witnesses. I look forward to working with my colleagues on both sides of the aisle to invest in the future of our children and communities, and I now recognize Ranking Member Fulcher of Idaho for the purpose of making an opening statement.

[The prepared statement of Chairwoman Bonamici follows:]



# OPENING STATEMENT

House Committee on Education and Labor  
Chairman Robert C. "Bobby" Scott

**Opening Statement of Chair Bonamici (OR-01)**  
Subcommittee on Civil Rights and Human Services  
*An Ounce of Prevention: Investments in Juvenile Justice Programs*  
Zoom  
Thursday, September 8, 2022 | 12:00 p.m.

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Today, we are meeting to discuss the need to invest in prevention to keep young people out of the justice system and on a path to success.

Research shows that in recent decades, our communities have seen a steady decline in violence among young people. But unfortunately, too many juveniles continue to come in contact with formal court systems where they face detention or incarceration. And unfortunately, these systems are poorly equipped to address delinquency and they actually increase the chances of recidivism. This is especially true for youth of color. Black and Brown youth are gravely overrepresented in juvenile courts compared to white youth.

Additionally, LGBTQ+ youth also face disproportionate rates of involvement in the juvenile justice system. Research shows that youth who identify as LGBTQ are twice as likely as their heterosexual peers to be arrested and detained for nonviolent offenses.

Although the juvenile justice system is intended to rehabilitate—not punish—young offenders, data shows that the more a young person interacts with the juvenile justice system, the more likely they are to reenter the system and struggle throughout life. I'm going to say that again. The juvenile justice system is intended to rehabilitate—not punish—young offenders, data shows that the more a young person interacts with the juvenile justice system, the more likely they are to reenter the system and struggle throughout life. That bares repeating.

We know these outcomes can be avoided. With evidence-based prevention and intervention initiatives, we can limit juveniles' exposure to the system and effectively and efficiently address and reduce delinquency, recidivism, and crime overall. And that is why Congress established grant funding to help states and localities prioritize prevention and intervention through the *Juvenile Justice and Delinquency Prevention Act*, or JJDPA.

Prevention initiatives—like afterschool programs, bullying prevention programs, and mentorship programs—help keep young people out of the juvenile justice system and reduce both adult criminal careers and the likelihood of serious and violent offenses. This, in turn, can reduce the burden of crime on our society and save taxpayers billions of dollars.

For example, in Multnomah County in my home state of Oregon, like in many places across the country, youth of color experience exclusionary school discipline, disconnection from school, and a lack of educational attainment at disproportionate rates. One program that's helping to reduce violence is the Community Healing Initiative. This partnership of Portland Opportunities Industrialization Center, Rosemary Anderson High School, Latino Network, and Multnomah County. It focuses on reducing the disparities faced by youth of color in the juvenile justice system through culturally-appropriate services and workforce opportunities. The Community Healing Initiative works to eliminate disparities at the point of law enforcement involvement through its range of

intervention and prevention programming, including risk and needs assessment, needed services referral, and resources for gang violence affected youth and families.

Simply put, prevention programs are proven to help youth lead meaningful lives outside of the justice system and they also save taxpayer dollars.

We know, however, that prevention programs do not eliminate *all* delinquent activity. When youth do engage with the justice system, it is critical that they are cared for holistically.

To that end, intervention programs—like workforce development training, mental health treatment, and drug courts—seek to redirect offenders from the juvenile justice system without removing them from their existing support structures, school, and family.

By allowing youth to receive the support they need without generating an early record, these initiatives help young people stay out of the system, succeed in school, and—ultimately—avoid delinquency.

In addition to better serving justice-involved youth, intervention programs help cut the cost of the juvenile justice system by redirecting young people out of the system and into community services. Billions of dollars – and futures – would be saved if even a fraction of eligible youth were rerouted into these programs.

Despite the clear benefits of prevention and intervention initiatives, Congress has generally underfunded these programs under JJDPA—limiting their capacity to serve our youth and communities. Despite resource constraints, Congress has recognized the need to enhance crime prevention programming nationally. Under Chairman Scott's leadership, Congress included funding for evidence-based programs that are designed to reduce juvenile delinquency—known as Youth PROMISE grants—in the last bipartisan reauthorization of the JJDPA.

If we are serious about supporting our nation's young people, we must provide full funding for evidence-based prevention and intervention programs that will keep them on a path to success.

Our commitment to supporting young Americans and those in the juvenile justice system must be treated with the urgency this important issue demands.

Thank you, again, to our witnesses and I look forward to working with my colleagues on both sides of the aisle to invest in the future of our children and communities.

**Mr. FULCHER.** Thank you, Madam Chair, and thank you for that commentary and that opening statement.

Supporting America's young people and keeping our communities safe are priorities Republicans have long supported. Federal policies have focused for years on empowering local efforts to place at-risk youth on the right path.

In fact, Republicans shepherded the last reauthorization of the Juvenile Justice and Delinquency Prevention Act to reflect those priorities.

In that reauthorization, we took steps to improve the juvenile justice system with legislation that promotes public safety through prevention efforts and gives State and local leaders more flexibility to meet the needs of at-risk youth, while also implementing transparency and accountability measures.

As we heard during our last hearing on the juvenile justice system, juvenile crime is on a downward trajectory. A witness stated that the number of youths arrested in 1997 has declined by 74 percent.

My home State of Idaho is following these trends, especially on property-related crimes. This is good news and tells us we need to stay focused on prevention efforts.

We know prevention efforts are crucial to helping at-risk youth avoid entanglement with the juvenile justice system.

Intervening early reduces the likelihood of this happening. Once a young person has a run in, they are far more likely to have another. That is why prevention is key.

Programs at the State and local levels will help secure brighter futures for these young people. We must promote positive and holistic youth programs, and young people who have their educational, relational, emotional, spiritual, and physical needs met are far less likely to participate in illicit activity.

These kinds of programs are best developed, implemented, and run at the local level, utilizing community partners, including those in the faith community, to address the unique needs of the youth in that community.

We must do a better job utilizing public-private partnerships. Local educators, social workers, faith-based providers, and community leaders, not Washington bureaucrats, should lead the efforts on the front lines of this youth crisis.

Community involvement utilizes the expertise out there, yielding better results for our Nation's young people, without further burdening schools which needs to focus on education.

We must also give young people as many opportunities as possible. Work experience, for example, is one of the most effective ways to set at-risk youth on the right path.

Career and technical programs give youth opportunities to set them up for success. Our community colleges, with their structured programs and work with local employers, offer paths for young people that at risk and a second chance for those who have gotten into trouble.

Our witness today, Father Boes, will discuss the importance of looking at the unique needs of the children involved, providing support to schools, and help address the needs of at-risk students, and putting those students on the path to success.

I look forward to hearing more about Boys Town, its work, and partnership with schools to address these issues.

Thank you, Father Boes, and to the other witnesses for coming today, I look forward to the testimony, and I yield back.

[The prepared statement of Mr. Fulcher follows:]

**09.07.2022 – CRHS Subcommittee Hearing: An Ounce of Prevention: Investments in Juvenile Justice Programs**

**Opening Remarks from CRHS Ranking Member, Rep. Russ Fulcher:**

Supporting America's young people and keeping our communities safe are priorities Republicans have long supported. Federal policies have focused for years on empowering local efforts to place at-risk youth on the right path. In fact, Republicans shepherded the last reauthorization of the Juvenile Justice and Delinquency Prevention Act to reflect those priorities. In that reauthorization we took steps to improve the juvenile justice system with legislation that promotes public safety through prevention efforts and gives state and local leaders more flexibility to meet the needs of at-risk youth while also implementing transparency and accountability measures.

As we heard during our last hearing on the juvenile justice system, juvenile crime is on a downward trajectory. A witness stated that the number of youths arrested since 1997 has declined by 74 percent. My home state of Idaho is following these trends, especially on property-related crimes. This is good news and tells us we need to stay focused on prevention efforts.

And we know prevention efforts are crucial to helping at-risk youth avoid entanglement with the juvenile system. Intervening early reduces the likelihood of this happening. Once a young person has one 'run in,' they are far more likely to have another. That's why prevention is key.

Programs at the state and local levels, will help secure brighter futures for these young people. We must promote positive and holistic youth development programs. Young people who have their educational, relational, emotional, spiritual, and physical needs met are far less likely to participate in illicit activity. These kinds of programs are best developed, implemented, and run at the local level, utilizing community partners, including those in the faith community, to address the unique needs of the youth in that community.

We must do a better job utilizing public-private partnerships. Local educators, social workers, faith-based providers, and community leaders—not Washington bureaucrats—should lead efforts on the front lines of this youth crisis. Community involvement utilizes the expertise out there, yielding better results for our nation's young people, without further burdening schools— which needs to focus on education.

We must also give young people as many opportunities as possible. Work experience, for example, is one of the most effective ways to set at-risk youth on the right path. Career and technical programs give youth opportunities to set them up for success. Our community colleges, with their structured programs and work with local employers, offer paths for young people at risk and as a second chance for those who have gotten into trouble. Our witness today, Father Boes, will discuss the importance of looking at the unique needs of the children involved, providing support to schools that help address the needs of at-risk students, and putting those

students on a path to success. I look forward to hearing more about Boys Town, its work, and partnership with schools to address these issues.

Thank you—to Father Boes and the other witnesses for coming today, I look forward to the testimony, and I yield back.”

Chairwoman BONAMICI. Thank you. Ranking Member Fulcher, it is encouraging to hear that we have so much in common on this important issue.

Without objection, all other members who wish to insert written statements into the record may do so by submitting them to the committee clerk electronically in Microsoft Word format by 5 p.m. on September 22d.

I will now introduce the witnesses. Dr. Stephanie Hawkins is the founding director of the Transformative Research Unit for Equity, or TRUE, at RTI International.

Dr. Hawkins has extensive experience researching the impact of the juvenile justice system involvement on outcomes for girls, trauma, and boys and men of color, youth mentoring, structural violence, and program and systems-led evaluations.

She holds a bachelor’s degree in psychology from Spelman College and master and doctoral degrees in clinical psychology from Howard University.

Ms. Naomi Smoot Evans is the executive director of the Coalition for Juvenile Justice, or CJJ. CJJ represents a State Advisory Group, SAGs, that oversee juvenile justice systems in the individual States.

Naomi oversees member relations and development, fundraising and grant management, and CJJ’s initiative in government relations, leadership development, juvenile justice reform, communications, and training and technical assistance.

She received her JD from the University of the District of Columbia, David A. Clark School of Law, and her bachelor’s from Christopher Newport University.

Father Steven Boes is the executive director of Boys Town, where he oversees a wide array of high-quality programs and services that touch the lives of more than 2 million people nationwide every year.

Father Boes is a leading advocate for reforming the current child welfare and juvenile justice systems to make them more responsive, effective, and just.

Father Boes was ordained a priest for the Archdiocese of Omaha in 1985. He earned a master’s degree in counseling from Creighton University and has a master’s degree in theology and a Master of Divinity from the University of St. Thomas.

Mr. David Muhammad is the executive director of the National Institute for Criminal Justice Reform. He has worked to implement positive youth development into youth justice systems around the country and was the primary author of NICJR’s seminal report, “A Positive Youth Justice System.”

Mr. Muhammad has also previously served as the chief probation officer for the Alameda County Probation Department and the deputy commissioner of the Department of Probation in New York City.

He is a graduate of the Howard University School of Communications and has completed programs at the MIT Sloan School of Management and the Georgetown Public Policy Institute.

Welcome to the witnesses. We appreciate you all for participating today, and we look forward to your testimony.

Let me remind you that we have read your written statements. They will appear in full in the hearing record.

Pursuant to committee rule 8(d) and committee practice, you are asked to limit your oral presentation to a 5-minute summary of your written statement.

Before you begin your testimony, please remember to unmute your microphone.

During your testimony, staff will be keeping track of time and a light will blink when the time is up. Please be attentive to the time and wrap up when your time is over and remute your microphone.

If you experience technical difficulties during your testimony, you should stay connected on the platform, make sure you are muted, and use your phone to call the committee's IT director, whose number was provided to you in advance.

Then, after the witnesses make their presentations, we will move to member questions. When answering a question, please remember to unmute your microphone.

The witnesses are aware of their responsibility to provide accurate information to the subcommittee, and therefore we will proceed with the testimony. First we will hear from Dr. Hawkins.

Dr. Hawkins, you are recognized for 5 minutes for your testimony.

**STATEMENT OF STEPHANIE HAWKINS, FOUNDING DIRECTOR,  
TRANSFORMATIVE RESEARCH UNIT FOR EQUITY (TRUE),  
RTI INTERNATIONAL**

Ms. HAWKINS. Chair Bonamici, Ranking Member Fulcher, and members of Subcommittee on Civil Rights and Human Services, I am Dr. Stephanie Hawkins. I use she/her pronouns, and I am the vice president and founding director of the Transformative Research Unit for Equity at RTI.

RTI is an independent, nonprofit research institute dedicated to improving the human condition. Research and data are core components to policymaking, and I appreciate the opportunity to share my testimony today in my role as a research scientist.

As you stated, I earned my doctorate degree in clinical psychology from Howard University and completed a post-doctoral fellowship in violence prevention research at Stanford University.

During my career of more than 25 years, prevention and equity have been the through line. I have led national research studies that span topics relevant to our discussion today, including girls' involvement with juvenile justice, boys and men of color and their experiences with community violence, and suspension diversion programming as a strategy to interrupt the school-to-prison pipeline.

It is important to acknowledge that the risks associated with the juvenile justice system involvement are not equally distributed in the United States. Research shows that Black, Hispanic, Latin, and

Native American youth, especially boys, are disproportionately represented.

For many young people born into violence, violence-burdened and under-resourced communities, there is no rest to their trauma, as typically experienced by those diagnosed with posttraumatic stress disorder.

Investments in prevention need to address the broader structural factors that our young people must live in and navigate.

Prevention is typically classified in three levels: primary, secondary, and tertiary. Effective intervention should include a combination of these strategies.

However, research shows that primary prevention, which seeks to avoid the initial occurrence in juvenile justice system involvement, offers the greatest societal return on investment.

Primary prevention efforts that prioritize the underlying factors responsible for the inequitable distribution of risk can scaffold our young people, their families, and their surrounding community with the structural support needed to create thriving communities.

For example, research has shown that lead exposure in childhood can increase risk-taking behavior, which is also connected to an increase in violence and crime later in life. Thus, ensuring families do not reside in homes with lead-based paint is more than a public health effort; it too can be an investment in juvenile justice prevention.

Similarly, research suggests that interventions to prevent young people from experiencing homelessness can also reduce their involvement in crime, which means ensuring access to safe and healthy housing can be a wise investment in juvenile justice prevention.

The most impactful primary prevention efforts emphasize resource-rich educational institutions, well-functioning public services, and economic opportunity for all residents. These approaches are key to reducing the incidents of juvenile justice system involvement on a broader scale.

Secondary prevention programs, like the SHAPE program in Tennessee's Shelby County School District, are also needed.

SHAPE is a suspension diversion program and offers great promise for interrupting the school-to-prison pipeline, given that research shows school suspensions have a large, negative impact on longer term outcomes, and that Black students are expelled at rates more than twice their share of the total school enrollment.

When we focus on the broader structural factors that influence our lives and the outcomes of youth, rather than interventions that are designed only to change the youth's behavior, we can amplify our impact with Federal programs and thereby empower our youngest citizens, especially Black, Hispanic, Latin, and Native American individuals, to achieve their greatest potential.

I thank you for this opportunity to speak with you today on this important topic.

[The prepared statement of Ms. Hawkins follows:]



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Testimony of  
Dr. Stephanie Hawkins  
Vice President and Founding Director, Transformative Research Unit for Equity,  
RTI International

on the subject of  
“An Ounce of Prevention: Investments in Juvenile Justice Programs”  
before the Civil Rights and Human Services Subcommittee  
of the United States House Committee on Education and Labor  
September 8, 2022.

Chair Bonamici, Ranking Member Fulcher, and Members of the Subcommittee on Civil Rights and Human Services, I am Dr. Stephanie Hawkins, I use she/her pronouns, and I am the Vice President and founding director of the Transformative Research Unit for Equity at RTI International. RTI is an independent, nonprofit research institute dedicated to improving the human condition. Research and data are core components to policy making, and I appreciate the opportunity to share my testimony today in my role as a research scientist.

For context, I received doctoral training in clinical psychology from Howard University in a program that is grounded in community-engaged research to serve globally underserved settings. I received postdoctoral training in violence prevention research from Stanford University’s Medical Center. During my research career of more than 25 years, prevention and equity has been the through line in my research. I’ve led national research studies that span several topics relevant to our discussion today, including girls’ involvement in the juvenile justice system, boys and men of color and their experiences with community violence, and suspension diversion programming as a strategy to interrupt the school to prison pipeline.

It is important to acknowledge that the risks associated with juvenile justice system involvement are not equally distributed in the United States. In 2020, counties with the highest poverty level had firearm homicide rates 4.5 times as high and firearm suicide rates 1.3 times as high as counties with the lowest poverty level.<sup>1</sup> For many Black, Hispanic/Latin, and Native American youth, the trauma they experience in their communities is not fully captured in a post-traumatic stress disorder diagnosis. History and research tell us this diagnosis is reserved for experiences of significant trauma that is re-experienced once the trauma has passed. For many young people born into violence-burdened and under-resourced communities, there is no “post” to their trauma.<sup>2</sup> They must confront it every day. Investments in prevention need to address the broader structural factors that our young people must live in and navigate.

There are 3 levels of prevention: primary, secondary, and tertiary. Primary prevention is focused on avoiding the initial occurrence of a problem, secondary prevention is focused on preventing repeated occurrences of behaviors through more targeted interventions, and tertiary prevention is the most-intensive level of support and intervention. This prevention level is focused on reducing the impact of behaviors on a person’s ability to function in the least restrictive setting.

Investments should include a combination of primary, secondary, and tertiary interventions to achieve a meaningful degree of prevention and protection; however, I believe primary prevention offers the greatest societal value for investment. Primary prevention efforts that prioritize the underlying structures responsible for inequitable distribution of risk can create thriving communities with resource-rich educational institutions, well-functioning public services, and economic opportunity for all residents.

The amended Juvenile Justice and Delinquency Prevention Act (JJDP A) states, “Juveniles who are known to the juvenile justice system before attaining 13 years of age are responsible for a disproportionate share of serious crimes and violence.”<sup>iii</sup> If we embrace primary prevention as a means of avoiding the initial occurrence of a problem, then we can scaffold our young people, their families, and their surrounding communities with structural support.

For example, we’ve known for decades that lead exposure in childhood can increase risk-taking behaviors, which has been connected to an increase in violent behavior and crime later in life. Thus, ensuring families do not reside in homes with lead-based paint is more than a public health effort — it, too, can be an investment in juvenile justice prevention. Similarly, research suggests that interventions to prevent people from experiencing homelessness<sup>iv</sup> can also reduce their involvement in crime, which makes access to safe and healthy housing a wise investment in juvenile justice prevention.

Secondary prevention efforts, like diversion programs, redirect young people from the justice system through programming, supervision, and supports. A suspension diversion program like the SHAPE program implemented in the Shelby County School District holds great promise. School suspensions have large negative impacts on longer-term outcomes that mirror the negative impact of early exposure to the criminal justice system. According to the U.S. Department of Education, Black students, who account for 15% of total student enrollment, were expelled at rates that were more than twice their share of total student enrollment.<sup>v</sup> We can reimagine the type of structural supports and resources needed to support these students and the staff who need effective behavioral management strategies for students who violate discipline policies. A suspension diversion program can also be considered a juvenile justice prevention strategy.

When we focus on the broader structural factors that influence the lives and outcomes of youth, rather than interventions designed only to change their behavior, we can amplify the impact of our federal programs and thereby empower our youngest citizens – especially Black, Hispanic/Latin, and Native American individuals – to achieve their greatest potential.

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<sup>i</sup> [Firearm Deaths Grow, Disparities Widen | VitalSigns | CDC](#)

<sup>ii</sup> [Healing-in-Color-Action-Brief-1.pdf \(start2heal.org\)](#)

<sup>iii</sup> <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/JJDP A-of-1974-as-Amended-12-21-18.pdf>

<sup>iv</sup> [More Jail Time or More Housing? - National Alliance to End Homelessness](#)

<sup>v</sup> U.S. Education Department, Office for Civil Rights, 2017-18 Civil Rights Data Collection, released October 2020, updated May 2021, available at <https://ocrdata.ed.gov>

Chairwoman BONAMICI. Thank you so much, Dr. Hawkins, for your testimony, and next we are going to hear from Ms. Smoot Evans.

Ms. Smoot Evans, you are recognized for 5 minutes for your testimony.

**STATEMENT OF NAOMI SMOOT EVANS, J.D., EXECUTIVE  
DIRECTOR, COALITION FOR JUVENILE JUSTICE**

Ms. SMOOT EVANS. Thank you, Chairwoman Bonamici, Ranking Member Fulcher, and distinguished members of the Subcommittee on Civil Rights and Human Services. I thank you for the time to talk with you today about this important issue.

My name is Naomi Smoot Evans, and I serve as executive director of the Coalition for Juvenile Justice. We are a national nonprofit that works with State Advisory Groups across the country to implement and carry out the Juvenile Justice and Delinquency Prevention Act.

We envision a country where fewer young people come into contact with the youth justice system, and where those who do, receive the services and supports they need to lead safe and successful lives.

Over the past three decades, we as a field have learned a great deal about what works and what does not to keep our kids and our communities safe.

To put it short, prevention and intervention help keep our young people in the classroom and out of the courtroom. A majority of young people who find themselves before the courts will age out of those delinquent behaviors without court intervention, because of the development of the prefrontal cortex as people age into their 20's.

Intervention from the courts, and particularly detention, have the opposite effect, though. Young people who are placed in detention are 23 percentage points higher than young people who engage in the same behaviors but are not placed in detention, either because of bias or judicial leniency or prosecutorial discretion.

We know that prevention works, and when we talk about prevention, we are talking about simple things, right? We are talking about help from a nurse to teach a young mom how to interact with her new child.

We are talking about preschool. The Perry Preschool Project, for example, helps pair young people in high needs communities with high quality preschool education. The young people who were able to participate in that program had half the likelihood of lifetime arrests as their peers in their same community who did not have access to quality preschool.

It is not just infants and toddlers who benefit from prevention, it is also teens and older youth. For example, the Becoming a Man program in Chicago, Illinois, helps equip young men with coping skills and pro-social behaviors.

That program, the University of Chicago has researched and found, has a reduced risk of recidivism for participants, a reduced risk of involvement in violent behavior, and a reduced risk of arrest rates.

Prevention helps both our young people, and it is good for our taxpayers and our communities. Prevention programs save up to \$13 for every \$1 invested.

Community-based job training, for example, can save \$12 per \$1 of investments. Therapy programs as well come with taxpayer savings, and yet States continue to invest and spend \$5.7 billion a year on incarceration of youth across the country.

That is \$88,000 per young person, or nearly six times our investment in elementary and secondary education per pupil in this country.

The outcomes, as I have mentioned already, are very different for those two approaches, though, and we know that ninth graders, if they return to school at all after placement, two-thirds to three-fourths of them will drop out in 1 year.

We also know that the data shows us that reductions in incarceration actually improve community safety. Since 1994, the number of cases in juvenile justice that are referred to detention have reduced from 321,200 to 195,000.

During that same time period, the proportion of crime engaged by young people has dropped by over half, and a report that came out just last week from the Office of Justice Programs showed that violent crime among youth has dropped during that time by 78 percent.

We, as a society and a country, are equipped with the tools and the knowledge to address this issue in a way that we never have been before.

The 2018 reauthorization of the Juvenile Justice and Delinquency Prevention Act enables states and the Federal Government to invest, through Youth Promise Grants and Title II programs, and the very programs that we are talking about here today—therapy, after-school programs, mentoring, things that work—and I call on Congress to continue to invest in these things that work and keep our kids and our communities safe.

Thank you again for the time to talk with you today, and I look forward to answering any questions you might have.

[The prepared statement of Ms. Smoot Evans follows:]



**Committee on Education & Labor**

**U.S. House of Representatives**

**Subcommittee on Civil Rights and Human Services**

**The Honorable Suzanne Bonamici, Chair**

**An Ounce of Prevention:  
Investments in Juvenile Justice Programs**

**Sept. 8, 2022, 12:00 pm**

**Testimony by Naomi Smoot Evans, J.D.**

**Executive Director**

**Coalition for Juvenile Justice**

**evans@juvjustice.org**

**(202) 827-9751**



Good morning, Madame Chairwoman Bonamici, Ranking Member Fulcher, and distinguished members of the Subcommittee of Civil Rights and Human Services. Thank you for the opportunity and the privilege of testifying before you today.

My name is Naomi Smoot Evans. I have the honor of serving as Executive Director of the Coalition for Juvenile Justice, a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system. At CJJ, we envision a nation where fewer children are at risk of delinquency and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives.

In recent decades we as a field have learned a great deal about what works, and what doesn't work, when it comes to addressing problematic youth behaviors. In its simplest and most succinct form: what works is prevention. Keeping young people out of the justice system is our best bet at safe and healthy children, families, and communities.

Research has shown that most young people who engage in delinquent behavior will age out of those behaviors without any intervention from the courts as they exit adolescence.<sup>1</sup> A growing body of knowledge about adolescent brain development has helped us understand that young people, and teens in particular, engage in many of these risky and thrill-seeking behaviors because the prefrontal cortex does not fully develop until well into a young person's 20s.<sup>2</sup>

Young people who find themselves in juvenile detention, however, have vastly different outcomes. One 2014 study found that among youth who were placed in detention, 40 percent ended up in prison by the age of 25.<sup>3</sup> The study found that youth who were incarcerated as minors were a full 23 percentage points more likely to end up in jail as an adult than youth who offended but were not placed in detention.<sup>4</sup> They also face increased risk of physical and sexual assault from their peers and staff inside facilities, and have higher rates of suicidal ideation.<sup>5</sup>

<sup>1</sup> Moffitt, Terrie E. "Adolescence-Limited and Life-Course-Persistent Anti-Social Behavior: A Developmental Taxonomy." 1993. Available at: [https://ibs.colorado.edu/fessor/psych7536-805/readings/moffitt-1993\\_674-701.pdf](https://ibs.colorado.edu/fessor/psych7536-805/readings/moffitt-1993_674-701.pdf). Last viewed Sept. 5, 2022.

<sup>2</sup> Steinberg, Laurence. "A Social Neuroscience Perspective on Adolescent Risk-Taking." 2008. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2396566/>. Last viewed Sept. 5, 2022.

<sup>3</sup> Sweeney, Chris. "Juvenile Detention Drives Up Adult Incarceration Rates, MIT Study Finds." Available at: <https://www.bostonmagazine.com/news/2015/06/11/juvenile-detention-mit-study/>. Last viewed Sept. 5, 2022.

<sup>4</sup> Id.

<sup>5</sup> Holman, Barry and Jason Ziedenberg. "The Dangers of Detention:



We as a society have long relied on detention and incarceration to keep our communities safe, but evidence shows that prevention is far better at preventing criminal behavior among youth. Early intervention through home visits from nurses, intellectual stimulation for preschoolers, and training to help parents gain necessary skills such as conflict management and appropriate behavioral responses, have proven to be particularly helpful. One study in Elmira, NY for example found that children of high-risk mothers who participated in Nurse Family Partnership programs were significantly less likely to be arrested by age 15 than their similarly situated peers.<sup>6</sup> Outcomes for girls in particular were especially positive in the study.<sup>7</sup> The well-known Perry Preschool project, meanwhile, provided a group of high-risk young people with quality preschool education. The children showed a number of positive, pro-social outcomes, including less than half the number of lifetime arrests as compared to other students in their community who did not receive a quality preschool education.<sup>8</sup> Parent training programs, meanwhile, such as those that help new mothers bond with their children and improve parent, child interaction have been shown to significantly reduce negative behaviors in children, and significantly increase children's social competence.<sup>9</sup>

Prevention programming is not just important for early childhood though. Research shows that prevention efforts, such as afterschool programming, can also help older youth as well. In Chicago, Ill., for example, the Becoming a Man (BAM) initiative was launched in 2001. This program works with at-risk boys to help them develop life skills and coping mechanisms. The University of Chicago examined outcomes from the program in the 2009-2010 school year, and then again in 2013 and 2015. They found that total arrests had decreased by 28-35 percent for program participants, violent crime among participants was reduced by 45-50 percent and

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The Impact of Incarcerating Youth in Detention and Other Secure Facilities." The Justice Policy Institute. Available at: [https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/dangers\\_of\\_detention.pdf](https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/dangers_of_detention.pdf). Last viewed Sept. 5, 2022.

<sup>6</sup> Welsh, Brandon C., Mark W. Lipsey, Frederick P. Rivara, J. David Hawkins, Steve Aos, and Meghan E. Hollis-Peel, "Promoting Change, Changing Lives: Effective Prevention and Intervention to Reduce Serious Offending," in *From Juvenile Delinquency to Adult Crime: Criminal Careers, Justice Policy, and Prevention*, eds. Rolf Loeber and David P. Farrington, New York: Oxford University Press, 2012: 245-277.

<sup>7</sup> *Id.*

<sup>8</sup> Loeber, Rolf, David P. Farrington, and David Petechuk. "Child Delinquency: Early Intervention and Prevention." p. 10. May 2003. Available at: <https://www.ojp.gov/pdffiles1/ojdp/186162.pdf>. Last accessed Sept. 5, 2022.

<sup>9</sup> "Parent Training." P. 4. OJJDP. Available at: [https://ojdp.ojp.gov/model-programs-guide/literature-reviews/parent\\_training.pdf](https://ojdp.ojp.gov/model-programs-guide/literature-reviews/parent_training.pdf). Last accessed Sept. 5, 2022.



recidivism was reduced by 21 percent.<sup>10</sup> After school programs for teens have also been shown to reduce risky behaviors such as the use of drugs and alcohol, and to reduce teen pregnancies.<sup>11</sup>

Not only do these prevention strategies work better, they cost less. The National Institute of Justice reports that Multi-System Therapies (MST) results in \$3 of community savings for every \$1 expended. Functional Family Therapy (FFT) results in \$10 in savings to the community for every \$1 expended, and employment training in the community results in \$12 in costs saved per \$1 expended.<sup>12</sup>

Despite this, states continue to spend nearly \$5.7 billion per year to incarcerate young people, the majority of whom are there for probation violations and other low level offenses.<sup>13</sup> That averages out to \$240 a day or \$88,000 per year, per child.<sup>14</sup> This is nearly six times higher than the \$15,621 we spend on a per pupil basis on elementary and secondary education in the United States<sup>15</sup>, and almost 9.5 times higher than the \$9,400 average cost of room and board at a public university during the 2020-2021 school year.<sup>16</sup> The benefits that we as a society receive from a well-educated populace are widely known and essential to our ability to compete in a global market.

This brings perhaps to an even more glaring light the irony of both our heavy investment in youth incarceration, and its heavy toll on our communities, particularly Black and Brown communities where youth continue to be disproportionately incarcerated as compared to their white peers who engage in similar behaviors. Between two-thirds and three-fourths of incarcerated ninth graders, for example, will drop out of school within a year of reenrolling, and only 15 percent of those same 9<sup>th</sup> graders will complete secondary education.<sup>17</sup> Adding yet another obstacle in the way for our children.

<sup>10</sup> Manheimer, Susan and Joshua Spaulding. "After School: The Prime Time for Juvenile Crime." Aug. 5, 2020. Available at: <https://www.policechiefmagazine.org/after-school-the-prime-time-for-juvenile-crime/>. Last accessed Sept. 5, 2022.

<sup>11</sup> *Id.*

<sup>12</sup> "From Youth Justice Involvement to Young Adult Offending." National Institute of Justice. March 10, 2014. Available at: <https://nij.ojp.gov/topics/articles/youth-justice-involvement-young-adult-offending>. Last accessed Sept. 5, 2022.

<sup>13</sup> "The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense." Justice Policy Institute. May 2009. Available at: [https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/09\\_05\\_rep\\_costs\\_of\\_confinement\\_jj\\_ps.pdf](https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/09_05_rep_costs_of_confinement_jj_ps.pdf). Last accessed Sept. 5, 2022.

<sup>14</sup> *Id.*

<sup>15</sup> National Center for Educational Statistics. Available at: <https://nces.ed.gov/fastfacts/display.asp?id=66>. Last accessed Sept. 5, 2022.

<sup>16</sup> National Center for Educational Statistics. Available at: <https://nces.ed.gov/fastfacts/display.asp?id=76>. Last accessed Sept. 5, 2022.

<sup>17</sup> "Dangers of Detention." P. 9.



The counter is not true though. While we as a society have long clung to the belief that incarceration results in community safety and reduces crime, the data paints a different picture. Research shows that in the criminal justice space, there is little if any correlation between increasing prison populations and reducing crime in communities.<sup>18</sup> Studies have also shown that states that incarcerate more youth do not see correlating drops in crime.<sup>19</sup> Instead, in recent decades, as youth prison populations have dwindled thanks to initiatives by the Annie E. Casey Foundation, the MacArthur Foundation, and others, so too have youth crime rates.

In 1994, data shows that detention was used at some point between a case's referral to court and a case's disposition in 21 percent of all of the 1.5 million juvenile delinquency cases the courts handled that year.<sup>20</sup> Roughly 321,200 cases resulted in a young person's detention in 1994.<sup>21</sup> In 2018, the most recent year for which data is available, 195,000 young people were placed in detention.<sup>22</sup>

Data shows that youth crime has also decreased during this time. A report released earlier this summer by The Sentencing Project showed that between 2000 and 2019, the youth's crime share fell by over half and was reduced in all major crime areas.<sup>23</sup> Individuals under 18 accounted for 15 percent of the crime share in 2000, but that number had dropped to only 7 percent in 2019.<sup>24</sup> In a statement from the Office of Juvenile Justice and Delinquency Prevention on Aug. 23, the office reported that the estimated number of youth arrests for violent crime, also continues to be on the decline.<sup>25</sup> Such arrests are down 78% from their peak in 1994, according to a new report from the Office of Justice Programs' Office of Juvenile Justice and Delinquency Prevention and National Institute of Justice.<sup>26</sup>

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<sup>18</sup> "Costs of Confinement."

<sup>19</sup> *Id.*

<sup>20</sup> "Juvenile Court Statistics 1994." P. 5-7. Office of Juvenile Justice and Delinquency Prevention. Available at: <https://www.ojp.gov/pdffiles/163709.pdf>. Last accessed Sept. 5, 2022.

<sup>21</sup> *Id.* p. 8

<sup>22</sup> "Juvenile Detention Explained." Annie E. Casey Foundation. March 26, 2021. Available at: <https://www.aecf.org/blog/what-is-juvenile-detention>. Last accessed Sept. 5, 2022.

<sup>23</sup> Van Bramer, James. "Youth Crime Decline Challenges Assumptions About Pandemic Impact." June 14, 2022. Available at: <https://thecrimereport.org/2022/06/14/youth-crime-decline-challenges-assumptions-about-pandemic-impact/>. Last accessed Sept. 5, 2022.

<sup>24</sup> *Id.*

<sup>25</sup> "Youth Arrests for Violent Crime in 2020 Drop to New Low." Office of Justice Programs. Aug. 23, 2022. Available at: <https://www.ojp.gov/news/news-release/youth-arrests-violent-crime-2020-drop-new-low>. Last accessed Sept. 5, 2022.

<sup>26</sup> Puzanchera, Charles. "Trends in Youth Arrests for Violent Crimes." August 2022. Available at: <https://ojdp.ojp.gov/publications/trends-in-youth-arrests.pdf>. Last accessed Sept. 5, 2022.



We are equipped now in a way that we have never been before to keep our kids and communities safe. We know what works through data and research, and we have the tools to invest in those programs thanks to the 2018 Juvenile Justice Reform Act and its Youth PROMISE grants program.

The Youth PROMISE grants create a unique opportunity for communities to create local boards to examine their own local needs and create a plan to prevent youth crime and help keep kids on track. Recipients are required to provide matching dollars to help build on federal investment. This approach is critical in giving communities the opportunity to address their individual challenges in ways that will work based on their own strengths and needs. Programs that are permitted for funding under the PROMISE grant program include the same ones we talked about just a moment ago that are proven to help young people succeed: home health nurses, opportunities for intellectual stimulation, and supports for parents. The program also provides for after school supports and tutoring for young people in middle and high school, and provides a community with opportunities to wrap around their young people from infancy through adolescence. Sadly, Congress has yet to appropriate significant funding to fully realize the potential of the Youth PROMISE grants program.

Title II of the Juvenile Justice and Delinquency Prevention Act also provides critical investment in prevention and intervention. Title II can be used, among others things, for after school programs so that at-risk youth can access tutoring, mentoring, and other educational enrichment services. These grants can also be used for counseling, and on-the-job training for youth who are at-risk for becoming involved in the justice system, those who are currently involved in the justice system, and those who have a parent who involved in the justice system.

Title II of the JJDP A is currently funded at \$70 million and has increased \$10 million since the JJDP A was last reauthorized in 2018. Congress and the Administration have recognized the importance of this program, with the House proposing an additional \$5 million increase in Title II funding for Fiscal Year 2023.

Other programs that can also help support prevention initiatives, however, have gone unfunded for many years. The once robust Juvenile Accountability Block Grant program provided \$249.5 million for a full spectrum of youth justice programs, helping support prevention and intervention services, as well as programs for young people who found



themselves in the system's deep end. By Fiscal Year 2013, that program had dwindled to \$25 million. Since then, the program has gone unfunded.

I urge Congress to invest in what works and ensure that funding is available for communities to continue to do what works for our kids by deepening their investments in prevention initiatives that help our kids stay in the classroom and ensure they never step foot in the courtroom.

Thank you again for the opportunity to testify before you today. I appreciate your time and your commitment to our young people and their families.

Chairwoman BONAMICI. Thank you so much for your testimony, and next we are going to hear from Father Boes.

Father Boes, you are recognized for 5 minutes for your testimony.

**STATEMENT OF FATHER STEVEN BOES, PRESIDENT AND  
NATIONAL EXECUTIVE DIRECTOR, BOYS TOWN**

Father BOES. Good afternoon, Chair Bonamici, Ranking Member Fulcher, and members of the subcommittee. I am Father Steven Boes, the president of Boys Town. I am honored to testify today on behalf of Boys Town.

Since 1917, Boys Town has successfully educated the most traumatized, challenged children in America. Boys Town's founder, Father Flanagan, famously said: There are no bad boys. There is only bad environment, bad education, bad example, bad thinking.

Each year Boys Town students have an education plan individually crafted for them 100 years ago.

Father Flanagan welcomes kids of every race, nationality, and religion. However, because of Jim Crow laws, he had to go out into a corn field and start his own town to make that possible.

This vision sparked a revolution in childcare and education that echoes today in the work and mission of Boys Town.

Today the boys and girls on our home campus gain about 1 full year of academic improvement for each semester that they attend our Boys Town school. However, because of our success educating the most traumatized kids in America, we were asked to share what we know with other schools.

For the past 30 years, we have partnered with hundreds of schools to improve their educational environments. These are primarily public schools, often located in Title I districts.

Our most sophisticated, multitiered, multicomponent intervention is called LIFT Together with Boys Town. We begin by providing professional development to teachers, administrators, and all school employees in positive classroom management techniques.

Next, we offer education to parents so they can support the social skills being taught at school. For families whose students are facing suspension or expulsion, we provide a Boys Town-trained family consultant that helps them to connect to community resources, like mentoring, sports, faith-based youth groups, counseling, and antidrug outreaches.

The results of our LIFT Together schools are simply amazing. Schools show measurable gains in prosocial skills, school adjustment and engagement, and as they receive more teacher praise, all things result in a 20-percent decrease in classroom misbehaviors.

Schools also see reduced substance use and delinquency. As a result, we see a 20-percent increase in teacher satisfaction and student attendance.

We also see a 32-percent reduction in students sent to the office and a 55-percent reduction in school suspensions. These are the very students who are statistically much more likely to end up in the juvenile justice system, but do not because they stay in school.

The Boys Town LIFT Together model has a three-tiered, skills-based approach. Our approach helps teachers to catch kids being good. This means that the students who are the most disruptive in class are consistently receiving lots of positive feedback and require less punishment.

Our model focuses on teaching students appropriate behaviors proactively instead of relying solely on exclusionary discipline that removes the students from the classroom when they misbehave.

If a student does need to be sent to the office, we help administrators remind the students of the social skills they should have used and then return them to the classroom as quickly as possible.

When a family needs more help, the school can provide a Boys Town family consultant to connect them to community resources that they need to help their child succeed.

The reason that this intervention is so successful is that Boys Town focuses on educating and empowering those closest to the student.

Getting all the adults in the school and the family and the community on the same page and working together, we can solve some of the most difficult problems facing our children, schools, families, and communities.

Creating safe and effective school cultures helps us achieve our Boys Town mission of changing the way America cares for children and families.

[The prepared statement of Father Boes follows:]

**Testimony of Father Steven E. Boes, Executive Director, Boys Town**  
***An Ounce of Prevention: Investments in Juvenile Justice Programs***  
**House Education and Labor Civil Rights and Human Services Subcommittee**  
**September 8, 2022**

Good afternoon Chair Bonamici, Ranking Member Fulcher and members of the Subcommittee. On behalf of Boys Town, I'm honored to testify today. Boys Town has been educating the most challenging children in America successfully since our founding in 1917. The children we directly serve have experienced abuse, neglect, abandonment, and involvement in the juvenile justice system. The long-ago vision of our founder, Father Edward Flanagan, sparked a revolution in child and family care that echoes today in the work and mission of Boys Town. His simple dream to make the world a better place for children lives on because people continue to believe that every child deserves to be valued and loved, and to live a healthy positive life. At Boys Town, we believe that every child, regardless of circumstance, deserves the opportunity to succeed. We also recognize that every child is an individual with unique needs. That's why, over many decades, we have developed a distinctive, research-based approach to achieving our vision that has proven successful for tens of thousands of children and families.

For the past thirty years, Boys Town experts have partnered with educators to create safer, more effective learning environments in hundreds of K-12 schools. It's a partnership that involves everything from school-based support and hands-on professional development for school teams to partnering with students' families/guardians, connecting to faith-based providers, and connecting to additional resources in the student's broader community. The goals are always the same – to intervene *before* problems reach a level where anyone is unsafe and maximize student success by reducing disruptive behaviors and creating a healthy school culture.

Today, students on our home campus gain about one full year of academic success in core subjects for each semester they attend our Boys Town School. This means if you come to our school in 9<sup>th</sup> grade reading at a 6<sup>th</sup> grade level, by the end of 10<sup>th</sup> grade, you are reading at grade level. Due to our well-documented success with keeping kids in school and assuring they meet grade level standards, each year we successfully partner with over 500 schools –primarily located in Title I districts- and educate personnel through our Boys Town Education Model® (Model).

Through our Model which includes services much like other multi-tiered system of supports, we provide professional development to teachers and school leaders in positive classroom management techniques and positive parenting techniques to families. A few of our most noted outcomes:

- For schools and students, they include, an increased gains in prosocial skills, school adjustment and engagement, and teacher praise, with reduced disruptive classroom behavior and a 20% increase or more in attendance<sup>1</sup> and,
- For families and schools, improved positive parenting practices and emotion regulation skills in children, with reduced adolescent substance use, delinquency, and school suspensions (55%) through our Common-Sense Parenting® program.<sup>11</sup>

We are also seeing promising results from our recently developed School Support Specialist program that uses skilled Boys town staff embedded within the schools to provide one-on-one and

group social skills teaching, and office referral support to teachers and administrators, while also connecting with the students' parents to provide resources, training, and supports that the student and family may need at home. As one school administrator recently said, "The air breathed easier when the School Support Specialist was in our school."

As a result of these and other successes in our tailored three-tier intervention model, designed to meet the unique needs of each community and school, our experiences and data show that we can successfully replace the *ineffective* model of exclusionary discipline – which focuses on behaviors after they occur and takes student away from the very educational environment they need to learn - and transform communities by creating safer schools and homes where children can grow and thrive.

Our Model is a multi-tiered intervention strategy that focuses on three main interconnected areas:

- **Students:** A complete social skills curriculum that empowers students to make better decisions
- **School Teams:** A consistent referral process that values teaching over punishing
- **Students, Schools, Families, Faith, and Community Partners:** A behavior-management approach that is proactive rather than reactive.

The Model replaces exclusionary discipline with a social skills-based approach that "catches kids being good," -and through this approach and techniques that go along with it- all of a sudden, the students who were the most disruptive in classrooms are consistently receiving lots of positive feedback and require less punishment. This program ensures that every school employee (including school leaders, teachers, janitors, school resource officers, specialized personnel etc.), and as many parents as possible are offered exemplary programming to ensure the behavior expected at school (and the tools and techniques essential to refocus and redirect the student) are also the behavior modeled and expected at home. In school, we help administrators use a revised system for teaching the skills students need to replace disruptive behaviors, and returning them to the classroom as quick as possible, rather than having them languish in the hallway or principal's office where they miss important academic instruction.

To give you a glimpse of what the process looks like -when a student has acted out in such a way that they are asked to leave class – our process includes having the student spend as little time as possible out of class and focuses on helping them understand that their behavior was unacceptable, that they are accountable for it, and that replacement behaviors and skills are available to them so they can return to class. A support specialist works with the principal and other leaders to help the student and discuss what happened and prepare to re-enter class. Once the student is ready to return and apologize, the teacher is also prepped to accept the student back into class, and to accept the apology. The principal or other school leader brings the student to class, the teacher accepts the apology, and accepts the student back. The adults praise the student for apologizing and give credit that the student is taking ownership and choosing to return to class. The teacher lets the student know what the class is working on now. In each instance, the school team and the student know there will be weekly check ins to help the student work on new skills and to have support. The teacher ups praise for every good decision made by the student 8 to 1.

The Model also includes a component that connects the student and their family to faith-based programs, sports teams, or other community services and networks that can help tie students to meaningful activities linked to positive adult mentors and other supports. The combined use of this tiered approach has successfully helped schools work within their community to solve one of the most intractable problems faced by America's schools.

In most instances, our work with schools and districts is made up of different Boys Town services much like other multi-tiered systems of supports, but it combines both school and family-based services together. These services help keep at-risk children at home and in school. The specific strategies, methods, tools, and resources associated with each can be tailored for individual schools or entire districts to fundamentally change the educational experience for students and staff. Educators across the country, at every grade level, use the Boys Town Model to meet the needs of their students. We hear regularly from principals, teachers, parents, and community partners who firmly attest to how these approaches have transformed classrooms, schools, homes, and communities.

In conclusion, there are two principles that we think are critical for preventing delinquency in at-risk children. First, remembering what Boys Town's founder, Father Flanagan said, "There are no bad boys or girls. There is only bad environment, bad teacher education, bad example, bad thinking." Second, at Boys Town we focus on *taking care of those closest to the children*. To do this, we partner together with parents and teachers to provide them the quality services and supports they need to teach and care for children. Getting adults on-the-same-page and working together to increase the use of positive behavior supports for students can prevent some of the problems our schools are facing today. Creating safe and effective school cultures is a significant priority of the mission of Boys Town and our commitment to all of America's children so they can be hopeful, thriving, and good citizens for our future.

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<sup>1</sup> See: Bishop, G.B., Rosen, L.A., Miller, D.C., & Hendrickson, J. (1996) Evaluation of the boys town motivation system in a u.s. school setting. *School Psychology International*, 17, 125-131. Retrieved at: <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.682.9840&rep=rep1&type=pdf>, and Thompson, R.W., Ruma, P.R., Nelson, C.S., & Criste, A.H. (1998). Implementation of the boys town education model in four Georgia psychoeducational network programs: Initial impact on student social skills and adjustment. *Georgia Psychoeducational Network Research Report*, 7, 31-40. And, Burke, R.V., Oats, R.G., Ringle, J.L., Fichtner, L.O., & DelGaudio, M.B. (2011). Implementation of classroom management program with urban elementary schools in low-income neighborhoods: Does program fidelity affect student behavior and academic outcomes? *Journal of Education for Students Placed at Risk*, 16, 201-218. Retrieved at: <https://psycnet.apa.org/record/2011-18209-003>, and Oliver et al., 2019, Universal and selective interventions to promote good mental health in young people: Systematic review and meta-analysis, *Science Direct Journal*, at: <https://www.sciencedirect.com/science/article/pii/S0924977X20309159>

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<sup>ii</sup> Duppong Hurley, K., Lambert, M. C., Patwardhan, I., Ringle, J. L., Thompson, R. W., & Farley, J. (2020). *Parental report of outcomes from a randomized trial of in-home family services*. *Journal of Family Psychology*, 34(1), 79–89, at: <https://doi.org/10.1037/fam0000594>, and, Mason et al., 2015, 2016, Peer Network Counseling as Brief Treatment for Urban Adolescent Heavy Cannabis Users, at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5148746/>

Chairwoman BONAMICI. Thank you very much, Father Boes, for your testimony, and next we are going to hear from Mr. Muhammad.

You are recognized for 5 minutes for your testimony.

**STATEMENT OF DAVID MUHAMMAD, EXECUTIVE DIRECTOR,  
NATIONAL INSTITUTE FOR CRIMINAL JUSTICE REFORM**

Mr. MUHAMMAD. Thank you. Good afternoon, Chairwoman Bonamici and Ranking Member Representative Fulcher, and all the esteemed members of the Civil Rights and Human Services Subcommittee. I am honored to testify at this important hearing today.

My name is David Muhammad. I am the executive director of the National Institute for Criminal Justice Reform. NICJR works to reduce incarceration and violence, improve the outcomes of system-involved youths and adults, and increase the capacity and expertise of those that serve them.

We are based in Oakland, California, but we work in cities throughout the country.

I have spent the past 25 years working in and with the juvenile justice system. I have worked as a youth correctional administrator in Washington, DC, and Oakland, California. I have developed numerous re-entry and youth development programs and worked on youth justice policy throughout the country.

Since the onset of the COVID pandemic and due to its related impacts, we have experienced a significant increase in gun violence in America. Despite inaccurate assumptions to the contrary, youth are not responsible for this increase.

Nationally, and in nearly every city in the country, juveniles account for less than 7 percent of gun violence, victims and perpetrators. My organization has conducted detailed analysis of gun violence in several cities across the Nation, and consistently the average age of shooting victims and suspects are in their mid to late twenties.

In the past 20 years, there has been great progress and success in youth justice reform in America, resulting in a 70-percent reduction in youth incarceration.

Studies have shown that this drop in juvenile incarceration has had no negative impacts on public safety, and in some jurisdictions, evidence proves that there has been a positive impact on public safety.

This is due to the fact that youth incarceration is ineffective, harmful, and excessively expensive. A Federal Office of Juvenile Justice and Delinquency Prevention released a report last month showing that during the same time as youth incarceration was dropping, youth crime was plummeting.

The study found that, “the number of arrests involving youth fell 84 percent between the 1996 peak and 2020.” The report also found that “the number of youth arrests for violent crime in 2020 was one-third the number in 2006.”

In 2019, NICJR, in partnership with the city of Oakland and its police department and local community-based organizations, launched an innovative youth development and diversion program.

Young people arrested for nonviolent felony offenses are diverted at the point of arrest to the Neighborhood Opportunity and Accountability Board. Young people referred to the NOAB are immediately engaged by a community services coordinator, who meets with the youth and family and conducts an assessment.

The youth and family are scheduled to meet with the board for a NOAB conference. The board is made up of community leaders, faith leaders, business owners, system-impacted individuals, and victims of crime.

After meeting with the board, a life plan is developed with the youth and family, and they are connected to an array of community-based services from our partner local CBOs.

Since its inception in April 2020, OPD has referred nearly 80 youth to the program, and less than 10 have been rearrested.

NICJR is replicating the program in nearby Richmond, California, and we are in discussions with several other jurisdictions about starting NOABs.

A national study conducted by the Justice Policy Institute found that it costs taxpayers \$150,000 per year for every youth detained in the juvenile justice system.

In places like California and Washington, DC, those costs are much higher, going above \$300,000 per youth every year.

Diverting youth from the system involvement is not only better for their outcomes and their development, it is extreme savings for taxpayers.

Last, NICJR's National Offices of Violence Prevention Network has launched an exciting new project, YDII, Youth Data and Intervention Initiative.

Starting in Washington, DC, but eventually including up to ten cities throughout the country, YDII is a research, data tracking, and an intensive intervention initiative that seeks to prevent youth from becoming—young teens from becoming involved in gun violence when they are young adults.

Initial research shows that young people who have a combination of risk factors have increased likelihood to be involved in gun violence as young adults. Such risk factors include significant school absenteeism, receive school discipline, experience trauma, child welfare involvement, initial juvenile delinquency, developmental and mental health challenges, lives in a high poverty and high crime neighborhood.

Young people with all of these risk factors, at 11, 12, 13 years old, are much more likely to be involved in gun violence 10 years down the line.

The goal of YDII is to help jurisdictions track these factors in youth in real time, and when any young person reaches the threshold of multiple risk factors, to provide very intensive community-based supports, including family counseling, family support, intensive mentoring and life coaching, cognitive behavior therapy, appropriate mental health and trauma healing services, tutoring and other educational services, and, in some cases, therapeutic residential options.

Thank you for this opportunity to testify today. I look forward to any questions and discussion.  
[The prepared statement of Mr. Muhammad follows:]



## David Muhammad Testimony before Congressional Civil Rights and Human Services Subcommittee

### Youth Justice – Investments in Prevention

Good afternoon, to Chairwoman Bonamici, Ranking Member, Representative Fulcher and all of the esteemed members of the Civil Rights and Human Services Subcommittee, I am honored to testify at this important hearing today.

My name is David Muhammad and I am the Executive Director of The National Institute for Criminal Justice Reform (NICJR). NICJR works to reduce incarceration and violence, improve the outcomes of system-involved youth and adults, and increase the capacity and expertise of the organizations that serve these individuals. NICJR provides technical assistance, training, consulting, research, organizational development, and advocacy in the fields of juvenile and criminal justice, youth development, and violence prevention. We are based in Oakland, CA but work in cities throughout the country.

I have spent the past 25 years working in and with the juvenile justice system. I have worked as a youth corrections administrator in Washington, DC and Oakland, CA and I have developed numerous re-entry and youth development programs and worked on youth justice policy throughout the country.

Since the onset of the Covid pandemic and due to its related impacts, we have experienced a significant increase in gun violence in America. But despite inaccurate assumptions to the contrary, youth are not responsible for this increase. Nationally, and in nearly every city in the country, juveniles account for less than 7% of gun violence victims and perpetrators.

My organization has conducted [detailed analysis of gun violence](#) in several cities across the nation, and consistently the average age of shooting victims and suspects are in their mid to late 20s.

In the past 20 years, there has been great progress and success in youth justice reform in America, resulting in a [70% reduction in youth incarceration](#). Studies have shown that this drop in juvenile incarceration has had no negative impacts on public safety and in some jurisdictions, evidence proves there has been a positive impact on public safety. This is due to the fact that youth incarceration is ineffective, harmful, and excessively expensive.

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), [released a report](#) last month showing that during the same time as youth incarceration was dropping, youth crime was plummeting. The study found that “the number of arrests involving youth fell 84% between



the 1996 peak and 2020.” The report also found that “the number of youth arrests for violent crime in 2020 was one-third the number in 2006.”

In 2019, NICJR in partnership with the City of Oakland and its police department and local community based organizations, launched an innovative youth development and diversion program. Young people arrested for non-violent felony offenses are diverted at the point of arrest to the [Neighborhood Opportunity and Accountability Board \(NOAB\)](#).

Young people referred to the NOAB are immediately engaged by a community services coordinator, who meets with the youth and family and conducts an assessment. The youth and family are then scheduled to meet with the Board for a NOAB Conference. The Board is made up of community leaders, faith leaders, business owners, system-impacted individuals, and victims of crime.

After meeting with the Board, a Life Plan is developed with the youth and family, and they are connected to an array of community based services from our partner local CBOs. Since its inception in April 2020, OPD has referred nearly 80 youth to the program and less than 10 have been re-arrested.

NICJR is replicating the program in nearby Richmond, CA and we are in discussions with several other jurisdictions about starting NOABs.

A national study conducted by the Justice Policy Institute found that on average, its costs taxpayers \$150,000 per year for every youth detained in the juvenile justice system. In places like California and Washington, DC, those cost are much higher, going above \$300,000 per youth every year. Diverting youth from system involvement is not only better for their development and outcomes, but an extreme saving to taxpayers.

Lastly, NICJR’s National Offices of Violence Prevention Network has launched an exciting new project – YDII – the Youth Data and Intervention Initiative. Starting in Washington, DC but eventually will include up to 10 cities around the country, YDII is a research, data tracking, and intensive intervention initiative that seeks to prevent young teens from becoming involved in gun violence when they are young adults.

Initial research shows that young people who have several risk factors combined, have an increased likelihood to be involved in gun violence as a young adult. Such risk factors include:

- Significant school absenteeism
- Received school discipline
- Experienced trauma
- Child welfare involvement
- Initial juvenile delinquency



- Developmental or mental health challenges
- Lives in a high poverty, high crime rate neighborhood

Young people with all of these risk factors at 11, 12, 13 years old, are much more likely to be involved in gun violence 10 years later.

So the goal of YDII is to help jurisdictions track these risk factors in youth and when any young person reaches the threshold of these multiple risk factors, to provide very intensive community based supports, including:

- Family counseling
- Family support
- Intensive mentoring and life coaching
- Cognitive Behavioral Therapy
- Appropriate mental health and trauma healing services
- Tutoring and other educational supports
- And in some cases, therapeutic residential options

Thank you for this opportunity to testify today and I look forward to any questions and discussion.

Chairwoman BONAMICI. Thank you so much for your testimony. All of the testimony was incredibly insightful.

Now, under committee rule 9(a), we are going to question the witnesses under the 5-minute rule. After the chair and ranking member, I will recognize members of the subcommittee in their order of seniority.

Again, to ensure that the 5-minute rule is adhered to, staff will be keeping track of time and the blinking light will show when time is expired. Please be attentive to the time and then remute your microphone.

As chair, I recognize myself for 5 minutes.

Dr. Hawkins, as I mentioned in my opening statement, youth of color and LGBTQ+ youth are overrepresented in the juvenile justice system.

For example, data has shown that although LGBTQ+ youth make up 9.5 percent of the general population, they make up about 20 percent of the youth in the juvenile justice system.

Additionally, in your testimony, you cite research suggesting that investing in intervention programs to prevent homelessness results in a reduction of crime. We also know that vulnerable youth, including youth of color and LGBTQ+ youth, are more likely to experience housing insecurity and homelessness.

Do you have ideas, how can we tailor intervention and diversion programs to meet the unique needs of these youth, and how do wraparound services like housing assistance help prevent delinquency and reduce recidivism?

Ms. HAWKINS. Thank you for the question, and it is an important one. As I shared, I know that the research suggests and really demonstrates that these structural supports are critical.

To your question about housing, when young people have transient or insecure housing, that does lead—and research does show—it leads them to engage in minor crimes. These crimes then lead them into a formal relationship with the juvenile justice system.

One of the many ways that we can think about wrap-around services or prevention, just really thinking about creating that safety net, so that there is secure housing, that there are opportunities for vocational education when young people may not attend a traditional school, that they are able to seek job skills training.

When I think of wraparound, I think of—I think of secure homes—excuse me—secure housing, but I also think about all of the other supports that are needed in terms of vocational education, public services that are secure and working well.

Those are some of the ways that the structural components really need to work together to really create those opportunities for young people.

Chairwoman BONAMICI. Absolutely. Thank you so much. I want to ask Ms. Smoot Evans, in your testimony you highlight the Perry Preschool Project, and I am grateful that you did this research study that provided a group of high-risk young people with quality preschool education.

Access to high quality preschool for all children is a good investment, which is one of the reasons why it is a top priority of mine in Congress. Despite efforts by this committee to advance universal access to early childhood education, this investment for our country remains unfulfilled and long overdue.

We have an effort here in Multnomah County in Oregon, a county-passed measure, but really, with what we have heard today from you and the other witnesses, it makes such good sense.

What role do early childhood education programs play in prevention of juvenile delinquency, Ms. Smoot Evans?

Ms. SMOOT EVANS. Sure. Thank you for that question. Preschool education, and particularly quality preschool education, helps with mental stimulation, right? We know that the more a child is read to, that their vocabulary is going to grow, their ability to succeed in educational environments is going to grow, and that also is going to help us tap down against the school-to-prison pipeline, right?

The young person is better equipped when they enter kindergarten, when they enter first grade, to be successful in the classroom. It gives us a chance to identify some of those unmet needs that might exist in that young person's life a little bit earlier.

It is always better to be addressing the root of the problem as opposed to trying to react to it later on.

Chairwoman BONAMICI. I absolutely appreciate that. I want to ask Mr. Muhammad, do you agree with this premise that investing in quality early childhood education is a good investment and that it cannot be done at the local level because not every jurisdiction is going to be able to do that. Why should Congress help?

Mr. MUHAMMAD. There is no question that this early on intervention is critical. And the investments that come from the Federal

Government, even if it is implemented on the local level, the investments coming from the Federal Government is extraordinarily important.

The other thing about it being helping saving lives, develop young people, improve outcomes, it is money-saving, right? When we stop the expensive expense of incarceration, the extraordinary expense of a gun shooting, that actually saves quite a bit of money. \$15,000 in prevention can stop \$100,000 in incarceration in response to shootings.

Chairwoman BONAMICI. Thank you so much, and I am going to try to set a good example and yield back, but I just want to note that the title of our hearing is an ounce of prevention, and we all know the rest of that saying, is worth a pound of cure.

I am going to yield back and then recognize Ranking Member Fulcher for 5 minutes for your questions.

Mr. FULCHER. Thank you, Madam Chair. In our briefing material, I noticed that the first juvenile court was put in place in 1899, not 1999 but 1899. This is not exactly new, and looking back, prevention was a key component then.

There are at least maybe some hints that we are trying to do the right things here, but anyway thank you for that, and I just want to mention and ask your permission to put something in the record.

We got a very active law enforcement in our State, in Idaho. In particular, there is a gentleman that was a resource officer for 13 years who specialized in this, and he has—he has got a list of things called “Lessons Learned From Dealing with High-Risk Teens,” and I would like to submit that for the record with your permission, please. It is from Officer Gomez.

Chairwoman BONAMICI. Without objection.

Mr. FULCHER. Just as a mention too, Sheriff Donahue has been heavily involved with this, and he is big on prevention as well, so we are very thankful for his input.

To questions very briefly, Father Boes, thank you for your work and for your testimony you shared about Boys Town. I understand the organization is not directly linked to the Catholic Church, but the faith-based values have a big impact, and they drive a lot of the work that you do.

How do you walk that tightrope, and just discuss with us, if you would, how you can use those values but stay within the guidelines of the law.

Father BOES. Yes. From its founding, Father Flanagan set up Boys Town as nondenominational and non-proselytizing. We support kids in whatever religious faith they have and even no faith at all. Like on campus, we have a Catholic and a Protestant church, and a Native American sweat lodge. There are three synagogues and a mosque within walking distance of campus.

When we work with kids in the community, we try to connect them to all resources, including the spiritual ones. We try to use a body, mind, spirit approach in all we do.

Mr. FULCHER. Just as a followup to that, you also pointed out the importance, when you partner with schools, how important it was to have the school leadership on board and part of that program.

Can you share with us any examples, maybe, of how you make sure that you are truly working with a partnership and they are engaged in that partnership?

Father BOES. Yes. We discovered, through our LIFT Together program, that buy-in from the principal is absolutely essential. Their commitment of resources, staff development time, and ongoing consultation is what makes it work.

Principals who show up physically for the training and make it a school priority are the ones where LIFT Together is the most successful.

Parental leadership is just as important. We discovered that, while every parent may not show up for the education and social skills that is at the heart of LIFT Together, the ones that do are often the leaders in their school and in their community and among the young people in their area.

Their homes are often the ones where the kids hang out after school and on weekends, and their support of the social skills we teach are important to our success.

We also need buy-in for community leaders. It has got to be a public-private partnership. We need that to open doors, provide resources, and gain trust.

Mr. FULCHER. Well, it is a very worthy effort, and I just want to say thank you to you personally for your work and everybody else on this. There is not a more worthy effort to try to support.

Madam Chair, with that, I yield back.

Chairwoman BONAMICI. Thank you so much, Ranking Member. I would recognize Representative Hayes or Representative Bowman. Your cameras are off. If one of you is ready?

I will recognize Representative Hayes for 5 minutes for your questions.

Mrs. HAYES. Good morning, Madam Chair. Sorry about that. Thank you for holding this very important hearing.

To all the witnesses for being here today, thank you.

We have seen decades' worth of targeted investments in juvenile justice programs work for our children and our communities. Recent studies have shown that since the passage of the Juvenile Justice Delinquency and Prevention Act, arrests and incarceration rates for youth have fallen by 70 percent.

If we want to continue this trend and support our children, we here in Congress must be intentional about the resources we devote to juvenile justice prevention programs and support programs.

These programs can be as effective as the infrastructure and resources around them. During the peak of COVID-19, it took months for some juvenile offenders to be referred for support services.

In some instances, these youth had already committed several infractions by the time support services were offered, and they were incarcerated anyways.

We have a responsibility, not only to these young people but to our communities, because much of the information out there as a result of not seeing any actionable steps taken.

We have seen fear-mongering tactics that harm our children in the long run, and I look forward to just exploring with the wit-

nesses today about ways that we can be much more proactive and prospective and put the networks in place.

I can tell you; I was a classroom teacher at a high school for many years, and there were times where you could anticipate or predict that something was wrong or a problem was happening, but really directing young people or families to where to find the resources was sometimes an even much bigger challenge.

Dr. Hawkins, in your testimony, you describe three levels of prevention, the first of which is focused on avoiding the initial occurrence of a problem. Can you talk more about that first level of prevention and what is needed to avoid delinquency in the first place?

Ms. HAWKINS. Thank you for the question. Yes, primary prevention. Primary prevention is the level at which we are really thinking about how do we create secure environments that allow our young people to thrive. That is the output of primary prevention.

Research shows that primary prevention, when you target the underlying structures that place youth at risk to begin with, is the most effective strategy.

When I think about data and research that I have engaged in, young people—and I will give you a concrete example. In the State that I live, North Carolina, there is a recent law, as of December, where the minimum age at which a young person can become involved in the juvenile justice system was just raised from the age of 6 to the age of 10.

Linking the previous conversation about the importance of high-quality education, we have young children, just as of December, where they could have been 6, involved in the juvenile justice system.

If we think about all of the ways in which we can create structure in their communities that allow them to thrive, both with secure housing, great quality education, we would see opportunities to intervene, and that connection with the juvenile justice system would never have taken place.

Mrs. HAYES. I am really glad to hear you say that, because I know this to be true. If we have things like supportive stable housing in place—I heard the chair talk about childcare and resources—many of the issues that—the behaviors that occur in young people, I know are because there is a lack of structure.

Addressing all of those issues that lead to the instability, that, in turn, leaves these young people as products of their environment.

Ms. Evans, in your testimony—I have a very short amount of time—you mentioned most young people who engage in delinquent behavior will eventually age out as they enter adolescence.

As these children age into the workforce, what support services do you think would be helpful for lifetime success?

I will just add that I recently had legislation passed for YouthBuild and programs like that to get kids involved in job training programs. Do you have any thoughts on that topic?

Ms. SMOOT EVANS. Sure, thank you. We work, as part of our work at CJJ, with young folks who are currently incarcerated and who are also outside in the community, and this is one of the questions we have been talking about with that group of young folks.

Job training comes right at the top of the list as part of what do we need to be successful.

Job training, housing supports, help holistically for a young person in terms of educational opportunities and also in terms of taking care of their own children.

Mrs. HAYES. Thank you. Right on time. I appreciate that.

Madam Chair, I yield back.

Chairwoman BONAMICI. Thank you, Representative.

Next on my list to recognize is the ranking member of the full committee, Dr. Foxx. There she is.

Dr. Foxx, you are recognized for 5 minutes for your questions.

Ms. FOXX. Thank you, Madam Chair, and I thank the witnesses for being here today.

Father Boes, thank you particularly. We are supposed to be focused on evidence-based programs, and you have done the best job of giving us evidence to show what programs work. We have heard a lot about changing statistics, but you have told us what programs are aimed at helping children succeed, what works, and what does not.

Could you share more information about the evaluations you have done and how you use the results to fine-tune your program?

Father BOES. Thank you, Representative. Every component of our LIFT Together program that I talked about is research-based. For example, our school training component is currently involved in two federally funded randomized control trials and is being conducted with several district partners and is currently recognized by the Every Student Succeeds Act criteria as having promising research evidence of effectiveness.

The Boys Town Common Sense Parenting module, as listed by the California evidence-based clearinghouse, is supported by research evidence of effectiveness. Our In-Home Family Services is also in that same clearinghouse as having promising evidence of effectiveness.

We have a team of researchers that keep researching the modules of our program and the overall program and then implementing it into practice.

We also learn from our implementation, right, from the schools. For example, we learn from the schools that having a Boys Town-trained support specialist physically in every school greatly improves the implementation of LIFT Together.

Ms. FOXX. Well, thank you very much. That is very helpful.

Ms. Evans and Dr. Hawkins, we have heard very little evidence from you or statistics. I will be following up with you to see if you can provide more specific information. Broad conversations on programs are not particularly useful in this context.

Father, it is important that when we talk about helping children, we keep families at the center of that conversation. How do you do that in your LIFT Together program? What challenges have you faced trying to engage the family, and what have you done to overcome the challenges?

Father BOES. At Boys Town, there is no cookie-cutter approach. Oftentimes, for example, our family consultants need to be able to speak the language of the family. They need to deeply understand the resources available in their area, and that might be through

local churches, cultural organizations, or social community supports.

We really focus on working with the parents because—especially those about to be expelled or suspended. Parents want what is best for their kids. They want to keep them in school.

We do everything we can by placing a—offering a Boys Town family consultant to mentor them in their parenting, help them communicate effectively with parents and administration, and then connect to community resources. That is how we engage the community and the parents.

Ms. FOXX. Thank you, Father. What role do school resource officers play in helping to keep the students out of the justice system? Does your program work with them?

Father BOES. We do. When a school or district has an SRO, we treat them like the other staff. They go through the same training as the teachers and the janitor and the coaches and everybody else.

With our LIFT Together model, we are trying to create a team around the kids, so everybody is on the same page.

That same goes for school security guards, disciplinary staff assigned to the building. We actually train them specifically, and SROs, on de-escalation techniques and effective praise, you know, catching kids being good.

When they discover that the social skills training makes their job easier and more fun, what we love to see in one of our schools is the SROs going down the hallway and high-fiving kids for their positive behaviors. That is when we know we have made a real difference in the school community and in their culture.

Ms. FOXX. Thank you very much.

Madam Chair, I appreciate your doing this hearing. I do think it is important that we focus on evidence-based programs and hear more about what programs work.

Father Boes, I would like to followup with you a little bit more also, to talk about how the programs have changed over the years as we have seen the skyrocketing number of children being born to single mothers.

I have a strong feeling we are not getting at the real problem here. The real problem is how many children are being born to single mothers.

If you are talking about a structure that is needed for children, the best structure in the world is a two-parent family. I do not think we have ever found anything to replace that. Thank you very much. I yield back.

Chairwoman BONAMICI. Thank you, Ranking Member Foxx, and next, I recognize Representative Bowman for 5 minutes for your questions.

Mr. BOWMAN. Thank you so much, Madam Chair, and thank you to all the witnesses for being here today. I have been incredibly moved and inspired by all of your testimonies and responses to all the questions that have been asked.

Prior to me coming into Congress, I worked in education for 20 years as an elementary teacher, a high school dean of students, and a middle school principal, and you are all speaking my love language right now, so thank you so much for the work that you are doing.

My first question is for Dr. Hawkins. I believe we have a shared responsibility, all of us, to dismantle the school-to-prison pipeline. Based on your work and your research and your experience, what should schools and school districts be investing in to ensure that our kids do not end up on the school-to-prison pipeline? Can you speak to where our school dollars should be going?

Ms. HAWKINS. Thank you for the question. I will leave exactly where the dollars go to you. I will tell you from my research that we know, and this is fact, that, as I shared earlier, Black students, who account for 15 percent of the total school enrollment, are expelled at rates twice their share of the total school enrollment.

When we see similar statistics, so an evaluation that I did with the Shelby County School District, so speaking of evidence-based, we found that there are similar suspension statistics there.

With that information, we created a suspension diversion program because we understand that traditional diversion programs are not helpful; they are not primary prevention.

We were thinking, if these young people are suspended from school, let us find ways to really address that issue early on. That is an example of where we use data, where we use our evaluation findings to really intervene through that school-to-prison pipeline.

It has been really successful in that these young people are not unsupervised because they are at home; they are in a school setting, but it also creates that opportunity for the educators to continue to support the students that are in their class.

It is about the structure that we offer within the school setting.

Mr. BOWMAN. Dr. Hawkins, you just made me think of the adult biases that exist within many of the adults who work in our schools, both explicit and implicit bias. Can you speak to the implicit and explicit bias that may exist in teacher and staff training that may lead to some of the high numbers of suspensions we see amongst Black boys and Black girls as well, starting as young as preschool?

Ms. HAWKINS. I will frame my response in the research that I have done. We do see that many educators use the school disciplinary process when they have students that are not allowing them an effective space to teach.

Rather than figuring out solutions that might allow that student to remain engaged in school, they will use suspension as an option because it is an option.

What we do not take into account perhaps, is what happens when that young person is no longer in that school environment and what the opportunities are for that young person, when unsupervised, to engage in behaviors that might find them connected to the juvenile justice system.

The opportunity, I believe, that we have, and my research shows, is that there are alternatives that do keep young people in school, and those alternatives are successful.

Mr. BOWMAN. Thank you so much for that response.

I have a question for Father Boes—Boes. Excuse me if I am mispronouncing that. First of all, thank you on your work with Boys Town. I am a male myself, and I remember the challenges I had growing up as a young man, and to Ranking Member Foxx's point, I grew up with a single mom, and it was programs like yours that

really were supportive of me, all of the programs that have been mentioned, supportive of me in my development.

Why do we not have more Boys Towns across the country, and how do we get there?

Father BOES. Well, I think part of the problem we have at Boys Town is that our model right now is intensively person to person, and we probably need to digitalize our training, and we are in the process of doing that right now.

Mr. BOWMAN. Awesome.

One last thing. Thank you, Madam Chair. We need some Girls Towns too, because our young girls are struggling with some stuff as well.

Thank you, and I yield back.

Chairwoman BONAMICI. Thank you, Representative Bowman. It is my understanding that Boys Town does now work with girls as well.

Next, I recognize Representative Fitzgerald for 5 minutes for your questions.

Mr. FITZGERALD. Thank you, Madam Chair. Fascinating hearing this morning.

Father Boes, your work is unprecedented, and I just want to congratulate you on everything that you have been involved with at Boys Town.

I did have a question about, when we have had discussions, especially in the committee, about not necessarily youth that are incarcerated but those that are kind of on the path to incarceration, that there are some signs that really stand out, and one of them was literacy, whether or not a child can read, and whether or not that is measured on a regular basis.

Obviously, that carries on even to recidivism in our prisons, when they find out that someone cannot read even at a fifth-grade level.

That was one thing I just wanted you to possibly comment on.

The other is, in a lot of situations I find in my State, my district, is, we have a charter school program. Some of those charter schools are actually within the public school system, and others are sponsored by other entities like some of the universities here. One of the things they have learned very quickly is, if you can find a child that is at risk and then also introduce them to a work component, give them kind of a reason—because many of these kids are hands-on versus just, you know, sitting in a classroom all day—that that oftentimes can be the life preserver that kind of pulls them out.

Father Boes, I was wondering if you could comment kind of on those ideas.

Father BOES. Sure. Thanks for the question.

I definitely think that workforce development—which is part of what we do on campus here especially. We are starting to do it at our sites a little bit, getting kids some training and experience.

We have a partnership with Union Pacific here in Omaha to get people into the workforce, and they are paying for that. We have welders that we train, and we ship them to Valmont, and they get to weld for a very high rate of compensation. Yes, that is important.

I have not seen the statistics on literacy, but it does make sense to me, that being able to read makes a big difference in school and how you learn.

Yes, we think that kind of training is important.

Mr. FITZGERALD. Yes.

The one other thing I would just offer is, you know, we have had other types of unique situations. The Rawhide program in Wisconsin was one that we received some testimony on. It seems like there is kind of a critical age. I am just wondering what that is for many adolescent boys, when you know you are kind of at a point where either, you know, they have to advance or, you know, they are going to very quickly maybe lose their footing and suddenly they find themselves in trouble.

Father BOES. Yes, I would say that the younger you can intervene is always better.

Most of our services at Boys Town, 96 percent of them, are for kids that are still in their own home and in their own community and in their own school. That kind of intervention—if you can catch a kid before they are 12 or 14, then it is a lot easier, and the long-term trajectory looks a lot better.

If you have to wait until they are 16, sometimes those kids have to be pulled out of their home, the therapeutic residential, and that is a tough, tough thing.

Mr. FITZGERALD. Yes. Very good. Thank you for being here today. I yield back, Madam Chair.

Chairwoman BONAMICI. Thank you, Representative.

Now I recognize the Chairman of the Full Committee, Representative Bobby Scott from Virginia, a leader, a longtime leader, on these issues.

Chairman Scott, you are recognized for 5 minutes for your questions.

Mr. SCOTT. Thank you, Madam Chair.

Representative Fitzgerald is absolutely right; reading is a key component. Mrs. Hayes will tell us that up to the third grade you learn to read but after the third grade you read to learn. If you cannot read by the third grade, you cannot learn after the third grade, you are dropping out. Dropping out is highly correlated with getting in trouble. Mr. Fitzgerald is absolutely right. The ability to read is a component we have to focus on.

Ms. Evans, welcome to Newport News. I notice that you pointed out how much savings you can generate by proper investments—5 to 1, 10 to 1, 12 to 1. You can have \$12 for every \$1 you spend. Why would anyone fail to do this?

Well, I can tell you. I have been working on prevention since I was in the State senate and created the legislation, the Council on Prevention, to get agencies together so that they could work together and try to capture those savings. What happens is, the agency spending the money is not the one saving the money. The local city spends money in a jobs program, reduces crime; State Department of Corrections saves some money.

We have to get—one of the things about the Youth PROMISE Act is that you require everybody to get around the table and identify who is going to save money and, as they save the money, get

them to kick the money back in so that those spending the money will have that savings to spend.

Can you talk a little bit more about the value of the Youth PROMISE Act and the Title V grants in the Juvenile Justice and Delinquency Prevention Act?

Ms. EVANS. Yes, sir. Thank you.

I think one of the unique things about the Youth PROMISE grants is that it really gives local communities leverage to do local work, right? Using Virginia as an example, we have the Tidewater, we have northern Virginia, we have rural Virginia. What works for communities in one portion of our State is not going to work for folks in other portions of our State, and Youth PROMISE gives local tools to those communities to look at what works and invest in what works.

It also looks at those proven programs that we have been talking about. You know, obviously, we need more research so that we have more programs that are evidence-based, but many of these already are evidence-based, in terms of afterschool interventions, early preschool care, you know, helping mom with a newborn baby. These are proven programs that work.

It also involves a local match in those dollars, which is unique and different from Title II of the JJDP. It is, you know, Federal seed money that then is built upon by the local government.

Mr. SCOTT. Thank you.

Mr. Muhammad, you indicated that juveniles are not the problem with present violence, that most of it is caused by people in their mid to late 20's. Have you looked behind those numbers to see how many were unemployed or high school dropouts, problems that could have been addressed by investments during the juvenile years?

Mr. MUHAMMAD. Absolutely. Thank you, Chairman Scott. Good to be with you.

Yes, a large majority, the vast majority of young adults who have engaged particularly in gun violence, A, had history in the juvenile justice system; B, have experienced trauma, engaged in both the juvenile justice and the child welfare system, have had delinquency—have had discipline and often maybe expelled or stopped attending school.

There are a number of identifiable risk factors, a combination of them, when the 13-year-old was a young person who needed guidance and support and intervention before becoming the 24-year-old person involved in gun violence. It is a small number of people, very identifiable risk factors, and therefore preventable.

If we did a better job of identifying those young people and having intensive community-based intervention and engagement with them, we could not only improve their immediate outcomes but really reduce violence in the long term.

Mr. SCOTT. Thank you.

Father Boes, I notice using positive reinforcement rather than punishment. Can you tell me the difference between the value of positive reinforcement in the power of reducing bad behavior as opposed to punishment, which one works better?

Father BOES. Right. The research is real strong: Random, positive reinforcement is the quickest way to change behavior for everybody but especially teenagers.

Catching a kid being good, they will remember that all day long. You know, “You used that social skill,” “You looked at me when you talked,” “You showed respect with your voice tone,” all of those are very positive. Yes, that is what makes a difference in our schools.

Mr. SCOTT. That punishment is very poor in terms of actually reducing future problems.

Father BOES. Yes. It lasts for the length of the punishment, essentially.

Mr. SCOTT. Okay.

Father BOES. Yes, that is what we have discovered. It still might need to be used, you know, if a kid is totally disrupting the classroom. Should be a last resort.

Mr. SCOTT. Well, I will point out that we use punishment. On incarceration, we are off the chart compared to everywhere else, so much so that some studies show it is actually counterproductive. It is not reducing crime any, and you have too many people raising families with the parents in prison; you have too many people with felony records who cannot find jobs. Using so much money that could have been put to good use but is actually counterproductive. I think we need to learn that lesson too.

Thank you, Madam Chair, and I thank you for your indulgence.

Chairwoman BONAMICI. Of course, Mr. Chairman. Thank you so much. We are just doing one last call to see if any other members are joining, and it appears that there are no other members on the platform.

I want to remind my colleagues that, pursuant to committee practice, materials for submission to the hearing record must be submitted to the committee clerk within 14 days following the last day of the hearing, so by close of business on September 22, 2022, preferably in Microsoft Word format.

The materials submitted must address the subject matter of the hearing. Only a member of the committee or an invited witness may submit materials for inclusion in the hearing record. Documents are limited to 50 pages each. Documents longer than 50 pages will be incorporated into the record via an internet link that you must provide to the committee clerk within the required timeframe, but please recognize that in the future the link may no longer work.

Pursuant to House rules and regulations, items for the record should be submitted to the clerk electronically by emailing submissions to [edandlabor.hearings@mail.house.gov](mailto:edandlabor.hearings@mail.house.gov).

Again, I want to thank the witnesses for your participation today. Members of the subcommittee may have some additional questions for you, and we ask that you please respond to those questions in writing. The hearing record will be held open for 14 days to receive those responses.

I also remind my colleagues that, pursuant to committee practice, witness questions for the hearing record must be submitted to the majority committee staff or committee clerk within 7 days. The

questions submitted must also address the subject matter of the hearing.

I now would like to recognize Ranking Member Fulcher for a closing statement.

Mr. FULCHER. Thank you, Madam Chair. Nothing formal, just a word of encouragement for everyone. I hope that your efforts are not going unrecognized.

Personally, I have a heavy bias toward the faith-based principles. I think that that and the family structure are the ones that are the most effective. Over the course of time, I think it has proven its way out. I know that—or I believe that everybody here, with their efforts, are attempting to have a positive impact.

There is no greater call than to do that with our youth, because it is just that important. They are our Ambassadors to the future, and we need to try to give them the best path forward as possible.

Madam Chair, I yield back.

Chairwoman BONAMICI. Thank you, Ranking Member Fulcher.

Again, as I said before, there is much more in common than different in this important topic. I look forward to working with all my colleagues on both sides of the aisle. This is too important to set aside and not get done.

Thank you to our witnesses so much for your time and testimony.

Today, our witnesses made clear that prevention and intervention are our best tools to decrease youth delinquency. By connecting children with strong mentors, development opportunities, and a quality education, these initiatives not only best support young people, they also save taxpayer money and keep our communities safer.

I released a report a while back, early in the pandemic, about the importance of childcare. When we look at those early investments that we make, we are talking about the cost savings here. These were different, you know, to save \$13 or \$12 for \$1 spent. I included a quote from Professor James Heckman, a Nobel Memorial Prize winner in economics. He has found and said, “Short-term costs are more than offset by the immediate and long-term benefits to reduction in the need for special education and remediation, better health outcomes, reduced need for social services, lower criminal justice costs, and increased self-sufficiency and productivity among families.” That was from a University of Chicago economist about the importance of those early investments in our children.

Further, we have heard how the disparities in the juvenile justice system cause harm and trauma for the most vulnerable youth in our Nation. Making sure LGBTQ+ youth and youth of color receive the same opportunities as their peers, as well as culturally appropriate services, will deliver on the promise of the JJDPa to rehabilitate and not further criminalize youth.

Regrettably, as I mentioned, Congress has underfunded the prevention and intervention programs authorized through the Juvenile Justice and Delinquency Prevention Act, limiting the ability of States and localities to fully implement these evidence-based programs. I am grateful that Chairman Scott asked, why? Why is that happening? We have to work on that.

It requires long-term thinking. These are investments that we make early on that we do not see the benefits of oftentimes for years, but we know what a good investment it is. As I said earlier, if we want to keep children out of the justice system and on a path to success, it is imperative that Congress provide the necessary funding to make prevention and intervention priorities.

I am grateful for Chairman Scott's leadership on this issue, and I look forward to continuing our work to make sure that every child has the opportunity to succeed. Thank you again to all of our witnesses. If there is no further business, without objection, the subcommittee stands adjourned.

[Whereupon, at 1:17 p.m., the subcommittee was adjourned.]

[Additional submissions from Chairwoman Bonamici follows:]

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**Testimony in Support of the Hearing on An Ounce of Prevention:  
Investments in Juvenile Justice Programs**

*Prepared for the House Subcommittee on Civil Rights and Human Services*

On behalf of MENTOR, our network of Affiliates, and thousands of youth mentoring programs across the country, I thank Chair Bonamici and Ranking Member Fulcher for the opportunity to provide testimony in support of the September 8<sup>th</sup> hearing, “An Ounce of Prevention: Investments in Juvenile Justice Programs.”

With a pervasive societal narrative of a national youth crime wave, which is not backed up by the data,<sup>1</sup> it is critical that policymakers stay focused on what we know works. One of those strategies is quality mentoring: an evidence-based prevention and intervention strategy that helps foster positive outcomes for young people from all backgrounds and zip codes. In fact, prominent criminologists have noted that mentoring programs can make excellent partners within multi-component crime and violence prevention initiatives, because their relationship-centric focus fits well within established evidence-based frameworks. Successful mentoring programs can work in tandem with other community services and institutions in the private and public sector to implement whole community approaches to support youth and prevent involvement with the justice system.

The Biden Administration has recognized the value of and severe need for additional student supports through its recent launch of the National Partnership for Student Success – a campaign with the purpose of recruiting 250,000 new volunteers to mentor, tutor, and support youth. We urge the committee to consider how investing in relationships is an innovative, cost-effective prevention and intervention strategy with significant benefits for young people in this time of need.

**The Benefits of Mentoring**

The positive outcomes for youth associated with mentoring as a prevention strategy include:

- **Reducing Unsafe or Risky Behaviors:** Mentors serve as positive examples and consistent support to help young people make healthy decisions and navigate the challenges of their daily lives. Research has found that mentoring can reduce aggressive behaviors such as fighting,

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<sup>1</sup> Mendel, Richard. The Sentencing Project, 2022, pp. 1–8, *Data Reveals Violence Among Youth Under 18 Has Not Spiked in the Pandemic*.

bullying, and delinquency,<sup>2</sup> and that young people who meet regularly with their mentors are less likely than their peers to start using illegal drugs and alcohol. Recent research funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) even found that mentoring program can potentially provide a benefit of three times the public expenditure for every day in jail that program participants avoid.<sup>3</sup>

- **Social Emotional Development and Mental Health:** Mentoring relationships provide young people with a sense of belonging and promotes positive pro-social attitudes. In fact, research demonstrates that the strongest benefit from mentoring, and most consistent across risk groups, is a reduction in depressive symptoms.<sup>4</sup> Mentors can also help reduce mental health stigma and increase the likelihood of treatment entry and adherence.<sup>5</sup>
- **Educational Achievement:** Mentoring is a proven strategy to increase school engagement and improve scholastic efficacy and school-related misconduct, which includes outcomes such as improved attendance, grades and test scores, and classroom behavior.<sup>6,7</sup> Mentors can also encourage healthy activities that support growth and development, such as sports, extracurricular activities, and leadership opportunities.
- **Workforce Development:** Mentors can support youth in career exploration and early employment experiences around two major roles: providing social-emotional support and hands-on skill development.<sup>8</sup> This support can lead to building career identity, offsetting stereotypes and feelings of exclusion, and higher retention rates.<sup>9,10</sup>

#### Closing the Mentoring Gap

Despite the clear benefits, one in three young people lack a mentor in their life, constituting a ‘mentoring gap’ that MENTOR and its Affiliate network seek to close. While mentoring is an effective evidence-based intervention and prevention strategy for young people facing risk, mentoring organizations across the nation still face barriers in providing high-quality mentoring services. An average of 63 young people per program remain on waitlists because of limited resources and funding.<sup>11</sup> Many programs also lack the training and technical assistance that could bolster their mentoring programs by using evidence-based best practices. With support of both public and private funds, mentoring organizations can increase capacity and training to expand and enhance mentoring services in schools, workplaces, and communities.

<sup>2</sup> Tolan, P., Henry, D., Schoeny, M., & Bass, A. Mentoring interventions to a-ect juvenile delinquency and associated problems. *Campbell Systematic Reviews* 2008:16DOI: 10.4073/csr.2008.16

<sup>3</sup> Blakesley, Jennifer, and Thomas E. Keller. Department of Justice, pp. 1–49, *Extending a Randomized Trial of the My Life Mentoring Model for Youth in Foster Care to Evaluate Long-Term Effects on Offending in Young Adulthood*.

<sup>4</sup> Herrera, C., DuBois, D. L., & Grossman, J. B. (2013). The role of risk: Mentoring experiences and outcomes for youth with varying risk profiles. New York, NY: A Public/Private Ventures project distributed by MDRC

<sup>5</sup> DuBois, D. L., Herrera, C., & Higley, E. (2018). Investigation of the reach and effectiveness of a mentoring program for youth receiving outpatient mental health services. *Children and Youth Services Review*, 91, 85–93.

<sup>6</sup> DuBois, D. L., Holloway, B. E., Valentine, J. C., & Cooper, H. (2002). Effectiveness of mentoring programs for youth: A meta-analytic review. *American Journal of Community Psychology*, 30(2), 157–197.

<sup>7</sup> DuBois, D. L., Portillo, N., Rhodes, J. E., Silverthorn, N., & Valentine, J. C. (2011). How effective are mentoring programs for youth? A systematic assessment of the evidence. *Psychological Science in the Public Interest*, 12(2), 57–91.

<sup>8</sup> Kupersmidt, J., Stelter, R., & Garringer, M. (2019). Workplace mentoring. Supplement to the Elements of Effective Practice for Mentoring. Boston, MA: MENTOR.

<sup>9</sup> Manson, S. M., Martinez, D. F., Buchwald, D. S., Rubio, D. M., & Moss, M. (2015). Vision, identity, and career in the clinical and translational sciences: Building upon the formative years. *Clinical and Translational Science*, 8: 568–572. doi:10.1111/cts.12316

<sup>10</sup> Callahan, C. N., Libarkin, J. C., McCallum, C. M., & Atchison, C. L. (2015). Using the lens of social capital to understand diversity in the earth system sciences workforce. *Journal of Geoscience Education*, 63(2), 98–104. <http://dx.doi.org/10.5408/15-083.1>

<sup>11</sup> McQuillin, Sam, and Heather McDaniel. Edited by Cecilia Molinari, MENTOR, Boston, MA, 2016, pp. 1–60, *Examining Youth Mentoring Services Across America: Findings from the 2016 National Mentoring Program Survey*.

### Actions that Make a Difference

As the Subcommittee further examines effective ways to increase programs affective at preventing youth involvement with the juvenile justice system, we encourage members to take the following actions:

- **Increase federal funding to specifically support innovative and evidence-based mentoring practices.** The Office of Juvenile Justice and Delinquency Prevention (OJJDP) runs the only mentoring-specific line item in the federal budget: the Youth Mentoring Program grant. These funds go directly to providing support for some of our country’s most disadvantaged young people, who without these kinds of interventions could become involved in negative behaviors and activities causing harm to themselves, their communities, and which take an economic toll. This grant, which touches every state, also funds the [National Mentoring Resource Center](#), which provides free training and technical assistance to any program that requests it. This important resource has bolstered the ability of mentoring programs to serve young people from vulnerable populations, including young people at-risk of entering the juvenile justice system, youth in foster care, and victims of commercial sex trafficking. We encourage members of this subcommittee to support a \$130 million appropriation for FY23.
- **Increase federal funding for programs that support mentoring as an allowable use of funding, including the following:**
  - Children Exposed to Violence Initiative, which uses funds to train and coordinate for educational and after-school programs on strategies to safely and confidentially identify children and families experiencing violence and properly refer children exposed and their families to services and violence prevention programs. We request this initiative to be funded at \$15 million in FY23.
  - Juvenile Justice and Delinquency Prevention Act (JJDP) Title II, which supports innovative state efforts to adhere to standards that reduce the risk of harm to court-involved youth, ensure fair treatment of minority youth, improve the way systems address delinquent behavior, and ensure citizen involvement and expertise through State Advisory Groups. We request this program to be funded at \$250 million in FY23.
  - Juvenile Justice and Delinquency Prevention Act (JJDP) Title V, a discretionary grant program (“PROMISE Grants”) that supports programs designed to prevent delinquency and address the unmet needs of youth facing risk at the local level through data-driven, evidence-based programs. We request this program to be funded at \$100 million in FY23.
  - The Full-Service Community Schools program provides grants to local educational agencies (LEAs), in partnership with community-based/nonprofit organizations, to make available comprehensive academic, social, and health services for students, their family members, and community members in school settings through service integration and coordinated strategies for target youth and their families experiencing poverty. We request this program to be funded at \$468 million, including \$25 million for schools to design and implement integrated student supports (ISS).
  - Title IV-A of the Every Student Succeeds Act/Student Support and Academic Enrichment Grants authorize LEAs to use funding for activities in three broad areas, one of which mentoring falls within. We request this program to be funded at \$2 billion in FY23.
  - The 21<sup>st</sup> Century Community Learning Centers program enables communities to establish or expand centers that provide additional student learning opportunities through before- and after-school programs and summer school, aimed at improving

student academic outcomes. We request this program to be funded at \$1.789 billion in FY23.

- The Title I Youth Activities Program of the Workforce Innovation and Opportunities Act (WIOA) is a formula-grant funded state grant that helps out-of-school youth and low-income in-school youth with barriers to employment by providing them with services, like mentoring, that help prepare them for employment and postsecondary education.
- Youthbuild helps provide disconnected youth with work readiness and industry-driven credential attainment opportunities. Youthbuild also provides significant support services, such as mentoring. We support the President's call for a funding level of \$120 million for FY23.
- Reentry employment opportunities provides youth involved in the justice system with occupational skills training leading to industry-recognized credentials and apprenticeships for employment in industries and occupations that offer competitive wages and opportunities for advancement. It also provides pre-release and comprehensive release services, including mentoring. We support a funding level of at least \$120 million for FY23.
- **Establish new sources of federal funding for mentoring-specific activities.** While we are thankful for the Youth Mentoring Grant at OJJDP, we do not believe it should be the only mentoring-specific federal funding. Bills that would establish funding in additional federal agencies to expand and enhance mentoring services include:
  - H.R. 3083, Foster Youth Mentoring Act
  - H.R. 6481, Transition to Success Mentoring Act
  - H.R. 4076, Mentoring to Succeed Act

Thank you again for this opportunity. Please contact Caden Fabbi ([cfabbi@mentoring.org](mailto:cfabbi@mentoring.org)) on MENTOR's team with any follow up questions about this testimony or the data cited throughout.

CHAPTER

# 4 Reconsidering Police in Schools

by Ryan King and Marc Schindler

The presence of law enforcement in schools has been a controversial issue for decades. High-profile school shootings combined with concerns about rising rates of violence among youth during the 1990s were a catalyst for federal funding for more police in schools, frequently referred to as "School Resource Officers" or "School Police Officers" (SPOs). The expansion of SPOs in schools goes back to 1999 in response to the school shooting at Columbine High School. The federal Community Oriented Policing Services in Schools Program (COPS) distributed \$68 million to jurisdictions in 2000, resulting in the hiring of 599 SPOs in 289 communities across the country.<sup>1</sup> The federal government has since decreased its resource allocation to SPO programs, but state and local governments have continued to support the hiring of more officers. This article will outline the negative consequences of these investments and provide short-, medium-, and long-term strategies to reimagine how this country protects our children and keeps our schools safe.

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## Level Setting

The expansion of SPOs occurred during an era of nationwide declines in juvenile crime and arrests.<sup>2</sup> The 1990s were characterized by an increase in violent crime, peaking at 413 instances of violent crime per 100,000 youth.<sup>3</sup> This increasing crime rate culminated in the notorious “superpredator” label applied to a generation of young people, mostly youth of color, who were seen as increasingly unmoored from society, dispossessed of the American Dream, violent, predatory, and an ominous threat to public safety. This was the era during which zero-tolerance policies, including infractions in school for behavior that school administrators historically addressed, drove an increase in youth arrests and ushered in the “school-to-prison” pipeline. These zero-tolerance policies disproportionately impacted youth of color by placing them in the justice system. Black students comprised 36 percent of arrests in the 2015–2016 school year, despite accounting for only 15 percent of the student body.

A few short years later, the 21st century ushered in historic and sustained declines in juvenile crime that belied the warnings of superpredators and gave birth to a movement demanding the downsizing of the juvenile justice system. Reforms were catalyzed by an evolving body of research that highlighted the futility of youth incarceration and a call for more investment in community-based reforms that recognize children’s unique amenability to transform their lives with age-appropriate supports and services.<sup>4</sup>

This burgeoning movement, comprised of advocates, practitioners, justice-involved youth and their families, and funders, has galvanized tremendous change in the American juvenile justice system in the short quarter-century since elected officials warned about the need for prisons for irredeemable, violent youth. The unifying thread of these reforms is an effort to reduce the justice system’s role and improve non-justice interventions that preserve children’s connections to school, family, and pro-social peers. SPOs represent an increasingly incongruous strategy to the evolving justice policies and removing police from schools has been a long-term goal of many advocates. The tragic cases of police violence and the nationwide demands for reform during the summer of 2020 amplified the SPO issue as calls to “defund the police” included an early focus on removing police from schools.

*Rather than preventing crime, SPOs have been linked with increased arrests for noncriminal, youthful behavior, fueling the school-to-prison pipeline.*

Rates of youth violence were plummeting independent of law enforcement interventions. Additionally, SPOs have been linked with exacerbating racial disparities in justice involvement and youth being driven deeper into the juvenile and adult criminal justice systems. Rather than preventing crime, SPOs have been linked with *increased* arrests for noncriminal, youthful behavior, fueling the school-to-prison pipeline.<sup>5</sup>

Reimagining public safety in schools requires a rethinking of how resources are allocated moving forward. This includes what services and supports are available to youth, as well as staffing decisions and where jurisdictions prioritize their investments. The dominant law enforcement paradigm is losing support and communities are demanding reform. Some immediate steps can be taken to address many of the concerns outlined in this article, but meaningful and sustainable change will take time.

- **Short-Term Reforms**
  - Put the “Resource” in SROs
  - School Leadership must Strictly Limit their Roles and Responsibilities
- **Medium-Term Reforms**
  - Eliminate Funding for Police in Schools
  - Remove Police from Schools and Invest in Supports and Services Proven to Contribute to Safety
- **Long-Term Reforms**
  - Break the School-to-Prison Pipeline

## Short-Term Reforms

### Put the “Resource” in School Resource Officers

While typically referred to as School Resource Officers, School Police Officers is a more accurate way to describe law enforcement officers detailed to schools based on historical practices. These individuals are trained police officers that function like an arm of local law enforcement rather than counselors or other support services that provide essential resources to staff and students. The “Resource” in School Resource Officers is often a misnomer.

The deployment of SPOs is typically established by a partnership agreement among local leaders, such as the Board of Education and the local law enforcement agency. SPOs are, by definition, career sworn officers who typically receive the same academy training for street patrol as other police officers but are stationed in a school building. Since they are affiliated with the local police department, there is no national database tracking SPOs in America. However, according to the National Association of School Resource Officers, estimates range between 14,000 and 20,000 SPOs in America’s schools at any given time.<sup>6</sup> Estimates suggest that close to \$1 billion has been invested from state and local budgets since 1999 to continue funding SPOs in schools.<sup>7</sup>

Rates of juvenile arrest and school-based victimization have been steadily falling, similar to the declines in national crime rates in recent decades.<sup>8</sup> As of 2017, the National Center for Education Statistics reports that victimization, theft, and violent crime are at a multi-decade low.<sup>9</sup> In the 2015–2016 school year, there were 18 homicides at schools, accounting for 1.2 percent of all youth homicides.

Because serious crime occurs so rarely on school campuses, SPOs spend most of their time investigating minor incidents.<sup>10</sup> This is core to their job, not merely a function of using whatever free time they have to investigate low-level offenses. Some SPOs pursue these minor investigations vigorously and often disproportionate to the underlying conduct. Time spent investigating minor offenses creates an environment where “schools subject students to strict scrutiny” for behavior that would not reach this threshold had it occurred outside of campus.<sup>11</sup> One study of schools in urban jurisdictions found “an estimated quarter of new charges filed against youth were school-related and one out of every six charges in school occurred in cases where no crime was committed, but an SPO was present.”<sup>12</sup>

This example of “mission creep” among SPOs is a common criticism of police in schools. While they are ostensibly in schools to enforce the criminal code, such as drug and weapons offenses, many have additional authority to intervene when noncriminal, school rules such as violating prohibitions on cell phones are broken.<sup>13</sup> This represents a concerning widening of the role of the justice system.

It does not have to be this way. Interviews with SPOs revealed that those who developed relationships with students were less likely to resort to the justice system to respond to less serious behavior. At the same time, SPOs who behaved like more conventional police officers were more likely to rely on the justice system.<sup>14</sup> Moreover, a case study where a county developed system changes and established a detailed set of rules for SPO conduct found that court referrals reduced by 67 percent, graduation rates increased to 80 percent, felony referral rates decreased by 31 percent, school detention decreased by 86 percent, court referrals of youth of color decreased by 43 percent, and there was a 73 percent reduction in serious weapons on campus.<sup>15</sup> These findings underscore the need for staff training before any law enforcement enters a school building and strengthen the argument that schools need *resources*, not the *police*, to handle the vast majority of issues that occur on campus.

#### **School Leadership must Strictly Limit their Roles and Responsibilities**

Beyond getting involved in school disciplinary issues, the presence of SPOs is also linked to an increase in the use of arrests for both nonviolent and violent criminal behavior. In cases of serious violent crime, non-school based police will respond regardless of an SPO presence. However, schools with SPOs have a disproportionate rate of arrests for nonviolent behavior. A longitudinal survey of 480 schools for three years found that schools with SPOs reported more crime than those without SPOs. Schools with SPOs engaging in education and mentorship programs reported fewer crimes than schools with SPOs engaging only in law enforcement.<sup>16</sup> Schools with SPOs recorded a 27 percent higher rate of property crimes and a 57 percent higher rate of serious/weapon/drug crimes than non-SPO schools, when controlling for pre-existing differences.<sup>17</sup> A review of the research between schools with SPOs and without SPOs concluded “[t]he best designed and most representative study of SPO influence to date suggest that increases in the SPO workforce in schools is related to increases in reporting of crime, higher likelihood or harsher punishments for students, higher rates of weapon and drug crimes, and more reporting of non-serious violent crimes, compared to rates in schools without SPOs.”<sup>18</sup>

School leadership should enter a transparent memorandum of understanding between the SPOs, teachers, administrators, parents, and students. Such an agreement should provide necessary detail of the scope of SPOs and allow local stakeholders to weigh in on the extent of their work. Research shows that this upfront agreement can result in fewer court referrals, fewer violent offenses, and higher graduation rates.<sup>19</sup> These agreements should regulate law enforcement's role in discipline and education while the locality works to supplement their safety strategy with non-justice actors.

## Medium-Term Reforms

### Eliminate Funding for Police in Schools

In addition to local school leadership actions, the federal government should terminate all funding for police in schools. On average, the federal COPS Office Hiring Program distributed \$125,000 per new hire for a three-year grant cycle. According to the funding regulation, it can include 75 percent of the entry-level salary and fringe benefits over the grant duration. The Economic Research Institute reports that the average SPO salary can cost a locality \$70,000. This is deeply unfortunate as many schools lack funding for essential supports such as counselors, nurses, and school psychologists. For example, a report by the American Civil Liberties Union found that nearly two million students attend a school with an SPO but no counselor.<sup>20</sup> That same report revealed that six million students attend a school with an SPO and no school psychologist. Finally, one in four students is in a school with an SPO but no counselor, nurse, school psychologist, or social worker. When people call for divestment from police and investment in other proven solutions that work, this is precisely the type of funding imbalance that fuels those demands. That investment in SPOs would be much better targeted toward qualified school personnel proven to be better suited to deal with problematic student behavior, rather than for a law enforcement officer assigned to a school who does not have the education or training to provide quality counseling or other social work type supports.<sup>21</sup>

*Finally, one in four students is in a school with an SPO but no counselor, nurse, school psychologist, or social worker.*

### Remove Police from Schools and Invest in Supports and Services Proven to Contribute to Safety

State and local leaders should also remove police from schools and invest in much-needed supports and services, such as counselors, psychologists, training for teachers and administrators, and health care. Some communities have already begun to shift funds away from school-based law enforcement,

with the potential for substantial reinvestment opportunities. Policymakers should be informed by the research and recent experiences to redirect resources from the deployment of SPOs and instead invest in communities and the types of approaches that are more likely to make schools safe, such as well-trained counselors, social workers and teachers, and alternative and restorative justice practices to address problematic behavior.

Portland, Maine, which just recently voted to eliminate SPOs from the school district, said it would reinvest the \$150,000 budget savings into de-escalation training for school personnel. Moving on from SPOs can alter the foundation of school safety, as seen in Oakland. In 2019, the Black Organizing Project recommended eliminating the SPO program and its \$4 million annual budget. They envisioned a new *force* of unarmed peacekeepers that would be part of a school's special education or behavioral health department. The new team would undergo training in de-escalation, trauma-informed practices, and eliminating racial bias.<sup>22</sup> In June 2020, the city council voted to officially eliminate the SPO program and invest in a model adopting some of the Project's core initiatives.<sup>23</sup>

*Allowing police officers to handle minor infractions in schools needlessly marks a student's first contact with the criminal justice system, potentially setting them up for a lifetime of collateral consequences.*

## Long-Term Reforms

### Break the School-to-Prison Pipeline

Studies show that the presence of SPOs results in harsher punishments for minor offenses than school administrators would have otherwise administered. Students in these schools are more likely to be arrested and referred to the criminal justice system.<sup>24</sup> Another study asked both SPOs and school administrators for their views on discipline. The study reported that when the philosophies of SPOs and administrators were compared within the school, "83 percent of school administrators were more prevention-oriented than the SPOs stationed in their schools." There is a suggestion here that SPOs are more likely to seek disciplinary responses than prevention, resulting in overall harsher punishments and increased arrests.<sup>25</sup> These policing practices, which disproportionately expose children of color to the justice system at a young age, are correlated with a higher likelihood of incarceration as an adult. This is commonly referred to as the school-to-prison pipeline.

Allowing police officers to handle minor infractions in schools needlessly marks a student's first contact with the criminal justice system, potentially setting them up for a lifetime of collateral consequences. Nationwide, there were 44,370 school-based arrests during the 2013–2014 school year, which increased

to 51,780 arrests in the 2015–2016 school year.<sup>26</sup> Seven percent of all youth arrests occurred at schools, and many of these incidents could have effectively been handled by school personnel rather than SPOs. A *Washington Post* review found that many students were charged with crimes for minor offenses, such as throwing a paper airplane, kicking a trash can, wearing sagging pants, and throwing a carrot at a teacher.<sup>27</sup>

These zero-tolerance policies are disproportionately impacting youth of color by placing them in the justice system. Black students comprised 36 percent of arrests in the 2015–2016 school year, despite accounting for only 15 percent of the student body. Meanwhile, 33 percent of those arrested were white, despite representing 50 percent of students. In Washington D.C., Black girls are nearly six times more likely to be suspended from school than white girls. This criminalization in schools drives arrest rates, with the per capita arrest rate for Black girls more than doubling from 2007 to 2015 and Black girls arrested at a rate over 30 times that of white youth. The study attributes part of this discrepancy to increased referrals to the juvenile justice system for typical adolescent behavior and minor misbehaviors that should be addressed within the school.<sup>28</sup>

While many of these school arrests may not ultimately end up processed in court, they can lead to long-term consequences. A single arrest can impact a student's achievements and leads to a 25 percent increase in the likelihood of dropping out of school.<sup>29</sup> Lack of educational attainment can also have dire consequences in obtaining adequate employment.<sup>30</sup> All of these are components of the school-to-prison pipeline.

Some argue that this type of aggressive enforcement of disciplinary violations of school rules creates a "zero tolerance" environment that helps deter more serious crimes.<sup>31</sup> This is the basic underlying principle of "stop and frisk" and "broken windows policing," by which aggressive enforcement of minor "quality of life" issues contributes to a culture of widespread enforcement that prevents more serious crime. However, these practices, which come at the expense of fundamental civil liberties, have not been shown to make communities safer,<sup>32</sup> target people of color,<sup>33</sup> and many jurisdictions have been forced to curtail zero tolerance enforcement efforts in response to citizen complaints and legal action.<sup>34</sup>

Jurisdictions must take intentional steps to break the school-to-prison pipeline and reduce the number of youth entering the justice system at all. In addition to phasing out and ultimately removing school police officers, actions include:

- Implementing strategies to create alternatives to suspensions and expulsions
- Creating healthy school cultures based on age-appropriate, incentive-based behavioral approaches
- Integrating school and community-based restorative justice approaches instead of punitive disciplinary practices

- Having adequate numbers of well-trained, school-based counselors and mental health staff
- Investing in positive community-based supports for young people to be productively occupied during non-school hours
- Positively engaging families of students

## Recommendations for Future Research

Reimagining how we can make schools safer learning environments for all children requires informed decisions about how to allocate resources most effectively. This is of particular concern when considering what services and supports available to youth contribute to safe schools. There is an urgent need for additional research to identify promising practices and assess non-punitive approaches that support students while keeping them safe. Pressing questions include measuring the impact on school safety of approaches that do not rely on school police officers, including strategies to reduce suspension and expulsions, school-based restorative justice and alternative dispute resolution programs, training of school staff to address school safety issues and create a safe educational climate, and the presence of well-trained and qualified counselors, mental health professionals, and non-law enforcement school-based safety staff.

## Conclusion

The presence of law enforcement in American schools during an era of rapidly declining juvenile crime diverts precious resources from prevention and support services, increases the likelihood of deeper engagement in the justice system, and exacerbates existing racial disparities. While packaged as a form of community policing, the reality is that law enforcement in school results in more punitive responses versus promoting a safe learning environment by building trust and relationships. There will continue to be a need for police to respond to crime in schools, but that can be done in the same manner police respond to crime in communities. The presence of law enforcement officers in school as a preventative measure too often runs the risk of criminal responses to delinquent behavior that administrators should handle. Removing police from schools and investing the savings in counselors, psychologists, and proven support services has the potential to prevent crime without the attendant negative consequences of criminal justice system involvement.

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POLICE IN  
**SCHOOLS**  
ARE NOT THE ANSWER  
TO SCHOOL SHOOTINGS



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RE-RELEASE MARCH 2018  
ORIGINAL RELEASE JUNE 2013

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# Police in Schools Are Not the Answer to School Shootings

**A joint issue brief of:**

Advancement Project  
Alliance for Educational Justice  
Dignity in Schools Campaign  
NAACP Legal Defense and Educational Fund, Inc.

**Originally Released January 2013**  
**Re-Released March 2018**

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# FOREWORD

## REAL SOLUTIONS TO SCHOOL SAFETY

Today, we are reissuing *Police in Schools are Not the Answer to the Newtown Shootings*, an issue brief that our organizations released in the wake of the shooting at Sandy Hook Elementary School in 2012. At the time, many of the responses to the shooting focused on placing more police officers and more guns in schools. Research and the experiences of countless students, teachers, and parents have taught us that while these proposals may create the appearance of safety, the actual effects wreak havoc on school culture and fuel the school-to-prison pipeline. After Newtown, we urged lawmakers at the local, state, and national level to resist policies that would turn even more schools into hostile environments where students, especially Black and Brown students, are more likely to be arrested, harassed, and assaulted by police. Five years later, in the wake of the tragic Parkland shooting, we have yet again seen calls to militarize and weaponize our schools, despite no evidence that these policies will protect our students. Our position remains the same: proposals that increase the presence of police, guns, and other law enforcement approaches to school safety should not be the response to school shootings. This foreword includes new

evidence and experiences that demonstrate why police do not belong in schools.

Police do not contribute to positive, nurturing learning environments for students. The increased presence of police officers in schools across the country discipline has been linked to increases in school-based arrests for minor misbehaviors and negative impacts on school climate.<sup>1</sup> In the last five years, the evidence against placing police in schools has only grown. National School Survey on Crime and Safety data show that having a School Resource Officer at a school on at least a weekly basis increases the number of students who will be involved in the justice system.<sup>2</sup> Arrest rates for disorderly conduct and low-level assault substantially increase when police are assigned to schools.<sup>3</sup> The evidence does not suggest that police are the best way to improve school safety;<sup>4</sup> rather, increasing their numbers comes at an unacceptable cost in the form of the criminalization and overincarceration of students.

**Although students of color do not misbehave more than white students,<sup>5</sup> they are disproportionately policed in schools:**

1 See, e.g., Nance, Jason, *Students, Police, and the School-to-Prison Pipeline* (2013) University of Florida Levin College of Law, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=227333](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=227333); Bardsley, R. Roger, *The Worst of Both Worlds*, 28 *Crim. Just. Sec.* 337, 340 (2003); American Civil Liberties Union, *Bulletin in Blue: The Origins and Consequences of School Policing* (2017), available at [https://www.aclu.org/sites/default/files/field\\_document/bulletin\\_in\\_blue\\_4\\_11\\_17\\_final.pdf](https://www.aclu.org/sites/default/files/field_document/bulletin_in_blue_4_11_17_final.pdf)

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nationally, Black and Latinx youth made up over 58% of school-based arrests while representing only 40% of public school enrollment<sup>6</sup> and Black and Brown students were more likely to attend schools that employed school resource officers (SROs), but not school counselors.<sup>7</sup> Black students were more than twice as likely to be referred to law enforcement or arrested at school as their white peers.<sup>8</sup> Research shows that police officers perceive Black youth differently than they do white youth, and this bias, not any actual difference in behavior, leads to the over-criminalization of students of color.<sup>9</sup> Police see Black children as less “childlike” than their White peers and overestimate the age and culpability of Black children accused of an offense more than they do for white children accused of an offense.<sup>10</sup>

We have also been witnesses to the assaults of Black and Brown students by police officers who have escalated normal school interactions into violent attacks with potentially deadly consequences. Unwarranted violent assaults of students by police also indicate a fundamental culture clash between law enforcement and the positive, nurturing learning environment schools aim to create. For example, an officer in South Carolina was

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Police do not contribute to positive, nurturing learning environments for students.

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fired in 2015 after slamming a student to the ground;<sup>11</sup> an officer in Baltimore pled guilty to assault after he slapped, kicked, and yelled at a student while another officer watched;<sup>12</sup> an officer in Philadelphia was transferred pending investigation after he punched a student and put him in a chokehold after the student tried to use the restroom without a pass;<sup>13</sup> video captured an officer in Pittsburgh punching out a student’s tooth;<sup>14</sup> and in Pinellas Park, Florida, an officer is under investigation after video captured the officer using a stun gun on an unarmed student as she attempted to

flee.<sup>15</sup> Police officers are trained to enforce a criminal justice code and too often use approaches to students that are not age-appropriate and exercise their power over students in ways that make students feel harassed and unsafe.

Allowing more guns in schools, either in the hands of officers or teachers, will also not make schools safer. In fact, research suggests that arming teachers will increase the amount of violence in schools.<sup>16</sup> Black and Brown children, already disproportionately arrested and disciplined by police and school staff, face the highest risk of being shot. Students of color have been verbally abused and threatened by teachers, including one incident in Georgia in which a white teacher threatened to shoot a

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16 <https://www.brockings.edu/blog/brown-center-chalkboard/2018/02/27/there-are-ways-to-make-schools-safer-and-teachers-stronger-but-they-dont-involve-guns/>; <https://www.vox.com/policy-and-politics/2018/2/23/17041662/armed-teachers-gun-violence-mass-shootings>.

black student.<sup>17</sup>

The presence of school police may also have immigration consequences for young people and their families. Students can enter the deportation pipeline just by having contact with police in their schools. Any interaction that results in police collecting a student's information, including tickets, citations, and arrests can put a student at risk. If the student is placed in custody because of a school related incident, ICE can issue a detainer to investigate a person's immigration status. Unlike criminal arrest warrants, ICE detainers are not issued by a third party and in many cases are issued without probable cause.<sup>18</sup> Once ICE makes an arrest, they can then determine whether to place the individual into removal proceedings. This can include not just undocumented immigrants, but lawful permanent residents<sup>19</sup> and those with DACA.<sup>20</sup> We know that when police patrol a school, arrest rates skyrocket; immigrant students are particularly vulnerable to the consequences of those arrests.

It is not fair to our students to increase police presence instead of providing more resources, counselors, and mentors. Early identification and intervention is critical to addressing mental health and other needs. We should be placing more psychologists, therapists, counselors, social workers, and nurses at every school. These professionals are better equipped to learn about potential acts of violence, identify students with emotional or behavioral issues, and respond in appropriate ways. The effectiveness of school police officers should not be conflated with that of a school guidance counselor, social worker, student mentor, or educator. School police are sworn law enforcement officers who are almost exclusively trained and tasked with enforcing

the criminal code. They do not complete extensive coursework in youth development, receive substantive training on age-appropriate behaviors for students in each age category, nor teach students within the school setting as their primary function.<sup>21</sup> The approach of school police to students is often neither trauma-centered nor responsive to the negative experience of student populations within schools.

School districts already spend millions of dollars to fund school police and security. This investment in an infrastructure of criminalization—especially in schools in Black and Brown communities—does not improve, and often takes away from, learning, support, and true safety for students. We need a complete realignment of funding and policy priorities for school districts that includes a divestment of resources from the criminalization infrastructure and an investment in teaching, counseling, and student support services.<sup>22</sup>

When we take a step back and review what we know about safe schools, we realize that placing more police in schools may create the appearance of safety but does not actually create safe schools. We know that placing more police in schools will not work: it will not create school environments that reduce violence in our communities, catch early indicators of mental health needs, or identify root causes of underlying violence. The tragedy in Parkland must not be used as justification to enact policies that make schools less safe for students. Accordingly, we reject proposals to place more police and guns into our schools.

17 <https://www.cnn.com/videos/us/2017/11/08/teacher-threatens-student-shot-orig-mg.cnn>

18 Japanese Detention Alternatives Initiative, "Noncitizen Youth in the Juvenile Justice System" (2014). Available at: <http://www.aecf.org/ny/resource/doc/aecf-Noncitizen-YouthIntheUSsystem-2014.pdf>

19 Michelle Chen, "What Happens to Undocumented Immigrants Once They Fall into ICE's Hands," *The Nation* (Feb. 20, 2017). Available at: <https://www.thenation.com/article/what-happens-to-undocumented-immigrants-when-they-fall-into-ices-hands/>

20 Francisco Rodriguez, "I Have DACA, but That Didn't Stop Trump's Immigration Agents from Arresting Me," *ACLU Blog* (Apr. 1, 2017). Available at: <https://www.aclu.org/blog/speak-freely/i-have-daca-but-that-didnt-stop-trumps-immigration-agents-arresting-me>

21 Amanda Petteniti and the Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* (November 2011), available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrestfullreport.pdf>

22. See <https://www.npr.org/sections/ed/2018/03/07/59067717/experts-say-heres-how-to-prevent-the-next-school-shooting>.

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# POLICE IN SCHOOLS ARE NOT THE ANSWER TO THE NEWTOWN SHOOTING

ORIGINALLY PUBLISHED JANUARY 2013

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## Introduction: What is real school safety?

On December 14, 2012, our nation was hit with the most tragic of tragedies: a shooting at a school. Our emotions ran the gamut - we were devastated, outraged, shocked, horrified, and unbelievably distressed. Coming too close on the heels of the shootings at a Sikh temple in Oak Creek, a movie theater in Aurora, and a political gathering in a supermarket parking lot in Tucson, we were stuck wondering how this could happen again. It left the country with some hard questions - what can we do to keep our children safe? How can we reduce violence in our communities? These are challenging questions with no easy answers, and these are questions we have long tried to answer.

In the wake of this most recent tragedy, our attention has appropriately turned to gun control. After every mass shooting there is a clarion call for restrictions on guns. Usually, little is done on this front. However, the spate of mass shootings and the death toll of young people in the streets of Chicago<sup>23</sup> and other cities, make this the moment for significant controls. And, we know we need more. The lessons from Newtown and Chicago also require that we address the root causes of this violence.

The Newtown shooting also evokes a rational focus on school safety. Ultimately, keeping our children safe is the highest priority. And, in fact, all data show that our schools remain the safest place for children. Unfortunately, some of the early reactions, rooted in the well-intentioned desire to do something swiftly to protect young people, revolved around placing more security and more guns in schools. The first of these calls came from the National Rifle Association which believes the answer is an armed officer at every school. Other proposals include increasing law enforcement in schools,<sup>24</sup> deploying the National Guard,<sup>25</sup> and arming every teacher.<sup>26</sup> These proposals satisfy our desire to appear secure. They are based on the theory that the only way to keep us safe from guns is to have more guns. The Newtown tragedy was a shooting at a school by an outsider, making it more akin to the incidents in Aurora and Tucson than past shootings at schools by students; but still, the responses to Newtown are aimed at doing more to "police" our schools. However, when we take a step back and review what we know about safe schools, we realize that these proposals go more towards creating the appearance of safety rather than towards actually creating truly safe

23. Monica Davey, *In a Soaring Homicide Rate, a Divide in Chicago*, New York Times, January 2, 2013, available at <http://www.nytimes.com/2013/01/03/us/a-soaring-homicide-rate-a-divide-in-chicago.html>.

24. See, e.g. National School Board Association Legal Clips, "Proposed legislation to provide state funding to Indiana schools for school resource officers," January 8, 2012, available at <http://legalclips.nsba.org/?p=17733>.

25. S. 3662, 112th Cong. (2012) (known as the *Save Our Schools Act*, introduced by Senator Barbara Boxer, D-Cal).

26. National Rifle Association Press Conference, December 21, 2012, <http://home.nra.org/#?tracorg/gallery/4>.

schools. Mayor Bloomberg of New York City - a district that has dealt with the consequences of police in schools for years<sup>27</sup> - recognizes how the influx of security measures can change school climate. In response to learning about the proposals about the National Guard and other measures for increased police in schools, he stated, "Oh god that is ridiculous, you can't live your life that way. **You would be in a prison.**"<sup>28</sup> Mayor Nutter of Philadelphia has also rejected these proposals as wrong-headed.<sup>29</sup>

Based on a significant body of research and decades of lived experience, we know that these strategies will fail. They will do nothing to create school environments that reduce violence in our communities, catch early indicators of mental health needs, identify root causes underlying violence, or utilize the skills and resources of law enforcement in an effective way. They also fail to consider the host of unintended consequences - measured in educational, emotional, and economic costs - of placing more police in schools.

Our organizations have worked together to raise awareness about the devastating trend known as the School-To-Prison Pipeline. Specifically, too many schools are employing policies and practices of extreme discipline that push young people out of school and into the juvenile and criminal justice system. The influx of police in schools has been one of the main contributors to the growing number of children funneled into this pipeline.

**Advancement Project** is a next generation, multi-racial civil rights organization, founded in 1999 by a team of veteran civil rights lawyers. We have supported the growing national

movement to dismantle the School-to-Prison Pipeline for over thirteen years. Youth, parents, local groups and their organizers, other community leaders, and coalitions have been at the forefront of this movement since its inception. With our community partners, we have successfully advocated for statewide legislative reform of zero tolerance policies and practices, and worked closely with school districts to develop alternatives to criminalization.

For more than seventy years, the **NAACP Legal Defense and Educational Fund,**

**Inc. (LDF)** has dismantled barriers to access and opportunity and advocated for high quality, inclusive education for African Americans and other students of color. LDF coordinated the legal challenge to public school segregation, including the historic case *Brown*

*v. Board of Education*. LDF's "Dismantling the School to Prison Pipeline" initiative is a logical continuation of this work, addressing contemporary obstacles to access and inclusion that undermine educational opportunity. Capitalizing upon institutional expertise in both education and criminal justice, LDF staff members engage in strategic legal advocacy on school discipline issues, designed to dismantle the pipeline to prison. And its staff provides leadership in several significant national efforts to reform school discipline, including the Dignity in Schools Campaign, and the School to Prison Pipeline Legal Strategies Collaborative.

**The Dignity in Schools Campaign (DSC)** challenges the systemic problem of pushout in our nation's schools and works to dismantle the school-to-prison pipeline. As a national coalition, the DSC builds power amongst parents, youth, organizers, advocates and

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Many proposals go more towards creating the appearance of safety rather than towards actually creating truly safe schools.

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27 See, e.g., New York Civil Liberties Union and American Civil Liberties Union, *Criminalizing the Classroom: The Overpolicing of New York City's Public Schools* (March 2007), available at <http://www.nyu.edu/real-justice/criminalizing-classroom-over-policing-new-york-city-schools>.  
 28 Nighline, *Bloomberg Throws Punch at NRA, Obama* (December 21, 2010), <http://abcnews.go.com/Politics/Video/nyc-mayor-michael-bloomberg-nra-18041670>.  
 29 Luke Johnson, *Michael Nutter: NRA Armed Guard Proposal A "Completely Dumbass Idea"*, Huffington Post, Huff Post Politics (December 26, 2012), [http://www.huffingtonpost.com/2012/12/26/michael-nutter-nra\\_n\\_2366214.html](http://www.huffingtonpost.com/2012/12/26/michael-nutter-nra_n_2366214.html).

educators to transform their own communities, support alternatives to a culture of zero-tolerance, punishment, criminalization and the dismantling of public schools, and fight racism and all forms of oppression. We bring together our members through direct action organizing, public policy advocacy and leadership development to fight for the human right of every young person to a quality education and to be treated with dignity.

**The Alliance for Educational Justice (AEJ)** is a new national alliance of youth organizing and intergenerational groups working for educational justice. AEJ aims to bring grassroots groups together to bring about changes in federal education policy, build a national infrastructure for the education justice sector, and build the capacity of our organizations and our youth leaders to sustain and grow the progressive movement over the long haul.

There is a movement underway around the country to reduce the role of law enforcement in schools. The Council of State of Governments (CSG) Justice Center is launching a national consensus-building project that will convene experts in such fields as school safety, behavioral health, education, juvenile justice, social services, law enforcement, and child welfare. Youth, parents, and community partners will also play a critical and active role in the project to develop creative solutions. The project is administered in coordination with the Supportive School Discipline Initiative launched by Attorney General Eric Holder and Secretary of Education Arne Duncan in July 2011, and is supported by a public/private partnership that includes the Office of Juvenile

Justice and Delinquency Prevention, NoVo Foundation, The California Endowment, and The Atlantic Philanthropies.<sup>30</sup> Locally, cities and states are also taking steps to reduce law enforcement involvement in schools. For example, in the Spring of 2009, the New York City Council began implementing the Student Safety Act - a law developed by a coalition of community organizations who wanted the City to provide demographic and other data on student suspensions, expulsions, and arrests. Denver Public Schools is in the process of improving its intergovernmental agreement with the police department to ensure that the role of law enforcement in schools is limited. Community organizations have worked with officials in Los Angeles to move away from ticketing youth who were late to school and toward a non-punitive approach to attendance issues. And, in December 2012, Senator Durbin of Illinois held the first-ever Congressional hearing on the School-To-Prison Pipeline. Any proposal to place more armed personnel in school would represent a significant departure from the national trend.

Increasing police presence in our schools is not the answer to the tragedy in Newtown or to other acts of violence. We have seen increased police presence leading to high numbers of youth - particularly youth of color, students with disabilities, lesbian, gay, bisexual, transgender, and queer (LGBTQ) students, and gender non-conforming students - being arrested for minor and trivial misbehaviors. We have seen young people who are pushed out of schools by hostile and prison like school cultures. We have seen time, energy, and resources devoted to the criminalization, not the education, of young people.<sup>31</sup>

30 Justice Center: Council of State Governments, <http://justicecenter.csg.org/resources/juveniles> (accessed on January 9, 2013).

31 See, e.g., Advancement Project, Alliance for Educational Justice and Gay-Straight Alliance Network, *Two Wrongs Don't Make A Right: Why Zero Tolerance is Not the Solution to Bullying*, June 2012, available at <http://b3cdn.net/advancement/73b94d0151a1066493d122e9948f9.pdf> (June 2012); Robin L. Dabney, *Arrested Futures: The Criminalization of School Discipline in Massachusetts' Three Largest School Districts* (Spring 2012), available at [http://www.aclu.org/files/assets/raarrest\\_reportweb.pdf](http://www.aclu.org/files/assets/raarrest_reportweb.pdf); ACLU of Florida, Advancement Project, and Florida State Conference of the NAACP, *Still Haven't Shut Down the School-to-Prison Pipeline* 6-9 (March 2011), available at [http://b3cdn.net/advancement/b2e99f01bb350c7fc\\_25m6f8bgo.pdf](http://b3cdn.net/advancement/b2e99f01bb350c7fc_25m6f8bgo.pdf); Advancement Project, *Test, Punish, and Push Out: How "Zero Tolerance" and High-Stakes Testing Funnel Youth into the School-to-Prison Pipeline* 9-12 (January 2010), available at [http://b3cdn.net/advancement/695eb2181a4545d167\\_r206caqe.pdf](http://b3cdn.net/advancement/695eb2181a4545d167_r206caqe.pdf); American Civil Liberties Union and ACLU of Connecticut, *Hard Lessons: School Resource Officers and School-Based Arrests in Three Connecticut Towns* (November 2008), available at [http://www.aclu.org/files/pdfs/racialjustice/hardlessons\\_november2008.pdf](http://www.aclu.org/files/pdfs/racialjustice/hardlessons_november2008.pdf); Criminalizing the Classroom, supra note 5; Florida State Conference of the NAACP, Advancement Project, and NAACP Legal Defense and Educational Fund, Inc., *Arresting Development: Addressing the School Discipline Crisis in Florida* (2006), available at [http://b3cdn.net/advancement/636d17097515e7c612\\_bbrm6ub0w.pdf](http://b3cdn.net/advancement/636d17097515e7c612_bbrm6ub0w.pdf); Advancement Project, *Education on Lockdown: The Schoolhouse to Jailhouse Track* 9 (March 2005), available at [http://b3cdn.net/advancement/6351180e24cb166d02\\_mbrqg8xh.pdf](http://b3cdn.net/advancement/6351180e24cb166d02_mbrqg8xh.pdf); Advancement Project, *Desired! The Schoolhouse to Jailhouse Track* (May 2003), available at [http://b3cdn.net/advancement/c509d077028b4d0544\\_mbrq3seg.pdf](http://b3cdn.net/advancement/c509d077028b4d0544_mbrq3seg.pdf); Advancement Project and the Civil Rights Project, Harvard University, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance School Discipline* 13 (July 2002) available at [http://b3cdn.net/advancement/6d91c27205a1b9d955\\_ujmb6bguu.pdf](http://b3cdn.net/advancement/6d91c27205a1b9d955_ujmb6bguu.pdf).

The Newtown tragedy will be forever imprinted in our minds, and there is no simple solution to prevent these tragedies, whether at a school, a mall, a place of worship, or at a theater. This brief is not a response to the shooting in Newtown, but rather to those who are calling for more police and more guns as a result. It draws on our collective experience

and academic research to explain why police in schools are not the answer to reducing violence in our communities and classrooms, to shed light on the unintended consequences of placing more police in our schools, and to recommend what steps should be taken to ensure that all young people are safe in their schools.

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## I. Don't Let History Repeat Itself

This is not the first time that policymakers have been called upon to act in response to tragedies in our schools. In many Colorado schools, particularly after the tragedy at Columbine High School, the response to valid safety concerns was to add more police, security guards, metal detectors, and surveillance cameras to school. Colorado increased security and police presence in schools in an effort to make schools safer. As a result, the look and feel of many schools has been changed dramatically, becoming less welcoming and more threatening to students.<sup>32</sup> With these changes, Colorado also saw increasing numbers of students arrested in school – mostly for minor offenses, as opposed to having weapons, which was the type of offense this approach was originally intended to address.<sup>33</sup> For example, between 2000 and 2004, Denver experienced a seventy-one percent increase in school referrals to law enforcement.<sup>34</sup> The majority of the referrals were for minor behaviors like use of obscenities, disruptive appearance, and destruction of non-school property. Serious conduct, like carrying a dangerous weapon to school, accounted for only 7% of the referrals.<sup>35</sup> The school district paid, in 2002-2003 and

2003-2004, over \$1.2 million annually to the Denver Police Department for police presence in schools.<sup>36</sup> Essentially, the District was paying police to respond to incidents that used to result in a call home or a trip to the principal's office. A decade after Columbine, these unintended consequences persist: between 2007 and 2012, most of the referrals to law enforcement were for detrimental behavior, drug violations, "other" violations of Code of Conduct, and disobedience/defiance – not for serious weapons or other school safety concerns.<sup>37</sup>

Recognizing the harmful effects of these policies, for six years *Padres y Jóvenes Unidos*, a youth and parent organization, advocated for reforms. Finally, in 2008, working with then-Superintendent (now U.S. Senator) Michael Bennett, the group successfully secured reforms that dramatically revised the discipline code, abandoning the post-Columbine zero tolerance policies and practices in Denver Public Schools. As part of the discipline reform process, there was a specific focus on reducing police involvement in routine school discipline matters, which has led to reduced referrals in recent years.<sup>38</sup> Currently, *Padres y*

<sup>32</sup> See *Test Punish Push Out*, supra note 31.

<sup>33</sup> See *Education on Lockdown*, supra note 31.

<sup>34</sup> *Id.* at 23.

<sup>35</sup> *Id.* at 24.

<sup>36</sup> *Id.* at 25.

<sup>37</sup> Colorado Department of Education, 2011-2012 Safety and Discipline Indicators. Retrieved on January 9, 2013 from: <http://www.cde.state.co.us/cdereval/rv2012sdiindicators.htm>.

<sup>38</sup> Colorado Department of Education, 2011-2012 Safety and Discipline Indicators. Retrieved on January 9, 2013 from: <http://www.cde.state.co.us/cdereval/rv2012sdiindicators.htm>.

Jóvenes Unidos is helping to put into place a new intergovernmental agreement to even more effectively limit and redirect the role of police in their schools. As a result, Denver's police already have an appropriately limited role in the schools and the District is on its way to making a greater impact in reducing school-based arrests and racial disparities in those arrests.

The huge increase in police presence in schools is not limited to Colorado. Over the last two decades, and particularly post-Columbine, police in schools and zero tolerance policies proliferated throughout the country. This phenomenon is the result of our reaction to incidents of highly publicized juvenile crimes and the perception that our schools were getting more violent - not because schools were actually more dangerous.<sup>39</sup> As a result police presence in our schools has dramatically increased. According to the U.S. Department of Justice, the number of school resource officers increased 38% between 1997 and 2007.<sup>40</sup> The regular presence of school security guards increased 27% between 1999 and 2007.<sup>41</sup> The New York City Department of Education (NYC DOE), for example, turned control of school security over to the New York Police Department in 1998.<sup>42</sup> All school security is under direct control of the NYPD and school officials have limited authority when law enforcement intervenes in student behavioral incidents. As a result, the distinction between school safety and school discipline has been blurred. The NYC DOE also implemented the Impact Schools policy, which created funds for increased police presence, metal detectors, and security cameras in schools that were

poorly resourced.<sup>43</sup> Despite the fact that the Columbine shooting took place in a suburban and majority white school, the post-Columbine security measures - and the resulting unintended consequences - were most keenly felt in urban areas with a high percentage of students of color, many of whom live in concentrated poverty. These areas were also home to schools and communities who have been historically underfunded, criminalized, politically underrepresented, and socially outcast.

Almost fifteen years after Columbine, Colorado has begun to revise its position on school safety. New statewide legislation, widely supported by the legislature, school officials, parents, and students, recognizes that the right approach to keeping schools safe is keeping youth in school and out of the juvenile and criminal justice systems.<sup>44</sup> Perhaps best stated by Sen. Linda Newell - the legislation's sponsor from Littleton, CO, where Columbine High School is located - "As a result of our zero tolerance policies, nearly 100,000 students have been referred to law enforcement over the past decade, and who benefits from that? ... We will soon see more children walking out of school with a diploma not a criminal record."<sup>45</sup>

We have seen what happens when we ramp up police presence and other security measures in response to a shooting or other violent act. In Colorado, it resulted in more students getting arrested for minor misbehaviors, more students being pushed out of school, and a declining sense of safety in schools. These unintended consequences are persistent and pervasive - despite efforts by parents, students, and the school district, the high arrest rates and racial

39 See National Center for Education Statistics, *Indicators of School Crime and Safety 2011*, Table 2.1: Number of student-reported non-fatal crimes ages 12-18 and rates of crime per 1,000 by location, type of crime, and year, 1992-2010. <http://ijis.oig.usdoj.gov/content/pub/pdf/iscs11.pdf> (accessed on January 9, 2013). The total rate of self-reported school-based offenses per 1,000 students fell approximately 79% between 1992 and 2010.

40 Bureau of Justice Statistics, *Law Enforcement Management and Administrative Statistics*, "Local Police Departments, 2007, 28, available at <http://ijis.oig.usdoj.gov/content/pub/pdf/lp07.pdf>. See also Amanda Petrosini and the Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* (November 2011) at 1, available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrestfullreport.pdf>

41 Petrosini, *supra* note 40 at 6.

42 *Criminalizing the Classroom*, *supra* note 31 at 8.

43 *Id.* at 9.

44 Senate Committee Passes Bipartisan Bill by Senators Newell and Hudak to Ensure Student Safety and Success Today, March 1, 2012, available at <http://coloradosenate.org/press/2012/03/01/senate-committee-passes-bipartisan-bill-by-senators-newell-and-hudak-to-ensure-student-safety-and-success-today/>. ("The resulting Fair Discipline in Schools Act asks schools to re-evaluate school discipline policies that utilize suspension, exclusion, justice, peer mediation, counseling, and other constructive disciplinary approaches; determine which violations of the code require a referral to law enforcement, and which are better handled within the school; and protect students from harm while dealing with misbehavior in a way that provides opportunities for them to learn from their mistakes.")

45 *Id.*

disparities that resulted from increased police presence and zero tolerance policies still exist.

We should learn from the policy choices made by the Colorado legislators and school officials - not repeat them. The lessons from Colorado and elsewhere reveal the dangers of misplaced priorities. Increasing police presence in schools is simply not the answer. When school officials implement policies that create prison like atmospheres in schools, they provide false hope and miss crucial opportunities to promote a safe and healthy environment. Every dollar that goes into police, metal detectors, and surveillance cameras is a dollar that could have been used for teachers, guidance counselors, school psychologists,

and program supports for young people. And yet, despite investing in heavy police presence in our schools in the last decade, there is no clear positive correlation between police in schools and student safety.<sup>46</sup> The American Psychological Association has found that zero tolerance and other harsh disciplinary approaches do not improve school safety.<sup>47</sup> And further research shows that excessive and inappropriate reliance on school-based law enforcement officers can actually promote disorder and distrust in schools.<sup>48</sup> Far from making students feel safe, this trend has led to increased student anxiety, and led to increasing numbers of students ending up in prison instead of on a college or career path.<sup>49</sup>

46. Justice Policy Institute, *Measured Responses: Why increasing law enforcement in schools is not an effective public safety response to the Newtown tragedy*, (December 2012), available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/schoolsafetyfactsheet.pdf>.

47. Russell Saiba et al., *Are Zero Tolerance Policies Effective in the Schools? A Report by the American Psychological Association Task Force* (2008), available at <http://www.apa.org/subj/infolreports/zero-tolerance-report.pdf>.

48. A recent meta-analysis of 178 individual studies assessing the effectiveness of different school-based disciplinary interventions determined that the use of police to handle school disorder does not reduce the occurrence of problem behavior in schools. Philip J. Cook, Denise C. Gottfredson & Chongmin Na, *School Crime Control and Prevention*, 39 *Crime & Just.* 313, 372 (2010). Indeed, relying on police to address student behavior may hinder efforts to maintain order on school property. Highly restrictive efforts to control students by invoking police in school disciplinary matters cause higher levels of school disorder by diminishing students' belief in the legitimacy of school staff authority. Matthew J. Meyer and Peter E. Leone, *A Structural Analysis of School Violence and Disruptors: Implications for Creating Safer Schools*, 22 *Education and Treatment of Children* 333, 352 (1999). Aggressive security measures produce alienation and mistrust among students which, in turn, can disrupt the learning environment and create an adversarial relationship between school officials and students. Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* 336, 340 (2003). Because students often perceive school police practices as fundamentally unfair, the actions of school police can serve to trigger, not curb, misbehavior. Kathleen Nolan, *Police in the Hallways: Discipline in an Urban High School* 53 (2011). Fostering such restrictive environments may lead to violence, thus jeopardizing, instead of promoting, school safety. Meyer and Leone, *supra* at 340; see Gary Gottfredson et al., *School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools*, 42 *Journal of Research in Crime and Delinquency* 412, 433 (2005) (finding students rate their schools higher on scales of student delinquency and victimization when they report unfair implementation of arbitrary rules).

49. See e.g., *Test, Punish, Push Out*, *supra* note 31.

## II. Unintended Consequences: What is the Real Result of Police in Schools?

Placing more police in schools has significant and harmful unintended consequences for young people that must be considered before agreeing to any proposal that would increase the presence of law enforcement in schools. Around the country, we see rampant use of school-based law enforcement to respond to typical childhood behavior that does not threaten the safety of others. For example:

- In May 2012, an honors student in Houston, Texas was forced to spend a night in jail when she missed class to go to work to support her family.
- In April 2012, a kindergartener from Milledgeville, GA was handcuffed and arrested for throwing a tantrum.
- In 2007, a thirteen-year old from New York was handcuffed and removed from school for writing the word "okay" on her school desk.
- In 2008, in Chicago, a middle school student was arrested just for walking past a fight that broke out after school. The student recognized that the arrest changed her entire school experience. "Even though I had good grades, my teachers treated me differently after that. They saw me as someone who got into fights and got arrested. They didn't want to let me graduate, eat lunch with my class, or go on our class trip even though I hadn't done anything. It showed me that the world wasn't fair."<sup>50</sup>
- In 2008, a student at a Florida school was arrested after authorities said he was "passing gas". According to a report released by the Martin County Sheriff's Office, the 13-year-old boy "continually disrupted his classroom environment" by intentionally breaking wind.<sup>51</sup>
- In Los Angeles, CA, the police hand out tickets to students - many under the age of fourteen - for being late to school.<sup>52</sup>

These examples are indicative of a more systemic problem.<sup>53</sup> The use of law enforcement in schools in Florida, for example, has resulted in 16,377 referrals of students directly to the juvenile justice system during the 2010-2011 school year - an incredible average of 45 students per day.<sup>54</sup> Statewide, two-thirds of the school-based referrals were for misdemeanors.<sup>55</sup> The crimes? Disruption of a school function, disorderly conduct, and minor school-yard fights.<sup>56</sup> These data, along with qualitative data, indicate that two-thirds of the arrests were unnecessary and that schools were routinely using police to respond to minor misbehaviors, some of which did not even constitute infractions of student discipline codes. In Los Angeles, between 2004-2009, 47,000 tickets were issued by the Los Angeles Police Department and the Los Angeles School Police Department (LASPD) for truancy alone. An additional 37,500 tickets were issued and arrests were made by just LASPD between 2009 and 20011 for all types of school incidents including, for example, truancy, disturbing the peace, vandalism

<sup>50</sup> Voices of Youth in Chicago Education, "The Time for Justice is Always Now: VOYCE Annual Report 2011-2012 5," available at [http://library.constantcontact.com/download/get/file/1104628315334-75/VOYCE+2012+report0+\(1\)-11.pdf](http://library.constantcontact.com/download/get/file/1104628315334-75/VOYCE+2012+report0+(1)-11.pdf).

<sup>51</sup> 13-Year-Old Student Arrested For "Passing Gas" in School, The Huffington Post (N.Y., 2008), [http://www.huffingtonpost.com/2008/11/24/13-year-old-student-arrested\\_n\\_146222.html](http://www.huffingtonpost.com/2008/11/24/13-year-old-student-arrested_n_146222.html) (accessed on January 10, 2013).

<sup>52</sup> The Center for Public Integrity, Los Angeles school police still ticketing thousands of students, available at <http://www.publicintegrity.org/2012/12/27/11984/los-angeles-school-police-still-ticketing-thousands-young-students>.

<sup>53</sup> See supra note 31 for citations to multiple reports documenting this phenomenon.

<sup>54</sup> Florida Department of Juvenile Justice, Delinquency in Florida's Schools: A Seven Year Study 3 (November 2011) available at <http://www.djj.state.fl.us/docs/research/2010-11-delinquency-in-schools-analysis.pdf?srsltid=AfmBOoq3v8n0>.

<sup>55</sup> Id. at 8-9.

<sup>56</sup> Still Haven't Shut Down the School-to-Prison Pipeline, supra note 31 at 6-8.

and petty theft.<sup>57</sup> In Delaware, during the 2010-2011 school year, approximately 90% of school arrests were for misdemeanors.<sup>58</sup> In Pennsylvania, from 1999-2007, school-based arrests almost tripled.<sup>59</sup> In North Carolina, there were over 16,000 school-based referrals to the juvenile justice system in 2008-2009.<sup>60</sup> In 2007-2008 in Baltimore City Public Schools, there were 1,699 arrests and referrals to law enforcement.<sup>61</sup> Arrests are happening across all ages: in Hartford, Connecticut, for example, 86 primary grade students were arrested, 25 of who were in fourth, fifth, or sixth grade, and 13 who were grade three or below.<sup>62</sup>

Young people of color are disproportionately burdened by this trend. This happens on both the individual school and district levels, and on a systemic level. For example, in Delaware in 2010-2011, Black students were three and half times more likely to be arrested in school than White students.<sup>63</sup> In 2007-2008 in Philadelphia, a Black student was three and a half more times likely, and a Latino student one and a half times more likely, to be taken into custody from school than a White student.<sup>64</sup> Black students make up only 21% of the youth in Florida, but were the subject of 46% of all 2011 school-related referrals to law enforcement.<sup>65</sup> In East Hartford, Connecticut in the 2006-2007 school year, Black and Latino students were 69% of the population, but experienced 85% of school based arrests.<sup>66</sup> In West Hartford, Connecticut, Black and Latino students made up 24% of the population, but experienced

63% of the arrests.<sup>67</sup> In addition to disparities in individual schools or districts, across the country schools with large populations of students of color are more likely to rely on zero tolerance policies and have a significant police presence in school.<sup>68</sup> As a result, it is not uncommon for the same behavior that triggers little to no response in many predominately White communities to result in severe consequences in communities of color. Stories from the ground indicate that the same disparities exist in arrest rates and interactions with law enforcement for students with disabilities and LGBTQ and gender non-conforming students.<sup>69</sup>

It is important to recognize that the increased rates of arrest are not a result of students behaving "more badly." Instead, they appear to be a direct result of placing police in the schools. A three-year study of numerous schools in the same district with differing police presence found that the schools with police had nearly five times the number of arrests for disorderly conduct as schools without a police presence.<sup>71</sup> In Massachusetts, a study highlighted three demographically similar school districts: one with armed police stationed in schools, one with police assigned to schools on a rotating or as needed basis, and one without police in schools. Springfield, the district with the on-site police department, had a significantly higher arrest rate than the other two.<sup>72</sup>

57 Data is compiled from records requests submitted to the LAPD and LASPD and is on file with Community Rights Campaign, <http://www.thestrategycenter.org/project/community-rights-campaign>.

58 Chief Judge Kandice Johnson Kuhn, Family Court of the State of Delaware and Kerim C. Wolf, Doctoral Candidate, School of Public Policy and Administration, University of Delaware, "Fightin' and Fussin': An Examination of School Arrests, Adjudications, and Dispositions to Delaware" (presentation on file with the authors).

59 Test, Punish, Push-Out, supra note 31 at 18.

60 Id.

61 Id.

62 Hard Lessons, supra note 31 at 10.

63 Fightin' and Fussin', supra note 58.

64 Youth United for Change & Advancement Project, Zero Tolerance in Philadelphia: Denying Educational Opportunities and Creating a Pathway to Prison 9 (January 2011) available at [http://yb.3cdm.net/advancement/68a6ec942a603a5d07\\_0m6ymrar.pdf](http://yb.3cdm.net/advancement/68a6ec942a603a5d07_0m6ymrar.pdf).

65 Florida Department of Juvenile Justice, Delinquency in Florida's Schools: A Seven Year Study 3 (November 2011) available at <http://www.djj.state.fl.us/docs/research/2010-11-delinquency-in-schools-analysis.pdf?sfvrsn=0>.

66 Hard Lessons, supra note 31 at 9.

67 Id. at 10.

68 See Jeremy D. Finn and Timothy A. Servoss, *Misbehavior, Suspensions, and Security Measures in High School: Racial/Ethnic and Gender Differences* (2012) (Paper prepared for the Closing the School Discipline Gap: Research to Practice national conference in Washington, D.C., Jan. 10, 2013) (finding students of color were disproportionately enrolled in schools with high degrees of security including presence of police or security guards during school hours).

69 Test, Punish, Push-Out, supra note 31 at 15.

70 See, e.g. Two Wrongs Don't Make a Right, supra note 31; Education Under Arrest, supra note 40.

71 Education Under Arrest, supra note 40 at 15 (discussing Matthew Theriot's "School Resource Officers and the Criminalization of Student Behavior," *Journal of Criminal Justice* 37 (2009), 280-287).

72 Arrested Futures, supra note 31 at 6.

There are significant harms to young people attending schools that over-police. Research shows that a first-time arrest doubles the odds that a student will drop out of high school, and a first-time court appearance quadruples the odds.<sup>73</sup> The American Psychological Association, CSG, and the Center for Disease Control and Prevention have all found that extreme discipline, including arrests, predict grade retention, school dropout, and future involvement in the juvenile and criminal justice systems.<sup>74</sup> As a result, students face lasting consequences, not only in the justice system, but also when applying for college, the military, or a job.<sup>75</sup>

Rather than making students feel safer, placing police in schools often creates a hostile environment that breeds distrust. For example, nationwide increases in school security and police presence in the wake of the Columbine tragedy have also led to increased use of metal detectors, surveillance cameras, pat-downs, drug-sniffing dogs, and tasers.<sup>76</sup> As students in Philadelphia explained, these approaches create "a hostile environment. It makes it seem as though they expect us to be negative. I feel violated. I shouldn't have to go through a metal detector . . . and upon entering [a particular school for the first time] I had to take off my shoes and they searched me like I was a real criminal. . . [after that] I was making up every excuse not to go to school."<sup>77</sup>

As recent Chicago public high school graduate Edward Ward testified before the U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights last month,

From the moment we stepped through the doors in the morning, we were faced with metal detectors, x-ray machines and uniformed security. Upon entering the school, it was like we stepped into a prison . . . My school's environment was very tense; the halls were full with school security officers whose only purpose seemed to be to serve students with detentions or suspensions. Many of the school security officers were very disrespectful to students; some of them spoke to us as if we were animals. They were constantly yelling and antagonizing us from the moment we stepped into the halls until we reached our destination. This was nerve-wracking for me, because although I was an honor student, I felt constantly in a state of alert, afraid to make even the smallest mistake or create a noise that could enable the security officers to serve me with a detention. Instead of feeling like I could trust them, I felt I couldn't go to them for general security issues because I would first be interrogated before anything would get done.<sup>78</sup>

These views echo those of students nationwide. Research shows that aggressive security measures produce alienation and mistrust among students which, in turn, can disrupt the learning environment.<sup>79</sup> Such restrictive environments may actually lead to violence, thus jeopardizing, instead of promoting, school safety.<sup>80</sup> For example, of the students surveyed in one school in Palm Beach County, a school district that has its own

73 Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Justice Quarterly* 462, 473-477 (2006).

74 See, Skiba, *supra* note 47; Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (2011); Centers for Disease Control, *Health Risk Behaviors among Adolescents Who Do and Do Not Attend School - United States, 1992-43 Morbidity and Mortality Weekly Report*, 129 (Mar. 4, 1994). See also Robert Baifang et al., *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade* (Dec. 2012) (Paper prepared for the Closing the School Discipline Gap: Research to Practice national conference in Washington, D.C., Jan. 10, 2013) (finding that students who were suspended even one time in ninth grade doubles their chance of dropping out of school).

75 With respect to college access, see Marsha Weissman et al., *The Use of Criminal History Records in College Admissions* (2010) available at: <http://www.communityjusticeinstitutes.org/pdf/Reconsidered-criminal-records-in-college-admissions.pdf>.

76 See, e.g. *Derailled! The Schoolhouse to Jailhouse Track*, *supra* note 31.

77 *Zara Tolerance in Philadelphia*, *supra* note 64 at 14.

78 *Ending the School to Prison Pipeline: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Human Rights of the S. Comm. on the Judiciary*, 112th Cong. 2 (statement of Edward Ward).

79 Randall R. Bejar, *The Worst of Both Worlds*, 28 *Conn. Inst. Rev.* 336, 340 (2003).

80 Matthew J. Meyer and Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 27 *Education and Treatment of Children* 333, 352 (1999); see Gary Gottfredson et al., *School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools*, 42 *Journal of Research in Crime and Delinquency* 412, 433 (2005), available at [www.jonmaher.com/my\\_documents/courses\\_hs\\_english\\_012/unit\\_2/sidco/resources/schoolclimaterpredictors.pdf](http://www.jonmaher.com/my_documents/courses_hs_english_012/unit_2/sidco/resources/schoolclimaterpredictors.pdf) (finding students rate their schools higher on scales of student delinquency and victimization when they report unfair implementation of arbitrary rules).

police department, only 35 percent said they felt protected, while 65 percent said that they felt “something other than protected, including intimidated and harassed.”<sup>81</sup>

Students across the country face daily encounters with law enforcement at their schools that are degrading, demoralizing, and done in violation of their constitutional rights. In Philadelphia, a young female high school student spoke to the gross misconduct she routinely experienced at the hands of security guards when searching for cellphones, not weapons:

When security guards searched me in school for my cell phone the usual routine is for them to pat me on my chest and rub their hand down my cleavage. Then they make us lift and shake our bras out. Also, they would run their hands down from our waist to our ankles. Next they turn us around and pat our back pockets. At the very end they use the wand to search us thoroughly.<sup>82</sup>

When students experience such treatment at the hands of school police, a fundamental trust is broken and the learning environment is damaged for students and teachers alike. Highly-restrictive efforts to control students by involving police in school disciplinary matters cause higher levels of school disorder.<sup>83</sup>

Furthermore, placing police in schools can undermine both educators’ authority and the relationships between students and educators that are essential to successful schools. There is no uniform approach to determining the role of police in schools, and the line between matters of school safety and those that amount to school *discipline* is sometimes nonexistent.<sup>84</sup> Some law enforcement officers report that school principals do not have a clear understanding of criminal law and expect officers to adopt

their perspectives on individual students.<sup>85</sup> Meanwhile, law enforcement officers often lack training in working with young people and are not prepared to de-escalate, resolve conflict, or respond in developmentally appropriate manners.<sup>86</sup> This lack of preparedness and understanding on the part of both educators and officers is incredibly damaging to a school community. Where educators have intervened in police/student contact (as the example below illustrates) even they have been subjected to unfortunate police tactics. As stated in a complaint filed by the New York Civil Liberties Union challenging the practices of New York City’s School Safety Division,

[O]n October 9, 2007, a student at East Side Community High School in Manhattan, who was trying to enter school early to catch up on schoolwork, became involved in an altercation with a School Safety Officer who refused her entry. The School Safety Officer decided to arrest the student and parade her in handcuffs out of the school’s main entrance in front of other students who were gathering to enter the building to start the school day. The school principal, concerned that such a display would be disruptive to other students and unnecessarily degrading to the arrested girl, argued that the School Safety Officer should escort the girl out of the building through a side door rather than the front door.

Amended Complaint at ¶¶ 42-43, B.H., et al. v. City of New York, et al. (E.D.N.Y. June 11, 2010) (No. 10-cv-0210). In response to the principal’s effort to intervene, the School Safety Officer arrested the principal and charged him with obstruction and resisting arrest. Ultimately, the judge who heard the charges against the principal dismissed them, observing: “Unfortunately, this incident highlights the

<sup>81</sup> Education on Lockdown, *supra* note 31 at 39.

<sup>82</sup> Zero Tolerance in Philadelphia, *supra* note 64 at 12.

<sup>83</sup> See Meyer & Leone, *supra* note 80 at 352.

<sup>84</sup> Johanna Wald and Lisa Tharau, First, Do No Harm 5 (2010).

<sup>85</sup> *Id.* at 8.

<sup>86</sup> *Id.* at 7.

tension between school administrators and the NYPD concerning a principal's authority in overseeing school premises. Further, this incident highlights the need to exercise sensitivity in effectuating student arrests.<sup>87</sup> Amended Complaint at ¶ 43.

These experiences can breed widespread resentment, distrust, and hostility among youth, directed at the very people charged with keeping them safe. In many cases, these young people may resent being treated as criminals; may lose faith in the goodwill of police when they believe they are being treated unfairly; and may become antagonistic toward law enforcement in response.<sup>88</sup> Problems like these cannot simply be solved by more training for police. Indeed, it is the very involvement of police in school discipline that disrupts the learning environment by diminishing students' belief in the legitimacy of school staff authority and by creating an adversarial relationship between school officials and students.<sup>89</sup>

In addition, placing more law enforcement in schools distracts them from their role of ensuring safety in our schools and in our communities. Redirecting police resources to schools means that police officers spend more time as school disciplinarians and dedicate less time to ensuring the safety of students and the community. As the International Association of Chiefs of Police noted, "the deployment of at least 1 officer to each of the roughly 100,000 schools in this nation would result in the reassignment of nearly 1/7th of American law enforcement officers."<sup>90</sup> Law enforcement should be allowed to concentrate their efforts on preventing, investigating, and responding to crime where it is occurring. The majority of violent crimes against youth take place outside of school. The Bureau of Justice Statistics' Indicators of School Crime and Safety indicate that, in 2010, only a

small fraction of all youth homicides occur in school,<sup>91</sup> and only a small fraction of youth deaths are the result of homicides that occur in school.<sup>92</sup> However, instead of having law enforcement personnel devote their energies to what they were trained to do, which is to address serious criminal behaviors that erode public safety and public health, they are placed in schools where they tend to spend valuable time on minor or even trivial offenses. This compromises, rather than enhances public safety, because time that could be spent addressing the complex challenges associated with serious crimes is instead spent responding to school behaviors.

The consequences of placing police in school are incredibly high - particularly for youth of color, students with disabilities, gender non-conforming students, and LGBTQ youth. The decision to place more police in school must balance the valid need for school security with the risks and drawbacks of having law enforcement in our schools. Here, the costs are high and the gains are minimal: there is no clear correlation between police in schools and student safety, and placing more police in schools clearly harms the relationships between youth and adults, increases the likelihood that students will be arrested for age-appropriate behaviors, and fails to address the root causes of violence. The proposals to increase the police presence in schools following Sandy Hook is counterintuitive and goes against everything that we know about the best way to ensure that youth are in school communities that are supportive, safe, and effective.

87 See Jeffrey Fagan & Tom Tyler, *Legal Socialization of Children and Adults*, 24 *Social Justice Research* 241-247 (2005).

88 See Meyer & Leone, *supra* note 85 at 352; Randall R. Fager, *supra* note 79 at 340.

89 Press Release, International Association of Chiefs of Police, *Statement of IACP President Craig Stecker on Proposal to Place Armed Police Officers in All Schools* (Dec. 21, 2012) (on file with authors).

90 *Zero Tolerance in Philadelphia*, *supra* note 64 at 12.

91 See Meyer & Leone, *supra* note 85 at 352.

### III. Creating Truly Safe Schools & Reducing Violence

Increased security measures at school, such as metal detectors, surveillance cameras, entry check points, and police presence, are unlikely to prevent all school-related shootings. Research has found that the relationships between students, parents, and staff are more important in making a school safe than increased security measures.<sup>92</sup> We must focus on long-term solutions that will reduce violence and nurture young people by addressing root causes and giving them the support and resources they need. Creating truly safe schools – instead of creating the

appearance of safe schools – means taking steps to ensure a positive school climate that is focused on fostering connectedness and communication, and on promoting practices that have proven to be effective, like non-violent conflict resolution and restorative justice.

America's top researchers on school safety have issued a statement on the Newtown tragedy. They remind us that students are safest in schools where they feel connected to their educators and their peers; where youth trust adults enough to share the problems they face (be it conflict, depression, bullying, or other issues) and any fears they may have about safety.<sup>93</sup> As the researchers note, federal law enforcement agencies such as the FBI, U.S. Secret Service, and others have shown us that the best way to prevent many acts of violence targeted at schools is by "maintaining close communication and trust with students and

others in the community."<sup>94</sup>

In the short term, we should support schools in creating school safety and security plans, in training students and adults to follow those plans, and having relevant professional development for all school personnel.

In the long term, supporting and incentivizing conflict resolution programs in school are key elements of making schools safer. Conflict resolution programs teach how to "effectively and peaceably" handle conflict by both addressing the theory behind

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We must focus on long-term solutions that will reduce violence and nurture young people by addressing root causes.

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conflict resolution and by putting into place a process for students and adults to resolve problems.<sup>95</sup> Restorative justice is an approach that focuses on the needs of victims, offenders, and the community by encouraging offenders to take responsibility for their

actions and repair the harm done in some way. The direct victims, and any other affected community members, take an active role in the process. In practice, restorative justice often takes the form of restorative circles and restorative conferences where the community comes together to explore how each person has been affected by the offense.<sup>96</sup> The International Institute for Restorative Practices found that schools using restorative justice had decreased incidents of violence, assault, and disorderly conduct in their schools.<sup>97</sup> These programs, and other similar evidence-based programs, invest in creating healthy and safe schools and communities.

92 See, e.g., Matthew Steinberg, Elaine Allensworth and David W. Johnson, *Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization* (May 2001), available at <http://ocsr.uochicago.edu/sites/default/files/publications/SAFETY%20IN%20CPS.pdf>.

93 Dewey G. Connell et al., *A Call for More Effective Prevention of Violence* (Dec. 19 2012), available at <http://curry.virginia.edu/articles/sandyhookshooting>.

94 Id. See also United States Secret Service and United States Department of Education, *The Final Report and Findings of the Safe Schools Initiative: Implications for the Prevention of School Attacks in the United States* (May 2002), available at [http://www.secretservice.gov/ntac/ssl\\_final\\_report.pdf](http://www.secretservice.gov/ntac/ssl_final_report.pdf).

95 Nadine E. Gardner, *Conflict Resolution Programs in the Schools*, *American Counseling Association Professional Counseling Digest* (2008), available at [http://counseling-outletters.com/Avistas/ACAPCD/ACAPCD\\_13.pdf](http://counseling-outletters.com/Avistas/ACAPCD/ACAPCD_13.pdf).

96 See, e.g., International Institute for Restorative Practices, <http://www.iirp.edu/what-is-restorative-practices.php> (accessed on January 9, 2013).

97 International Institute for Restorative Practices, *Improving School Climate: Findings from Schools Implementing Restorative Practices* (2008), available at [www.iirp.edu/pdf/IIRP-Improving-School-Climate.pdf](http://www.iirp.edu/pdf/IIRP-Improving-School-Climate.pdf).

**In order to support policies and practices that create safe and effective school communities, we urge the following:**

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**1 Do not place more police officers or armed personnel in schools.**

We strongly oppose the calls for arming school teachers, principals, and others in the school building. Similarly, we object to using the limited resources of the federal government to expand the presence of police in schools. More specifically, we oppose the legislation offered late last Congress by Senator Barbara Boxer to facilitate the installation of National Guard troops in U.S. schools (S. 3692). We cannot support any such actions that have not been shown to make schools safer and instead can lead to terrifying, fatal mistakes.

A plan to increase the presence of police may also undermine the work of both the Office for Civil Rights and the U.S. Department of Education and the Civil Rights Division of the U.S. Department of Justice. During the Obama Administration, these agencies have endeavored to dismantle the School-To-Prison Pipeline, including by challenging police practices in schools. In October 2012, the United States Department of Justice filed suit against the city of Meridian, the County of Lauderdale, two youth court judges, the State of Mississippi, and two state agencies for operating a school-to-prison pipeline.<sup>98</sup> The complaint alleges that these actors are “engag[ing] in a pattern or practice of unlawful conduct through which they routinely and systematically arrest and incarcerate children, including for minor school rule infractions, without even the most basic procedural safeguards, and in violation of these children’s constitutional rights.”<sup>99</sup>

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**2 Provide increased support for best practices in improving school communication and connectedness.**

We support the teaching of Social and Emotional Learning practices such as Restorative Justice and Positive Behavior Intervention and Supports. These frameworks enable students to develop a stronger sense of empathy and compassion for each other, as well as their teachers; help get to root causes of misbehavior and/or conflict; and will lessen the chances that students who have serious “problems” will be ignored, thereby improving their chances of getting the support and understanding needed to bring them back into the school community. The Restorative Justice in Schools Act (H.R. 415, Cohen) and the Positive Behavior for Safe and Effective Schools Act (H.R. 3165, Davis/Platts) both direct federal support for training schools and teachers in these best practices. The Successful, Safe, and Healthy Students Act (S. 919, Harkin) would use school data on bullying, harassment, and discipline to target support for implementing these best practices as well.

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**3 Support the development of comprehensive local or regional strategies to improve student safety while reducing the number of youth entering the justice system.**

Congress and the administration should promote expanded educational opportunities for our nation’s youth by funding grant programs to support community-based

<sup>98</sup> The defendants in the DOJ’s suit are the city of Meridian, the county of Lauderdale, two youth court judges in Lauderdale County, the State of Mississippi, the Mississippi Department of Human Services, and the Mississippi Division of Youth Services. Complaint filed in U.S. District Court Southern District of Mississippi (Oct. 24, 2012), Case: 4:12-cv-00168-HTW-LRA, United States of America v. City of Meridian, et. al., available at [http://www.justice.gov/crt/about/cpl/documents/meridian\\_complaint\\_10-24-12.pdf](http://www.justice.gov/crt/about/cpl/documents/meridian_complaint_10-24-12.pdf).

<sup>99</sup> Id. at 1.

solutions. Funds should go toward the development and implementation of multi-year, comprehensive local or regional plans to reduce the use of exclusionary discipline and the number of youth entering the juvenile and criminal justice systems.

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**4 Place meaningful restrictions on federal grants for school policing.**

The Community Oriented Policing Service's (COPS) "Secure our Schools" grants funded by the U.S. Department of Justice is the primary source for federal funding of school police efforts. We firmly believe that any proposals for additional appropriations for these grants would be far better spent by supporting the placement of counselors, social workers, and mental health services therein, not by placing more police in schools.

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## CONCLUSION

The news reports about the Newtown tragedy showed us an incredibly tight-knit school community - one in which parents felt that the school was an extension of their home, and teachers an extension of their families. The events at Newtown call on all of us, as parents, students, teachers, and community, to find ways to restore and safeguard the trust that makes school communities like Newtown's so special. Our children need to learn, grow, and thrive in places where they feel safe, loved, encouraged, and welcomed. In times like these, all of our thoughts turn to finding any way to make our children safer and we react with our hearts, rather than our heads. This is completely understandable, but we must approach this question deliberately, not reactively, and we must respond using research and evidence-based practices, not just emotion. Where Congress and the Administration work to address school safety in the aftermath of this tragedy, it must be in a manner that helps restore such trust - not one that promotes fear and undermines the sense of connectedness that ultimately keeps us all safe.



Statement for the Record  
Pace Center for Girls  
Subcommittee on Civil Rights and Human Services

Hearing on "An Ounce of Prevention: Investments in Juvenile Justice Programs"

September 13, 2022

Chair Bonamici, Ranking Member Fulcher, and members of the Committee, thank you for holding this hearing on "An Ounce of Prevention: Investments in Juvenile Justice Program" and for your commitment to supporting investments in prevention services. My name is Mary Marx, and I am President and CEO of Pace Center for Girls, Inc (Pace).

Exposure to community violence, domestic violence, and violence in school - coupled with pervasive poverty - impacts girls' thinking, behavior, and well-being. This results in high rates of school dropouts, physical and mental illness, and involvement in the child welfare and juvenile justice systems. The Office of Juvenile Justice and Delinquency Prevention in the Department of Justice has identified several factors that put girls in the United States at an increased risk for exposure to juvenile justice involvement, including: sexual and physical abuse, school failure, substance dependency, involvement in the child welfare system, financial insecurity, or homelessness.<sup>1</sup> A comprehensive approach to preventing placement in the juvenile justice system must include effective prevention and early intervention strategies.

Over Pace's 37-year history, our evidence-based program has impacted the life trajectory of more than 40,000 girls through our 21 Pace centers and 15 outreach programs throughout Florida, Georgia, and South Carolina. Pace's successful prevention model provides better long-term outcomes for young women and girls. Juvenile arrest, detention, and incarceration fail young people by failing to address the underlying trauma driving them into these harmful systems. A high percentage of girls in the juvenile justice system have a history of physical and sexual violence; for example, in Florida, 84% of girls in the juvenile justice system are victims of family violence, 31% have been sexually abused, and 41% have been physically abused.<sup>2</sup> The juvenile justice system often restricts access to services and exposes girls to re-traumatization and abuse while detained.<sup>3</sup>

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<sup>1</sup> U.S. Department of Justice, *Girl Study Group - Understanding and Responding to Girls' Delinquency*. (April 2010). Retrieved from <https://www.ojp.gov/pdffiles1/ojjdp/226358.pdf>

<sup>2</sup> Florida Department of Juvenile Justice, *IFL DJJ Comprehensive Accountability Report*. (2017). Retrieved from <https://www.djj.state.fl.us/research/reports-and-data/research-reports/comprehensive-accountability-report>

<sup>3</sup> Esubalew Dadi, *Community-Based Treatment More Effective, Less Expensive than Incarceration for Youth Offenders*. (February 2017). Retrieved from <http://www.fpi.institute/wp-content/uploads/2017/02/FPI-Juvenile-Justice-report.pdf>



At Pace, we take a different approach. Our comprehensive, trauma-informed prevention programs address the underlying needs of girls and young women with risk factors for entering the juvenile justice system. Pace is recognized as a national model for reducing recidivism and improving school success, employment and self-sufficiency amongst girls - all at a fraction of the cost of detention and incarceration. Over the past decade, Pace Center for Girls has been a key partner in Florida's more than 65% decrease in the number of girls being referred to the state's juvenile justice system.

Pace has received public and private support within the states where we work; and we are extremely grateful for the federal resources and bipartisan support that have allowed us to expand our services to ensure the success of more girls. In 2016, Pace received grant funding through OJJDP to support our data-driven community collaborative model to turn the curve on girls' involvement in the juvenile justice system. In 2018, and again in 2020, OJJDP provided additional funding to expand this model in Florida and Georgia.

Through our work, we have developed the following recommendations for trauma and gender responsive prevention programs, which we outline below. Further investment in prevention programs coupled with the implementation of these policy priorities would increase public safety and help provide the conditions that youth need to thrive. We appreciate your consideration of Pace's policy recommendations and look forward to working with you and the committee to implement these priorities.

#### **Pace Center for Girls Policy Recommendations**

- Invest in gender responsive programs effective in changing behaviors. Exposure to community violence, domestic violence, and violence in school - coupled with pervasive poverty - impacts girls' thinking, behavior, and well-being. This results in high rates of school dropouts, physical and mental illness, and involvement in the child welfare and juvenile justice systems. Support for evidence-based and trauma-informed programs with a track record of success is a crucial part of reducing recidivism and improving school success, employment and self-sufficiency for young women and girls.
- Invest in prevention programs that address the root cause of problem behaviors, reduce recidivism rates and divert youth from the juvenile justice system. It is crucial that prevention services include the full continuum of prevention, diversion, intervention, treatment, and aftercare. Arrest, detention, and incarceration fail young people by failing to address the underlying trauma driving them into these harmful systems. Evidence-based and community-based treatment options have been shown to produce substantial reductions in recidivism.
- Encourage the consistent use and implementation of civil citation and pre-arrest diversion programs for young people.
- Reduce Disproportionate Minority Contact (DMC) by addressing conditions, policies and practices and committing to the least restrictive community-based sanctions.



- Reduce the number of young people directed to the adult criminal court by changing the direct file statutes and prohibit youth from being housed in adult facilities.
- Further collaborate with federal and state agencies, county systems and community-based providers to revise statutes, policies, procedures, and practices that shepherd young people into the juvenile justice system.
- Invest in research to gather additional data on the needs of young women and girls with risk factors for juvenile justice system contact. This data will strengthen prevention programs that serve girls and young women.

We look forward to collaborating to advance the work of keeping girls out of the juvenile justice system and on a path to long-term health, thriving, and economic independence.

Again, thank you for your attention to prevention services. If you have any questions about the issues discussed, or would like any additional information, please do not hesitate to contact me via email at [Mary.Marx@pacecenter.org](mailto:Mary.Marx@pacecenter.org). Thank you for your time and consideration. We look forward to continuing our work together.

Sincerely,

Mary Marx  
President & CEO

[Questions and responses for the record by Ms. Evans follows:]



COMMITTEE ON  
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2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

October 5, 2022

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Ms. Naomi Smoot Evans, J.D.  
Executive Director  
Coalition for Juvenile Justice  
1629 K Street NW, Suite 300  
Washington, DC 20006

Dear Ms. Evans:

I would like to thank you for testifying before the House Committee on Education and Labor, Subcommittee on Civil Rights and Human Services hearing entitled "*An Ounce of Prevention: Investments in Juvenile Justice Programs*," Thursday, September 8, 2022, at 12:00 p.m. (Eastern Time) via Zoom.

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than Wednesday, October 19, 2022, for inclusion in the official hearing record. Your responses should be sent to Clerk of the Committee at [E&LTestimony@mail.house.gov](mailto:E&LTestimony@mail.house.gov) and Rashage Green at [Rashage.Green@mail.house.gov](mailto:Rashage.Green@mail.house.gov) of the Committee staff.

I appreciate your time and continued contribution to the work of the Committee.

Sincerely,

**ROBERT C. "BOBBY" SCOTT**  
Chairman

Enclosure

Committee on Education and Labor  
Subcommittee on Civil Rights and Human Services  
*“An Ounce of Prevention: Investments in Juvenile Justice Programs”*  
Thursday, September 8, 2022  
12:00 p.m. (Eastern Time)

**Representative Suzanne Bonamici (D-OR)**

1. According to research gathered by the National Council of Juvenile and Family Court Judges, court personnel who have been trained and received technical assistance through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are more likely to consider a child’s well-being, have family members present and engage with them during proceedings, make cultural considerations in juvenile removal, and factor behavioral and mental health needs in court proceedings. For that reason, I have consistently supported funding for the Child Abuse Training for Judicial and Court Personnel program.
  - a. Ms. Evans, how would additional resources for OJJDP help close gaps in judicial training to improve court proceedings and prevent both child abuse and juvenile delinquency?
  - b. Are there other organizations that interact with child welfare systems in need of technical assistance resources from OJJDP?
2. The recently passed Bipartisan Safer Communities Act includes significant resources for the hiring of School Resource Officers (SROs). Although I am very supportive of this bill and more resources for our schools and students, research shows that the presence of SROs is not necessarily effective in preventing gun violence in schools. As the Biden-Harris Administration begins the process of implementing the Bipartisan Safer Communities Act, I led my colleagues in sending an oversight letter to Secretary Cardona encouraging the Department to prioritize evidence-based investments to reduce violence in schools and to express concern about the potential for exacerbating the over-policing of schools.
  - a. Ms. Evans, what does the available evidence show about the presence of SROs in schools related to student outcomes and the prevention of gun violence?
  - b. How would a national expansion of law enforcement officers in schools affect the existing overcriminalization of youth and the disparities in the juvenile justice system faced by youth of color and youth with disabilities?

**Questions for the Record – Responses from Naomi Smoot Evans  
House Civil Rights and Human Services Subcommittee hearing on  
“An Ounce of Prevention: Investments in Juvenile Justice Programs.”**

Questions from Representative Suzanne Bonamici (D-OR):

1. **According to research gathered by the National Council of Juvenile and Family Court Judges, court personnel who have been trained and received technical assistance through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are more likely to consider a child’s well-being, have family members present and engage with them during proceedings, make cultural considerations in juvenile removal, and factor behavioral and mental health needs in court proceedings. For that reason, I have consistently supported funding for the Child Abuse Training for Judicial and Court Personnel program.**

**a. Ms. Evans, how would additional resources for OJJDP help close gaps in judicial training to improve court proceedings and prevent both child abuse and juvenile Delinquency?**

Additional resources for OJJDP could help ensure that judges, attorneys, and practitioners have access to new and additional training and publications to help them address the needs of the young people and families who come before them. In recent years, for example, training has focused on ways that courts can identify youth who have experienced trafficking, thus making sure they are not criminalized for this behavior, and that they receive the services and necessary supports.<sup>1</sup> Training has also helped child welfare courts be able to better support families and address their needs more holistically.<sup>2</sup> Resources currently include training for judges who are new to the bench, as well as materials for seasoned judges. Additional resources would help ensure that judges are able to access training easily across all states and territories, regardless of whether they preside over a rural, urban or suburban jurisdiction.

Additional resources are helpful as they provide insight from multiple perspectives in order to ensure all aspects of a child’s life are being adequately supported and also to ensure that resources are being used properly. Research also shows that existing risks/needs assessments are often misused or misunderstood and additional training and resources would help prevent this.<sup>3</sup> It also explains that adequate family engagement with youth is often lacking.<sup>4</sup>

**b. Are there other organizations that interact with child welfare systems in need of technical assistance resources from OJJDP?**

<sup>1</sup> See: <https://www.ncjfcj.org/events/virtual-national-judicial-institute-on-domestic-child-sex-trafficking/> and <https://www.ncjfcj.org/publications/domestic-child-sex-trafficking-series/>.

<sup>2</sup> See <https://www.ncjfcj.org/events/2022-national-child-abuse-and-neglect-institute/>.

<sup>3</sup> Love, Hanna et. al. “Understanding Research and Practice Gaps in Juvenile Justice: Early Insights from the Bridge Project.” Dec. 2016. Available at: <https://www.ojp.gov/pdffiles1/ojdp/grants/250489.pdf>.

<sup>4</sup> *Id.*

Yes. In addition to judges, attorneys, service providers, and court service personnel all benefit from training and resources that help them understand how they can be trauma-responsive and culturally-responsive, while helping to support youth and family's individual needs.

**2. The recently passed Bipartisan Safer Communities Act includes significant resources for the hiring of School Resource Officers (SROs). Although I am very supportive of this bill and more resources for our schools and students, research shows that the presence of SROs is not necessarily effective in preventing gun violence in schools. As the Biden-Harris Administration begins the process of implementing the Bipartisan Safer**

**Communities Act, I led my colleagues in sending an oversight letter to Secretary Cardona encouraging the Department to prioritize evidence-based investments to reduce violence in schools and to express concern about the potential for exacerbating the over-policing of schools.**

**a. Ms. Evans, what does the available evidence show about the presence of SROs in schools related to student outcomes and the prevention of gun violence?**

In a study of 33 public schools, increasing the presence of SROs was not found to increase school safety.<sup>5</sup> Instead, research shows that the rate of deaths in school shootings was 2.83 times greater in schools with armed guards present as compared to incidents where armed guards were not present.<sup>6</sup> The presence of police in schools has also been shown to result in increased arrests and criminalization for normal, school-based behaviors.<sup>7</sup> For these reasons, a majority of CJJ's members voted to support a policy platform that would permit the presence of law enforcement on schools only upon a demonstrated threat to the immediate safety of students, staff, or faculty, and then only so long as the threat existed.<sup>8</sup>

**b. How would a national expansion of law enforcement officers in schools affect the existing overcriminalization of youth and the disparities in the juvenile justice system faced by youth of color and youth with disabilities?**

<sup>5</sup> "Police Free Schools." National Juvenile Justice Network. July 2021. Available at: [https://njjn.org/uploads/digital-library/Police-Free%20School%20Final\\_July2021\\_1.pdf](https://njjn.org/uploads/digital-library/Police-Free%20School%20Final_July2021_1.pdf).

<sup>6</sup> Peterson, Jill, et al. "Presence of Armed School Officials and Fatal and Nonfatal Gunshot Injuries During Mass School Shootings, United States, 1980-2019." Feb. 16, 2021. Available at: [https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515?utm\\_source=For\\_The\\_Media&utm\\_medium=referral&utm\\_campaign=ftm\\_links&utm\\_term=021621](https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=021621).

<sup>7</sup> King, Ryan and Marc Schindler. "A better path forward for criminal justice: Reconsidering police in schools." Brookings Institute. April 2021. Available at: <https://www.brookings.edu/research/a-better-path-forward-for-criminal-justice-reconsidering-police-in-schools/>.

<sup>8</sup> "POLICY PLATFORM ON ENDING THE SCHOOL-TO-PRISON PIPELINE." Coalition for Juvenile Justice. 2021. Available at: <https://www.juvjustice.org/sites/default/files/resource-files/Policy%20Platform%20-%20School-to-Prison%20Pipeline%20%281%29.pdf>.

Youth of color and youth with disabilities are disproportionately arrested by school police in 43 states and the District of Columbia.<sup>9</sup> During the 2015-2016 school year, for example, Black and Latinx students made up 41% of all students but 59% of the students who were arrested, though there is no data that points to higher rates of misbehavior among Black and Latinx youth.<sup>10</sup> In 28 states, data shows that the share of Black youth who are arrested is at least 10 percentage points higher than their overall share of the student population, with 10 of those states reporting their portion of arrests for Black youth were a full 20 percent higher than their representation in the student population.<sup>11</sup> Black boys were three times more likely to get arrested for school-based offenses than White boys who engaged in similar behaviors, while Black girls were four times more likely than White girls to be arrested for similar school-based offenses.<sup>12</sup>

Youth with disabilities are also disproportionately arrested. Students with disabilities have been found to be referred to law enforcement at rates six times higher than their general education peers.<sup>13</sup> SROs often respond inappropriately to youth with behavioral disabilities.<sup>14</sup> In Kenton County, Ky., for example, an SRO placed a third grader with attention deficit hyperactivity disorder under arrest, handcuffed him, and pinned his elbows behind his back because the child had a severe temper tantrum.<sup>15</sup> In another incident, an SRO in a N.C. school handcuffed, pinned down, and proceeded to taunt a 7-year-old boy after he spit in his classroom, a behavior that his mother stated was the result of his disability.<sup>16</sup>

Adding more school resource officers would not fix either of these issues and instead has the potential to continue to exacerbate the targeting of Black youth and youth with disabilities in our country's schools. The addition of counselors and therapists, however, who are trained to work with children and address the underlying issues that they face, could be a meaningful solution. Nonetheless, as many as 1.7 million children in our country attend schools that have police on their campus, but do not have a counselor readily available to them.<sup>17</sup>

<sup>9</sup> "How Do School Resource Officers Impact Racial Equity in the Nation's Schools: A Review of Research and Scholarship." Strategies for Youth. Available at: <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2020/12/How-Do-SROs-Impact-Racial-Equity-in-Schools.pdf>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> "Are school resource officers really protecting our kids?" Fairfax County Times. Dec. 3, 2021. Available at: [https://www.fairfaxtimes.com/articles/opinions/are-school-resource-officers-really-protecting-our-kids/article\\_5c3b121a-53af-11ec-b9e9-a798521f415e.html](https://www.fairfaxtimes.com/articles/opinions/are-school-resource-officers-really-protecting-our-kids/article_5c3b121a-53af-11ec-b9e9-a798521f415e.html).

<sup>14</sup> Morris, Madeline. "School Resource Officers: Do the Benefits of Student Safety Outweigh Their Negative Impacts?" Children's Legal Rights Journal. Available at: <https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1246&context=clrj>.

<sup>15</sup> *Id.*

<sup>16</sup> Armus, Teo. "A 7-year-old with autism was handcuffed by a school resource officer and pinned to the ground, video shows." Available at: <https://www.washingtonpost.com/nation/2020/10/13/school-police-handcuffs-autism/>.

<sup>17</sup> *Id.*

Blad, Elvie. "1.7 Million Students Attend Schools With Police But No Counselors, New Data Show." March 4, 2019. <https://www.edweek.org/leadership/1-7-million-students-attend-schools-with-police-but-no-counselors-new-data-show/2019/03>.

[Questions and responses for the record by Mr. Muhammad follows:]



COMMITTEE ON  
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October 5, 2022

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Mr. David Muhammad  
Executive Director  
National Institute for Criminal Justice Reform  
4900 Shattuck Ave. #3817  
Oakland, CA 94609

Dear Mr. Muhammad:

I would like to thank you for testifying before the House Committee on Education and Labor, Subcommittee on Civil Rights and Human Services hearing entitled "*An Ounce of Prevention: Investments in Juvenile Justice Programs*," Thursday, September 8, 2022, at 12:00 p.m. (Eastern Time) via Zoom.

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than Wednesday, October 19, 2022, for inclusion in the official hearing record. Your responses should be sent to Clerk of the Committee at [E&LTestimony@mail.house.gov](mailto:E&LTestimony@mail.house.gov) and Rashage Green at ([Rashage.Green@mail.house.gov](mailto:Rashage.Green@mail.house.gov)) of the Committee staff.

I appreciate your time and continued contribution to the work of the Committee.

Sincerely,

**ROBERT C. "BOBBY" SCOTT**  
Chairman

Enclosure

Committee on Education and Labor  
Subcommittee on Civil Rights and Human Services  
*“An Ounce of Prevention: Investments in Juvenile Justice Programs”*  
Thursday, September 8, 2022  
12:00 p.m. (Eastern Time)

**Representative Frank J. Mrvan (D-IN)**

1. Mr. Muhammad, in your testimony, you describe your partnership with the City of Oakland, its police department and local community-based organizations in launching an innovative youth development and diversion program called the Neighborhood Opportunity and Accountability Board.
  - a. Can you tell us more about the program, its outcomes, and the practices found to work best for youth?



Committee on Education and Labor  
 Subcommittee on Civil Rights and Human Services  
***"An Ounce of Prevention: Investments in Juvenile Justice Programs"***  
 Thursday, September 8, 2022  
 12:00 p.m. (Eastern Time)

The Oakland Neighborhood Opportunity and Accountability Board (NOAB) is an innovative, community-driven, youth development model of juvenile justice being implemented by the National Institute for Criminal Justice Reform (NICJR) in the East Bay Area of California. The NOAB diverts youth from formal processing in the juvenile justice system and, instead, utilizes neighborhood councils to address delinquent behavior and improve outcomes by connecting youth and their families to community-based services and supports. The NOAB initiative focuses on restorative, rather than punitive practices; increases community involvement in public safety decision-making; and invests resources in youth, families, and neighborhoods to address immediate needs and root causes of crime. Following two years of program development, NICJR began piloting NOAB in Oakland, CA. On April 22, 2020, the Oakland City Council unanimously approved an MOU between NICJR and the Oakland Police Department to operate this innovative initiative, which launched May 1, 2020.

The NOAB Initiative envisions a system of neighborhood-based boards governed by principles of positive youth development and restorative justice to serve in place of the traditional court system. Each NOAB is composed of 6-10 community members who have demonstrated a commitment to the well-being of youth and the neighborhood. Members may include teachers, faith leaders, formerly incarcerated individuals, business owners, family members of incarcerated youth, and crime victims. Members receive small monthly stipends for their service in the program. In Oakland, the NOAB is composed of eight community members who are all residents or business owners in Oakland. Due to the pride and connection that Board members have for their community, there is a greater focus on healing and caring for the youth and family than is typically experienced in traditional juvenile justice settings.

When a youth is arrested by an officer, Police Department staff review the case, assess whether the youth meets the NOAB criteria, and make the decision to refer the case to the NOAB. If the case has a victim, the victim is consulted for their consent before the youth is referred to the NOAB. Upon referral, the youth receives a notice that they will be contacted by the NOAB Coordinator and must engage with the diversion program. Referrals can occur through a notice to appear process, where a youth is given a citation and called to appear for a hearing. Within 48 hours of receiving the referral, the NOAB Coordinator meets with the youth and family to interview the youth, administer holistic needs and asset assessments, and complete program intake.

The NOAB Coordinator explains the program, including the many benefits, and gains the youth and family's agreement to participate. The youth and their family are then scheduled to appear before the NOAB Board at a NOAB Conference to determine an appropriate intervention plan using a Family Group Conferencing model. In this meeting, Board members engage the youth and family in a discussion about their strengths, challenges, and goals, as well as any specific needs, providing guidance and support throughout the discussion. The diversity of board members offers several lenses through which to understand and address the youth's needs and risks, unlike traditional processes dominated by the sole lens of a justice system practitioner.

When a youth referred to the NOAB maintains that they are innocent of the delinquent act, the NOAB



convenes a communal to adjudicate the matter. To determine culpability, the NOAB employs a well-trained Hearing Officer as a neutral fact finder. The Hearing Officer facilitates a discussion between the youth, victim, and family members to determine the facts of the incident. The victim and youth are afforded the opportunity to identify an individual to be their advocate in the process. When all of the information has been presented, the Hearing Officer makes a recommendation to the NOAB for a final determination. Youth who are found to have engaged in harmful behavior are referred to the NOAB to participate in the NOAB process.

The NOAB Conference culminates in the development of an Individual Achievement Plan (IAP) that includes connections to services, supports, and opportunities with an emphasis on educational support, mentoring and life coaching, behavioral health care, family counseling, and youth employment. When there is an identified victim who is willing to participate in the process, the plan also includes restorative justice programming. Partner programs lead restorative justice circles with the youth, victim, family members, and members of the community. When incorporated, restorative justice circles serve as the vehicles to drive the development of the IAP to ensure that victims feel included in the process. When appropriate and feasible, the NOAB also considers providing restitution to victims, particularly in cases where restitution is a barrier to engaging in a restorative process.

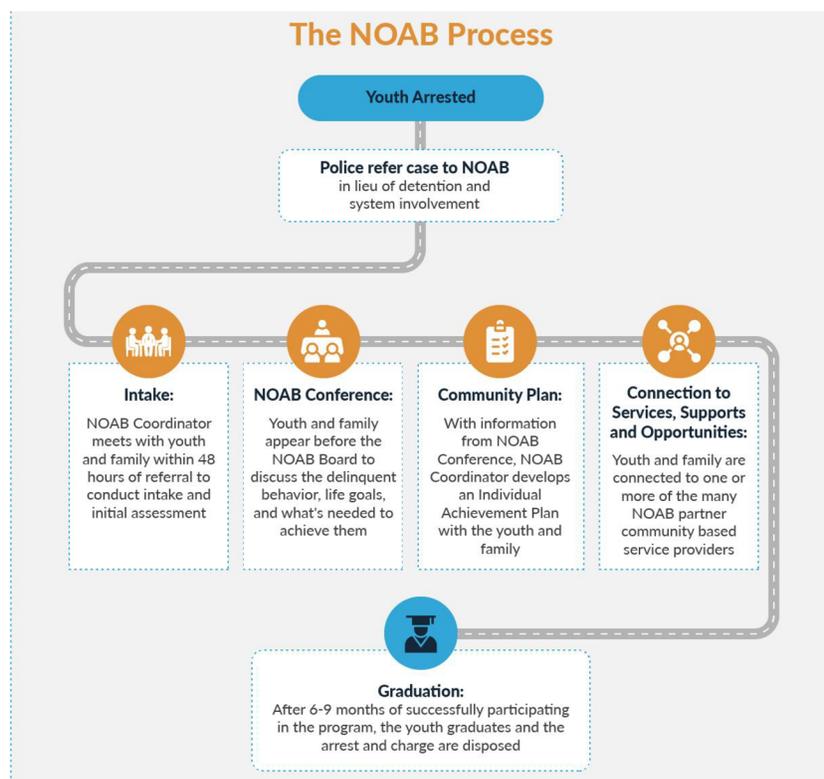
Once the Individual Achievement Plan is determined and agreed upon by the youth and their family, the NOAB Coordinator then directly connects the youth and family with the identified service providers. Organizations providing services, supports, and opportunities include:

- **Restorative Justice Programming:** Restorative Justice for Oakland Youth
- **Cognitive Behavioral Therapy:** Community Youth Outreach
- **Family Counseling:** Carl B. Metoyer Center for Family Counseling
- **Youth Employment:** Youth Empowerment Partnership
- **Case Management, Life Coaching, and Mentoring:** Community & Youth Outreach, Communities United for Restorative Youth Justice (CURYJ), Young Women's Freedom Center, Urban Peace Movement, Fresh Lifelines for Youth, The Brotherhood of the Elders Network, Rites of Passage, Oakland Unified School District Alternative Education Office

The NOAB Coordinator maintains consistent contact with the youth, family, and service providers throughout the program. Detailed notes and updates on each youth are maintained in a NOAB database to track progress. After six to nine months of successful program participation (with specific duration determined on a case-by-case basis), the youth graduates and charges are disposed.

The NOAB is committed to being a true diversion from system involvement. Therefore, youth who commit lower-level offenses, who would not usually be detained or adjudicated in the juvenile court, do not receive a referral to the NOAB. Youth arrested for non-violent felonies or multi-misdemeanors, who would otherwise be processed through the juvenile justice system, have the opportunity to avoid the punitive process of formal system involvement and, instead, are referred to the community-driven NOAB.

By diverting youth who would otherwise be processed in the formal juvenile justice system, the NOAB seeks to reduce the extremely high cost of juvenile incarceration. Furthermore, by providing services and opportunities to improve youth outcomes, the NOAB also aims to reduce costs associated with youth recidivism. Ideally, funds saved through NOAB programs will be reinvested in communities and community-based interventions that are focused on positive youth development.



**Outcomes:**

Since its inception in May 2020, the Oakland NOAB has received a total of 60 referrals and has shown impressive outcomes thus far. From January 2021 to October 2021, the Oakland NOAB received 20 youth referrals. Fourteen of these youth were arrested for felonies, including grand theft auto, carjacking with a firearm, and burglary through forcible entry. The NOAB Coordinator engaged with each youth to provide life coaching, self-advocacy, and mentoring services, along with referrals to partnering service providers for additional support—such as job readiness training and individual counseling. Only one youth was rearrested and charged with a new offense. He was released after two weeks in custody; upon his release, he received immediate in-home, intensive life coaching support.



Not only has the NOAB reduced youth delinquency and improved outcomes for the youth participants and their families, it has:

- Enhanced the profiles, capacities, and impacts of the community organizations serving these participants;
- Expanded individual purpose and meaning for the eight NOAB board members that drive the development of the youth achievement plans;
- Decreased costs of the juvenile justice system;
- Advanced cohesion, safety, and community-police relations in the City of Oakland; and
- Offered a new promising practice to all stakeholders invested in justice system reform, reimagining public safety, crime reduction, youth diversion, and positive youth development.

The profiles below provide a small snapshot of youth in the Oakland NOAB program. They include successes and challenges of our youth, their families, and their communities, and share a glimpse of the network of systems to which they are now connected. Names of the youth highlighted below have been changed to protect their privacy.

#### *Juan*

Juan was arrested for assault with a deadly weapon in August 2021. He was accused of hitting a housemate with a baseball bat after a verbal altercation escalated between them. The NOAB Coordinator met with Juan at his home within days of the referral to conduct the initial assessment. Juan was transparent about the incident and identified that he had anger issues and a lack of prosocial activity involvement.

On August 26, 2021, Juan and his mother met with the NOAB to prioritize areas of support. Collectively, the group recommended 1:1 life coaching with a supportive adult and a youth employment opportunity. Juan acknowledged that his anger was avoidable and was highly receptive to recommendations from the Board. Juan is currently a senior in high school and on track to obtaining his high school diploma. He regularly meets with his Life Coach and recently graduated from the Fresh Lifelines for Youth program.

#### *Randy*

On January 25, 2022, officers arrested Randy for carjacking with a firearm. After spending nearly three weeks in Juvenile Hall, Randy was referred to NOAB by the Alameda County's Public Defender's Office in March. Within a week, the NOAB Coordinator met with Randy and his family in the community to initiate support services. The family was relieved when they learned that Randy would be connected to a positive role model and would receive 1:1 mentoring and life coaching. Randy and his family have had significant traumatic experiences, ranging from prolonged homelessness to substance and domestic abuse from a former caregiver. Additionally, Randy had not attended school regularly for two consecutive years due to the pandemic.

On April 28, 2022, Randy and his family met with the NOAB to collectively devise a plan to help keep Randy out of trouble. The group determined that Randy would start by re-engaging with his school. The group also recommended Randy receive mental health services to begin the healing process around his trauma. Randy was receptive to the Board and agreed that receiving support was long overdue. Since the arrest, Randy has re-enrolled in school and meets several times a week with his life coach.

**Best Practices**

NOAB relies on principles of Restorative Justice (RJ); Positive Youth Development (PYD); Diversity, Equity, Inclusion, and Belonging; Community Engagement; and Family Involvement. NOAB is founded on the premises that community-driven RJ can mitigate unnecessarily damaging experiences embedded in traditional juvenile justice processes and that PYD can further promote positive youth outcomes by leveraging a youth's strengths, engaging them in prosocial activities, and providing strategic supports. Instead of relying on punishment for addressing harm and removing youth from their communities, RJ promotes accountability that favors responsibility, dialogue, community, family and victim involvement. RJ also favors services designed to address symptoms of social inequality that lead to criminal behavior versus the current system, which often exacerbates and reinforces those symptoms (Winslade, 2019).

Young people and their families are the best experts in their lives and experiences, and a collaborative approach produces greater investment and more positive outcomes. The National Child Traumatic Stress Network notes, "When families are viewed and treated as partners in both their child's care and in the operations of the juvenile justice system itself, the child, the family, and the system benefit. The most effective interventions for youth in the justice system are those that engage families in a strength-based partnership" (Rozzell, 2013). NOAB conferences follow the same Family Group Conferencing model that the child welfare system has used to involve youth and their families in a group planning and decision making process (Rozzell, 2013). Families and youth not only deserve to be part of the case planning process, they hold the keys to its success. The NOAB process emphasizes the voices of youth and their families, promoting a sense of ownership and deeper accountability, and establishes the youth as an integral player in identifying the services, supports, and opportunities that they need to be successful.

Research has shown that youth are more likely to make positive behavioral changes when those in positions of authority do things with them rather than to them or for them—a fundamental difference between NOAB and traditional justice models (Costello et al., 2019). Youth offenders who are separated from their community are more likely to develop a criminal identity and end up in the adult prison system (Strang & Braithwaite, 2017). Youth who receive no intervention at all may still experience system contact if the conditions that led them to cause (and experience) harm are not addressed. Empowering youth and their communities to collaboratively address behavior can contribute to meaningful, measurable short-term benefits across an array of outcomes in youth's lives. NOAB activities aim to improve youth and family well-being by reducing harm caused by over-policing and justice system processing, deepening prosocial connections, addressing root causes of misbehavior, and holding youth accountable to those they impact. These pathways build from interdisciplinary research on protective and promotive factors that contribute to decreased justice involvement and increased thriving (Dahlberg & Krug, 2006; Osher et al., 2020).



## References

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