

## Reducing Violence & Keeping Our Kids and Communities Safe Recommendations for President Obama, Vice President Biden and the 113<sup>th</sup> Congress

— from the National Juvenile Justice and Delinquency  
Prevention Coalition (NJJDC)  
*January 2013*



The tragic December 14<sup>th</sup> shootings in Newtown, Connecticut shook our nation's confidence in its ability to prevent future violence and keep our children and our communities safe. While the Newtown incident was horrifying and shocking, it represents a small portion of the violence experienced by America's youth. Tragedies like Newtown are exceedingly rare, but invite us to remember that in far too many communities, violence is common. As lawmakers discuss potential solutions to keep our communities and our children safer, including limits to the widespread accessibility of firearms, both illegal and legal, in the United States, we offer the expertise of the National Juvenile Justice and Delinquency Prevention Coalition (NJJDC) and provide recommendations for a comprehensive approach to reduce violence and keep children and communities safe.

As the U.S. Attorney General's National Task Force on Children Exposed to Violence noted in its report released just two days before the Newtown tragedy, "Exposure to violence is a national crisis that affects *approximately two out of every three of our children*. Of the 76 million children currently residing in the United States, an estimated 46 million can expect to have their lives touched by violence, crime, abuse, and psychological trauma this year."<sup>1</sup> Across the nation, gun violence takes the lives of 7 children and teens daily and leaves another 43 injured.<sup>2</sup> Easy access to guns in the United States is also a serious risk factor in juvenile delinquency and crime.

Across the country, people are searching for answers. The NJJDC views this as a critical moment to invest more broadly in the *true safety* of proven strategies, not in the *false sense of security* of arming teachers or increasing police presence in every school. It is our view that true safety will not result from having more guns in schools or other places where youth congregate. True safety comes from comprehensive, evidence-based approaches that have been demonstrated to reduce violence, such as Multisystemic Therapy and Functional Family Therapy; school-based programs that address conflict and resolve disputes such as Positive Behavioral Interventions and Supports (PBIS) and Peace/Restorative Circles; providing behavioral health and wrap-around services in schools and communities; and building on the strengths of families and young people seeking the education and skills to lead safe and fulfilling lives, such as those provided by Beacon Schools and other results based approaches.<sup>3</sup>

Congress and the Administration have the opportunity to respond to the tragic events in Newtown by embracing a comprehensive agenda to prevent and reduce future violence while building safer communities that reject a culture of fear. To that end, the NJJDC recommends:

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**The National Juvenile Justice and Delinquency Prevention Coalition (NJJDC) comprises more than 300 national, state and local organizations working together to ensure healthy families, build strong communities, and improve community safety and well being. For more information, please see: [http://www.juvjustice.org/initiative\\_njjdc.html](http://www.juvjustice.org/initiative_njjdc.html) and <http://act4jj.org/>**

## Legislation

- **Pass the Youth PROMISE Act.** The bipartisan Youth Prison Reduction through Opportunity, Mentoring, Support and Education (Youth PROMISE) Act, H.R. 2712/S. 435, aims to reduce violence in communities with a high concentration of youth at risk of school disengagement, social disconnection and delinquent behavior by providing targeted federal investments to support empirically based prevention and intervention strategies, such as family strengthening programs, academic and school supports, positive youth development and other evidence based interventions such as those identified in “Blueprints for Violence Prevention.”<sup>4</sup>
- **Reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDP A).** The most recent, broadly supported, bipartisan proposal to reauthorize the JJDP A,<sup>5</sup> includes specific new provisions to this long-standing law designed to increase evidence-based screening and assessment for children and youth who come into contact with the courts, as well as to improve family and community supports and services for mental health and behavioral health. These and other reforms contained within the law aim to reach youth and families who are isolated and disconnected from stable environments, supportive adults, and systems of care. This landmark law provides federal support for a comprehensive range of state and local delinquency prevention and intervention strategies, including those aimed at preventing illegal gun possession and use by youth. Moreover, the JJDP A and its reauthorization legislation support the federal Office of Juvenile Justice and Delinquency Prevention – the federal home for preventing delinquency and addressing the needs of court-involved youth.
- **Improve Access to and Quality of Mental Health and Behavioral Health Services.** Support proposals to help identify mental/behavioral health needs early, including mental illness and substance abuse; to expand access to evidence-based services and treatment; and to improve the quality of those services. In particular, we encourage Congress to support policies that expand family-connected and community-based treatment options, better coordinate child and family service systems and integrate trauma-informed care into all aspects of mental/behavioral health treatment. Legislation ripe for expanded support includes: S. 3289, the Children's Mental Health Accessibility Act, that expands home and community-based service waivers to include youth in or at risk of placement in psychiatric residential treatment facilities, and S. 919, the Successful Safe and Healthy Students Act of 2011, which assists states in developing and implementing comprehensive programs and strategies to expand counseling and mental health services (prevention, intervention, appropriate diagnosis and referral) as well as mental health training for school personnel and mental health professionals.
- **Reject proposals that will increase youth involvement in the justice system.**
  - **Sentencing.** Excessive sentencing and enhanced sentencing requirements (either at the federal level or imposed on states) will not make our communities safer. They may also have significant unintended negative consequences as they relate to young people. State and local laws already extensively address youth violations of the law. Therefore, we urge caution in developing new sentencing provisions such as new mandatory minimum sentences.
  - **Zero Tolerance.** Over the past two decades, expanded “zero tolerance” school disciplinary policies have produced significant troubling results. Too often these practices have led to police involvement in a broad range of student actions that are not violent or a threat to school safety, but rather typical of normal adolescent

behaviors. Beginning in the 1990s, schools across the nation created mandatory punishments for a long list of student behaviors, many of which are now required to be reported to the police. For example, in Pennsylvania, school-based arrests nearly tripled between 1999- 2007; yet nearly all school-based referrals were misdemeanor offenses or non-delinquent.<sup>6</sup> The result of “zero tolerance” has too often been the criminalization of youth - particularly youth of color, LGBTQ youth, and youth with disabilities - for behaviors and infractions that can and should be addressed within schools, without law enforcement and justice system referrals. A wave of recent school discipline reforms which move away from zero tolerance and toward more supportive responses and services underscore the ineffectiveness of a punitive, exclusionary approach toward students.<sup>7</sup>

- **Police in Schools.** As mentioned above, school based arrests frequently involve typical adolescent, nonviolent behavior rather than incidents that threaten the safety of other students or school personnel.<sup>8</sup> When police officers are present, youth are more often formally processed through the justice system rather than school officials resolving behavior issues internally; this can result in a lifetime of negative collateral consequences, including significant barriers to education and employment. In many school districts, an arrest or referral to the justice system also means suspension and expulsion from school and blocked reentry into school. Suspensions, expulsions, and barriers to school re-entry cut students off from the positive interactions with adults in supportive settings and cause a variety of negative life outcomes. As the presence of law enforcement and school resource officers (SROs) in schools has increased, arrests and referrals to the juvenile justice system generally have also increased.<sup>9</sup> Evidence shows that the expansion of police into schools is a flawed policy that has harmful effects on students. The presence of law enforcement in schools has effects that transform the school from an academic environment to a site of criminal law enforcement. Issues that might otherwise be seen as mental health or social problems become policing matters once an officer is stationed in a school. Arrests for minor infractions, such as fistfights in which there are no injuries, graffiti, and disorderly conduct go up. This comes at the expense of students’ rights and their education. Youth of color are especially vulnerable to over-policing in schools, which increases both the racial-academic divide and racially skewed arrest rates.<sup>10</sup>
- **Support Youth Reentry.** Reentry services and aftercare for youth exiting juvenile justice facilities reduce recidivism and support successful reintegration of youth back into families and communities. By fostering improved family and community relationships and functioning, reintegration into school, and mastery of independent life skills, reentry services help youth build the resiliency that helps divert them from harmful and delinquent behaviors. Congress should reauthorize and increase funding for the Second Chance Act, and prioritize funding for other federal programs that provide reentry supports and services for youth.

### **Executive Branch and Federal Agency Leadership**

National leadership from the President, Executive Branch, and relevant federal agencies is needed now more than ever. We are pleased to see that the Administration seeks to work aggressively to identify and promote the most effective policies and practices that already exist to reduce youth

violence, gun violence, and trauma in our communities, and to help states and localities implement them. In many cases, the Administration can do this without legislation or additional appropriations, by ensuring strong coordination of effort and promoting good work already underway. For instance, the U.S. Attorney General’s Task Force on Children Exposed to Violence and the President’s newly established Task Force on Gun Violence, led by Vice President Biden, should coordinate their respective efforts to accomplish the following tasks:

- **Set and meet national benchmarks to prevent and reduce youth violence and delinquency, and to increase healing and well-being.** To effectuate this recommendation, it is vital to appoint a permanent OJJDP Administrator to lead the agency’s many efforts and to ensure sustainable approaches that are fully coordinated with other federal agencies, as well as states and localities. Priorities to reduce violence and delinquency include issuing new JJDP regulations and guidelines for states to keep children out of the justice system if they do not need to be there; ensure safeguards for youth involved in the justice system; support successful youth reentry and identify evidence-based youth reentry programs; and increase community safety. The placement of a permanent Administrator is also essential to effective implementation of key recommendations from the Attorney General’s National Task Force on Children Exposed to Violence, as cited in the task force report, *Defending Childhood*. As noted in the report, these recommendations are designed to help children and youth heal from violence by elevating federal leadership, launching a national initiative, investing in national data collection, and funding trauma-informed services for children and youth. The report places a strong focus on preventing and reducing child victimization from all forms of violence. Specific actionable recommendations include:
  - Launch a national initiative to promote professional education and training on the issue of children exposed to violence, including standards to ensure that all students and professionals working with children and families are aware of the scope of the problem of children’s exposure to violence as well as their responsibility to provide trauma-informed services and trauma-specific evidence-based treatment.
  - Create national centers of excellence in response to children’s exposure to violence that will coordinate and fund standards for professional education and practices, and ongoing monitoring of trends and the translation of data; and that will bring together the scientific, clinical, technical, and policy expertise necessary to systematically ensure the success of violence prevention efforts.
- **Increase school safety.** Through the Administration’s “Supportive School Discipline Initiative” – a collaboration between the U.S. Department of Education and the U.S. Department of Justice – provide concrete guidance and training to schools on implementing successful school based programs that help students handle conflict and trauma and increase school inclusion and engagement for all students.
- **Improve access to mental and behavioral health treatment.** Youth in the justice system often have serious health and mental health needs. The Administration must ensure stakeholders understand and have access to programs and protections available under current law.
  - **Enforce the Mental Health and Substance Abuse Parity Act.** Enforce the Parity Act by ensuring fair and equal access to behavioral health treatment services.
  - **Improve Youth Access to Public and Private Health Insurance under the Affordable Care Act.** Expand access to behavioral health treatment services by ensuring that youth and families are educated and connected to public and private health insurance coverage through the Affordable Care Act.

## **Appropriations and Resource Coordination**

To make legislative and administrative proposals truly actionable, it is essential to resource them and to reverse recent federal divestment in youth violence prevention, delinquency prevention and juvenile justice. We ask that the Congress fully fund the federal programs that support critical state and local strategies. Specifically, we propose the following activities:

- Allocate the resources to effectively implement the Youth PROMISE Act.
- Invest at least \$80 million in the JJDPA Title II State Formula Grant Program and \$65 million in JJDPA Title V Delinquency Prevention Program as core support for these critical state and local programs. JJDPA funds are used effectively for the following purposes among others: “Gun Programs” to reduce unlawful acquisition and illegal use of guns by juveniles; “School Programs,” such as those designed to enhance school climate and safety; and community action planning to put in place continuums of services for high risk youth and families, and to support prevention violence and delinquency.<sup>11</sup>
- Fund effective implementation of the mental health and criminal justice collaboration grant.<sup>12</sup> This law, administered by the Department of Justice, authorizes grants to assist with diversion, treatment, and transition services for youth and adults with mental illness who come in contact with law enforcement.

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<sup>1</sup>See report of the U.S. Attorney General’s Task Force on Children Exposed to Violence, “Defending Childhood” (December 2012), U.S. Department of Justice, Washington, D.C. Available at: <http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>

<sup>2</sup> Protect Children, Not Guns, Fact Sheet on Children and Gun Violence (2013), Children’s Defense Fund, Washington, D.C.

<sup>3</sup> See Annual Reports to the President, Congress and OJJDP: “Handle with Care: Serving the Mental Health Needs of Young Offenders” (2000) and “Abandoned in the Back row: Lessons in Education and Delinquency Prevention” (2001), Coalition for Juvenile Justice, Washington, D.C.

<sup>4</sup>See Center for the Study and Prevention of Violence, available at: <http://www.colorado.edu/cspv/blueprints/>

<sup>5</sup> See S. 678, Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, introduced March 24, 2009.

<sup>6</sup> Greene, J., Pranis, K., & Ziedenberg, J. Disparity by design: How drug-free zone laws impact racial disparity—and fail to protect youth (2006), Justice Policy Institute, Washington, D.C.

<sup>7</sup> See Dignity in Schools, available at: <http://www.dignityinschools.org/>

<sup>8</sup> Test, Punish, and Push Out: How “Zero Tolerance” and High-stakes Testing Funnel Youth into the School-to-Prison Pipeline 16-19. (January 2010), available at [http://b3cdn.net/advancement/d05cb2181a4545db07\\_r2im6cage.pdf](http://b3cdn.net/advancement/d05cb2181a4545db07_r2im6cage.pdf)

<sup>9</sup> Torres, M. and Stefkovich, J. A. Demographics and Police Involvement: Implications for Student Civil Liberties and Just Leadership (2009), Education Administration Quarterly 45(3): 450-473.

<sup>10</sup> *Washington Post* Guest Editorial by Aaron Kupchik, associate professor of sociology and criminal justice at the University of Delaware and author of “Homeroom Security: School Discipline in an Age of Fear”, December 30, 2012. Available at: [http://www.washingtonpost.com/opinions/the-nras-faulty-school-security-proposal/2012/12/30/b5b73fc0-5054-11e2-950a-7863a013264b\\_story.html](http://www.washingtonpost.com/opinions/the-nras-faulty-school-security-proposal/2012/12/30/b5b73fc0-5054-11e2-950a-7863a013264b_story.html)

<sup>11</sup> U.S.C. 42: Juvenile Justice and Delinquency Prevention Act §§221(a), 223(a) and § 501 et.seq.

<sup>12</sup> See P.L. 108-414, Mentally Ill Offender Treatment and Crime Reduction Act.