



Empowering Communities to Combat Gang Crime:

The Youth PROMISE Act

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**Congressman Robert C. “Bobby” Scott
Youth Violence Summit
Wednesday, December 3, 2008
Rayburn House Office Building, Room 2175
10:00 a.m. – 2:00 p.m.**

**Empowering Communities to Combat Gang Crime:
The Youth PROMISE Act**

**This summit will address evidence-based strategies
for juvenile justice prevention and intervention.**

Welcome and Introductory Remarks..... **Rep. Bobby Scott**

Remarks..... **Marian Wright Edelman**

PANELS

(Q&A will follow each panel)

Legislation / Policy Analysis: What's Effective; What's Not? (10:15 – 11:00)

Carol Chodroff, Moderator
U.S. Program Advocacy Director, Human Rights Watch

Dr. Barry Krisberg
President, National Council on Crime and Delinquency (NCCD)

Judith Greene
Justice Strategies

What's Working Now: Positive Programs and Interventions (11:00 – 11:40)

Tara Andrews, Moderator
Deputy Executive Director for Policy & Programs, Coalition for Juvenile Justice

Dr. Jorja Leap
Adjunct Associate Professor, UCLA School of Public Affairs

Teny Gross
Executive Director, Institute for the Study & Practice of Nonviolence

Khalid Samad
Executive Director and Co-Founder, Peace in the Hood

Law Enforcement / Judicial Perspective on the Need for Prevention (11:40 – 12:20)

Jennifer Bellamy, Moderator
Legislative Counsel for Criminal Justice Issues, ACLU Washington Legislative Office

Miriam Aroni Krinsky
Lecturer, UCLA School of Public Affairs, former Assistant U.S. Attorney

Dr. Frank Straub
Commissioner of Public Safety, White Plains, NY

Shay Bilchik
Director, Center for Juvenile Justice Reform and Systems Integration, Georgetown Public Policy Institute

Comparative Benefits of Effective Crime Prevention (12:20 – 1:00)

Tim Briceland-Betts, Moderator
Co-director of Government Affairs, Child Welfare League of America

Brian Bumbarger
Coordinator of Policy Research and Outreach, Prevention Research Center for the Promotion of Human Development, Pennsylvania State University

Lynn White
Senior Policy Associate for Juvenile Justice, Children's Defense Fund

Larry Cohen
Director, Prevention Institute

Reception with G.I.N.G.A. Capoeira Troupe (1:00 – 2:00)
(The reception will take place in Rayburn 2237.)

G.I.N.G.A. (Gang Intervention Nationwide Guiding Adolescents) is a Capoeira troupe of young people who were gang affiliated or at risk for gang participation. They are under the tutelage of Mestre Boneco. As they progress through G.I.N.G.A. and learn Capoeira – the Afro-Brazilian art form that ritualizes movement from martial arts, games, and dance – each youth in the program will eventually become an instructor and mentor for younger participants in the program.

PARTICIPANT BIOGRAPHIES

Marian Wright Edelman, a graduate of Spelman College and Yale Law School, began her career in the mid-60s when, as the first black woman admitted to the Mississippi Bar, she directed the NAACP Legal Defense and Educational Fund office in Jackson, Mississippi. In 1968, she moved to Washington, D.C., and became counsel for the Poor People's Campaign that Dr. Martin Luther King, Jr. began organizing before his death. She founded the Washington Research Project, a public interest law firm and the parent body of the Children's Defense Fund. She served as the Director of the Center for Law and Education at Harvard University for two years and in 1973 founded the Children's Defense Fund (CDF).

Mrs. Edelman has received many honorary degrees and awards including the Albert Schweitzer Humanitarian Prize, the Heinz Award, and a MacArthur Foundation Prize Fellowship. In 2000, she received the Presidential Medal of Freedom – the nation's highest civilian award – and the Robert F. Kennedy Lifetime Achievement Award for her writings, including eight books. She is a board member of the Robin Hood Foundation, the Association to Benefit Children, and City Lights School and is a member of the Council on Foreign Relations, the American Philosophical Society, the American Academy of Arts and Sciences, and the Institute of Medicine of the National Academy of Sciences.

Carol Chodroff is the Advocacy Director of the U.S. Program of Human Rights Watch and Co-Chairs the Gang Task Force of the National Juvenile Justice and Delinquency Prevention Coalition. Ms. Chodroff has worked for twelve years on behalf of youth in the juvenile and criminal justice systems. Before joining Human Rights Watch, Ms. Chodroff served as a Federal Public Defender in San Diego, defending indigent children and adults accused of federal offenses, trying federal felony jury trials, writing appeals to the Ninth Circuit Court of Appeals, and writing petitions for *Certiorari* to the United States Supreme Court. She also represented youth detained in the California Youth Authority as a post-bar fellow with the San Francisco Public Defender's Office. Prior to law school, as a consultant for the Delancey Street Foundation, Ms. Chodroff co-authored and implemented the *Local Action Plan* to reform San Francisco's juvenile justice system. Working with Delancey Street, she started Life Learning Academy Charter School on Treasure Island – a San Francisco high school for youth in the juvenile justice system. She also spent two years living and teaching children in Central and South America. Ms. Chodroff received her law degree from U.C. Hastings College of the Law, her Masters in Education – with a focus on youth violence risk and prevention – from Harvard Graduate School of Education, and her Bachelor of Arts from Georgetown University.

Dr. Barry Krisberg has been the President of National Council on Crime and Delinquency (NCCD) for fourteen years. He is known nationally for his research and expertise on juvenile justice issues and is called upon as a resource for professionals and the media. Dr. Krisberg received his Master's degree in criminology and a doctorate in sociology, both from the University of Pennsylvania. Prior to joining NCCD, Dr. Krisberg held several education posts: he was a faculty member at the University of California at Berkeley, an adjunct professor with the Hubert Humphrey Institute of Public Affairs School at the University of Minnesota, and an adjunct professor at the University of Hawai'i. He is currently a Visiting Lecturer in Legal Studies at the University of California-Berkeley.

Judith Greene is a Criminal Justice Policy Analyst whose essays and articles on criminal sentencing issues, police practices, and correctional policy have been published in numerous books as well as in national and international policy journals. Ms. Greene is the recipient of a Soros Senior Justice Fellowship from the Open Society Institute. She served as a research associate for the RAND Corporation, as a senior research fellow at the University of Minnesota Law School, and as Director of the State-Centered Program for the Edna McConnell Clark Foundation. From 1985 to 1993, she was Director of Court Programs at the Vera Institute of Justice.

Tara Andrews is currently Deputy Executive Director for Policy & Programs at the Coalition for Juvenile Justice (CJJ). Prior to joining CJJ, Ms. Andrews worked as a civil rights attorney and advocate with a number of organizations focused on finding practical yet courageous solutions to poverty and crime. As a staff attorney with the Public Justice Center, Ms. Andrews successfully prosecuted class action suits that led to fairer wages and improved educational outcomes for homeless children. As Chair of the Maryland Juvenile Justice Coalition, and then as the first Director of Justice Maryland, Ms. Andrews worked to reform sentencing, confinement and reentry policies for Maryland's criminal and juvenile justice systems. Ms. Andrews is a graduate of The LEADERship (2005) and the Maryland Nonprofits' Advocacy Leaders Program (2001). For her work, in 2007 Ms. Andrews was touted as one of "25 Under 40 Emerging Black History Leaders" by The Afro-American Newspaper's Trends magazine, honored with a Racial Justice Award by the YWCA of the Greater Baltimore Area and named a Future Legal Legend by Associated Black Charities of Maryland. Ms. Andrews earned her Bachelor's degree in Sociology from Bowling Green State University, her Juris Doctor from the University of Maryland School of Law and is currently pursuing an LL.M. in Law & Government at American University.

Dr. Jorja Leap has been a member of the faculty of the Department of Social Welfare at the UCLA since 1992. She also currently teaches in the UCLA Graduate School of Education and Information Science. In addition to her university endeavors, Dr. Leap has served as a lecturer and consultant in both the private and public sectors, including ongoing work with the Los Angeles County Department of Children and Family Services, the Los Angeles County Department of Mental Health, the Los Angeles Mayor's Criminal Justice Office, the Los Angeles Unified School District, and the Los Angeles Police Department. Dr. Leap helped to organize and establish the Gang Research and Evaluation Group at the UCLA Center for Healthier Children, Families and Communities. The group is designed to reduce risks and increase pro-social, healthy neighborhoods by through rigorous research and evaluation based knowledge and evidence based practice. She has conducted numerous evaluations of gang prevention and intervention programs including the ABC Unified School District Safe Schools Health Students Program, the Communities in Schools Gang Intervention Program, the Aztec Fire Crew Gang Re-Entry Program, the Los Angeles Unified School District Youth LEAD Gang Prevention Program and the Unity Collaborative Gang Intervention Program. She is currently Co-Principal Investigator on a longitudinal study of Homeboy Industries, currently the world's largest anti-gang program.

Dr. Leap currently serves as the policy advisor on gangs and youth violence for Los Angeles Mayor Antonio Villaraigosa and Los Angeles County Sheriff Joe Baca. Dr. Leap was born and raised in Los Angeles. She completed her B.A. in Sociology, her Master's in Social Work, and her Ph.D. in Psychological Anthropology, all at UCLA.

Teny Gross is Executive Director for the South Providence-based Institute for the Study & Practice of Nonviolence and a former street worker in Boston. He applies the principles of nonviolence in a broad variety of “on the ground” venues to help create the foundation for peace. The mission of the Institute for the Study & Practice of Nonviolence is to teach by word and example the principles and practices of nonviolence and to foster a community that addresses potentially violent situations with nonviolent solutions.

Khalid A. Samad is an internationally known and recognized community activist and leader who formerly served as the Special Assistant to the Public Safety Director for the City of Cleveland for youth gang intervention. He has also served as a Gang Prevention and Investigative Specialist for the Cleveland Board of Education Gang Task Force. In addition, he is Executive Director and Co-Founder of Peace In The Hood, an organization dedicated to peace, justice and empowerment, and he serves as a spokesperson for the National Council for Urban (Gang) Peace, Justice and Empowerment. Mr. Samad has lectured throughout the nation and has appeared on national radio and television shows including Tavis Smiley, Nightline, Keeping It Real with Rev. Al Sharpton, The Warren Ballentine Show and PBS as a leading authority on gang prevention and intervention. He has served as a convener for the National Urban (Gang) Peace and Justice Leadership Summits. He has also served as a spokesman for Al Ummah, Council of Masjids and Muslim Alliance of North America (MANA). These broad based umbrella organizations developed several projects that inspired communities toward an empowerment agenda that included local, regional and national faith and community based interventions and initiatives that were aimed at gang crime prevention and intervention.

Jennifer Bellamy is the Legislative Counsel for criminal justice issues for the American Civil Liberties Union (ACLU) Washington Legislative Office. She advocates on behalf of more than 500,000 members on a broad range of criminal justice issues including juvenile justice and drug policy reform, eliminating racial disparities in law enforcement practices and strengthening privacy protections for personal information such as DNA. Prior to joining the ACLU, Ms. Bellamy was Policy Advisor for World Vision, an international humanitarian organization serving in 100 countries. As Policy Advisor, Ms. Bellamy developed and planned legislative initiatives and partnered with coalitions to advocate for stronger child protection policies, frequently interacting with the U.S. Department of Justice, the U.S. Department of State and the U.S. Congress. Before entering the private sector, Ms. Bellamy served for three years as Counsel to Rep. Spencer Bachus (R-AL), a senior member of the House Judiciary Committee, advising him on ethics, criminal justice and constitutional issues. Prior to working for Congress, Ms. Bellamy served as a judicial law clerk for various District Court of Maryland judges in Baltimore City. Ms. Bellamy received her Juris Doctor from the Cumberland School of Law at Samford University and graduated *Cum Laude* from the University of Alabama-Birmingham with a B.A. in History.

Miriam Aroni Krinsky is a Lecturer at the UCLA School of Public Policy, where she teaches graduate public policy and social welfare students. She also teaches child welfare policy to law students at Loyola Law School. She previously served as the Executive Director of the Children's Law Center of Los Angeles, a 185 person nonprofit organization that represents over 20,000 abused and neglected youth in Los Angeles and as a Special Consultant on Policy and Reform Initiatives for the statewide California Judicial Council, where she helped with the launch of California's leadership Child Welfare Council. Ms. Krinsky currently sits on the American Bar Association's Youth at Risk Commission, the California Blue Ribbon Commission on Foster Care, and has been involved over time in numerous federal, state and local policy groups addressing issues impacting dependent youth and the courts. Ms. Krinsky served terms as President of the Los Angeles County Bar Association, Co-Chair of the California Bench Bar Coalition, and President of the Los Angeles City Ethics Commission. Ms. Krinsky served for 15 years with the Department of Justice as a federal prosecutor both in Los Angeles and as part of an organized crime and narcotics task force in Maryland. During her tenure as an Assistant United States Attorney in the Central District of California, Ms. Krinsky served as Chief of that office's General Crimes Section (supervising the work of over 50 new prosecutors) and later as Chief of the Criminal Appellate Section. While with the Department of Justice, Ms. Krinsky chaired the Solicitor General's national Advisory Group on Appellate Issues, served on the Attorney General's Advisory Committee on Sentencing, and received Attorney General Janet Reno's highest national award for appellate work.

Dr. Frank Straub has over 24 years of experience in law enforcement at the federal, state and local levels. As the Commissioner of Public Safety for the City of White Plains, he has implemented community policing strategies that have successfully addressed youth and domestic violence, prisoner reentry, homelessness, and a burgeoning immigrant population. During his six year tenure, serious crime has been reduced by more than 40%, to the lowest levels in 42 years. Commissioner Straub holds a Ph.D. in Criminal Justice, a Master's degree in Forensic Psychology, and a Bachelor's degree in Psychology. He is an adjunct professor at John Jay College of Criminal Justice, and he has authored a book on performance-based police management as well as numerous articles on police and public safety issues.

Shay Bilchik is the Director of the Center for Juvenile Justice Reform and Systems Integration at the Georgetown Public Policy Institute. He is also the former Administrator of the Office of Juvenile Justice and Delinquency Prevention under President Clinton. As Administrator, Mr. Bilchik was responsible for the agency congressionally mandated to address the public safety issues of juvenile crime and youth victimization. Mr. Bilchik previously served as the Executive Director of the Child Welfare League of America and as an Assistant State Attorney for the Eleventh Judicial Circuit of Florida in Miami from 1977 to 1993. He is a national expert on juvenile justice and delinquency prevention, and he has been involved in drafting a number of juvenile justice and child abuse legislative proposals. Mr. Bilchik received his education at the University of Florida, where he earned a Bachelor's degree in 1975 and a Juris Doctor in 1977.

Tim Briceland-Betts is Co-Director of Government Affairs at the Child Welfare League of America, focused on strengthening the federal role and leadership in improving child welfare and supporting families in crisis and youth disconnected from society or transitioning out of foster care. He has played a central role in development of the 'No Caps on Kids Campaign' focused

on federal budget issues, the Congressional Platform initiative to improve child welfare services, and efforts to reestablish the White House Conference on Children and Youth. In addition, he leads the policy efforts on juvenile justice and youth development issues. In recent years he has chaired or co-chaired the Washington Group of the National Collaboration for Youth and the National Juvenile Justice and Delinquency Prevention Coalition.

Brian Bumbarger is currently Principal Investigator on a study of the replication of evidence-based prevention programs in nearly 200 communities throughout Pennsylvania. The study, now in its 8th year, focuses on site readiness, implementation fidelity, sustainability, and connection to community coalitions. In addition, Mr. Bumbarger is Principal Investigator of a randomized trial studying the effectiveness of a low-cost intervention to improve the implementation quality of evidence-based programs as follow-up to a prior study examining the use of police officers in the delivery of school drug prevention programs. He is also involved in the 28-community PROSPER randomized trial testing the efficacy of the Land-Grant Cooperative Extension system as a mechanism for diffusing evidence-based prevention programs. Mr. Bumbarger previously served as a Drug and Gangs Specialist for the Office of Juvenile Justice and Delinquency Prevention and managed the Pennsylvania Center for Safe Schools.

Lynn White serves as the Children's Defense Fund's Senior Policy Associate for Juvenile Justice, playing a key role in CDF's Cradle to Prison Pipeline® Campaign. Ms. White analyzes federal, state and local policies relating to juvenile justice and advocates for sound policies at all levels of government to help accelerate actions needed to dismantle the Pipeline. She also serves as the Co-Chair of the Appropriations Task Force on the National Juvenile Justice and Delinquency Prevention Coalition (NJJDP) Steering Committee. The NJJDPC is an alliance of 80 national groups dedicated to juvenile justice policy advocacy for children, youth and families across the country. She holds a Juris Doctor from Howard University School of Law, where she served as senior editor of the Howard Law Journal, and a Bachelor's degree in social work from the University of Texas.

Larry Cohen is the Founder and Executive Director of Prevention Institute, and has been an advocate for public health and prevention since 1972. An important focus of his work has been to develop local policies that support health and wellness and spur legislation at the state and federal levels. He was the Founding Director of the Contra Costa County Prevention Program, which is recognized for its systems approach in bringing together county health agencies and community service organizations. He also helped shape strategy to secure passage of bicycle and motorcycle helmet laws, strengthen child and adult passenger restraint laws, and establish fluoridation requirements in California.

Mr. Cohen has also done extensive work related to health disparities including the *California Campaign to Eliminate Racial and Ethnic Disparities in Health* and *THRIVE: Tool for Health and Resilience In Vulnerable Environments*, a web-based tool designed to help communities identify and foster factors in the community environment that will improve health outcomes and reduce disparities experienced by racial and ethnic minorities. He is the recipient of numerous awards including recognition from the American Cancer Society and the Society for Public Health Educators, and the Secretary's Award for Health Promotion from the U.S. Department of Health and Human Services. He received his Master's in Social Work from the State University of New York, Stony Brook.

SPECIAL REPORT

Analysis from the National Council on Crime and Delinquency

Evaluating Federal Gang Bills

Linh Vuong
Fabiana Silva

Introduction

The Gang Abatement and Prevention Act of 2007 (S. 456) was introduced by Sen. Dianne Feinstein in January, 2007, and subsequently passed the following October. Its companion bill, the Gang Prevention, Intervention, and Suppression Act (H.R. 3547), sponsored by Rep. Adam Schiff, has been introduced in the House. The bills expand the current penal code regarding criminal street gangs, resulting in an over-reaching definition of both gangs and gang-related crimes. Additionally, they create an entirely new section of penalties pertaining to gang crimes, increasing the enhanced-sentences that are already in place. Both bills are referred to as the “Gang Abatement Act” in this text. However, distinction will be made between the Senate and House versions when they differ significantly.

Sen. Feinstein’s and Rep. Schiff’s legislation respond to an assumed rise in gang violence. The bills’ provisions call for suppression-heavy strategies, increasing punishments for gang crimes, and expanding the types of crimes that can be categorized as such. Years of research and evaluation have shown that these types of suppression strategies are not the solution to the gang problem. Yet, these bills propose more than \$1 billion in duplicative suppression, prosecution, and incarceration of “gangs” and “gang members,” leaving little money for community-based prevention and intervention programs that *have been proven* to work. Rep. Schiff’s bill has been cosponsored by 25 fellow legislators. However, 8 have withdrawn their support due to concerns of disproportionate effects the legislation will have on youth of color, which will be discussed at length.

In October of 2007, Rep. Bobby Scott introduced the Youth PROMISE Act (H.R. 3846), a bill which proposes to reduce gang violence by investing in promising and evidence-based prevention and intervention activities in high-need communities. This bill has bipartisan support from 87 members of Congress.

The National Council on Crime and Delinquency (NCCD) presents the following analysis of the two approaches. We compare the Gang Abatement Act (Feinstein/Schiff) to the Youth PROMISE Act (Scott), focusing on what research tells us about effective methods of reducing gang violence.

Where's the Fire?

Why has the federal government chosen to address gang violence now? Although the Gang Abatement Act states that violent crime rose 2.5% in 2005, the FBI's Crime in the United States (CIUS) report shows that, between 1997 and 2006, violent and property crimes have both decreased by nearly 23%.¹ The Bureau of Justice Statistics (BJS) reports that both violent and property crime rates are at a 30-year low, having dropped 56% and 70%, respectively, since 1973.² Moreover, gang-related violent crime has fluctuated in the past ten years, and current figures are neither alarmingly high nor low. A study by the University of Chicago of violent crimes in 100 American cities reflects a similar trend.³ Of the 100 cities, only 9 witnessed a rise in violent crime and in these 9 cities, most rates are well below their historic peaks of the 1990s. In fact, major cities such as Los Angeles, New York, and Chicago were among those listed as cities where violent crime is decreasing.

Defining "Criminal Street Gang" and "Gang Crime"

The following summarizes the current law, which defines a criminal street gang as an ongoing group, club, organization, or association of 5 or more persons--

- 1) that has as 1 of its primary purposes the commission of 1 or more criminal offense;

- 2) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses;
- 3) the activities of which affect interstate or foreign commerce.

The offenses that could be considered as gang crimes include:

- 1) federal felony involving a controlled substance, for which the maximum penalty is not less than 5 years;
- 2) federal felony crime of violence that has as an element the use or attempted use of physical force against another person;
- 3) conspiracy to commit any of the above offenses.

A set of predefined circumstances—including the promotion of the gang and prior conviction of a gang crime—determine whether these offenses are gang related.⁴

Gang Abatement Act

Gang Members as Defined:

The Gang Abatement Act changes the current law cited above to require that each of the gang members has committed at least one gang crime and that the group collectively has committed three or more gang crimes in the past five years. Despite these restrictions on the number of crimes, this modification in conjunction with the new—and broad—definition of gang crimes (discussed below), works primarily to cast a wider net over a large population. Though no definition of gangs and gang crimes is widely accepted, and though definitions vary, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has identified certain characteristics that are common to most gangs:⁵

- 1) A self-formed group, united by mutual interests, that controls a particular territory, facility, or enterprise;
- 2) uses symbols in communications;
- 3) is collectively involved in crime.

Moreover, the Gang Abatement Act eliminates the first clause of the definition of gangs, also known as the pur-

pose clause (see above). It fails to distinguish between a criminal gang and a group of individuals who have committed various crimes, both serious and non-serious. The Heritage Foundation, a conservative think tank, points out that under the proposed definition, a group of sports coaches who have formed a betting pool could be deemed a gang, and each member could be convicted of a gang crime and penalized under the new gang penalties.⁶ Though cases like this are unlikely, the vagueness of the bill allows for a broad application and the application of harsh penalties to a population surely outside of that intended by the bill.

The bill's challenge in defining a gang has been encountered by many, from theorists and researchers to policy analysts. Studies devoted entirely to defining gangs have arrived at the same conclusion as a 2001 Crime and Delinquency article by Esbensen et al. that,

Given the permeability of gang membership, policies linking legal action to an individual's perceived status may erroneously criminalize that individual. As such, we suggest that legislation targeting gang status should be discouraged in favor of legislation focused on actual behavior.⁷

Gang Crimes as Defined:

Although the new definition of "gang" should, theoretically, reduce the likelihood of mistaken gang association, the bill's newly defined set of gang crimes is so broad that it would likely encompass more than the targeted gang population. And though the House version requires that gang crimes be committed "in furtherance of the group," the Senate version does not. Thus, according to the Senate version, it is possible for a suspected gang member to be convicted of a gang crime, even if it was not gang related. Moreover, gang crimes would carry even harsher penalties than the current ones, which will be discussed in the following section. The bill extends the definition of a gang crime from violent⁸ and drug crimes to also include:

- 1) Physical force against another, burglary, arson, kidnapping, or extortion;
- 2) obstruction of justice or tampering with or retaliat-

ing against a witness, victim, or informant;

- 3) illegal possession of firearms or explosives, racketeering, money laundering, or interstate transportation of stolen property;
- 4) harboring illegal aliens;
- 5) aggravated sexual abuse, exploitation, or other sex crime.

The logic of classifying many of the above crimes as gang related is questionable, at best. BJS reports that gang crimes (under the current definition) only account for 6% of all violent crimes, and OJJDP shows that most of the crimes committed by gangs are property crimes.⁹ Despite these findings, the proposed legislation still puts a large focus on violent crimes and barely mentions property crimes. Moreover, newly defined "gang crimes," such as harboring illegal aliens, do not relate exclusively to gangs and target more than just the gang population. The Gang Abatement Act is not founded upon evidence-based research, and NCCD questions the soundness of the proposed policies.

Youth PROMISE Act

The Youth PROMISE Act does not define "gang crime" or "gang." Because the Act does not add or modify criminal penalties, it does not need definitions for these terms. However, the prevention and intervention activities funded by the act must target "youth who are at risk of involvement in juvenile delinquency or street gang activity." By not limiting the target population to youth involved in street gangs, the Youth PROMISE Act helps to ensure that youth who have engaged in any delinquent behavior will benefit from the services offered. Given the difficulties of defining gang behavior, the focus on delinquent activity would target all youth in need of services.

Suppression vs. Prevention

Suppression tactics alone, such as gang enforcement teams and suppression units, have not been useful in deterring gang crimes. Previous efforts, like those of Operation Hammer and Operation Hardcore, have used gang enforcement teams, with the former focused on

arrests and the latter on prosecution. However, neither showed evidence of reducing the gang problem in Los Angeles.¹⁰ Despite the necessary legislation and funding, officers were poorly trained, detached from the issues, and uninformed on gang culture. Gang researchers Malcolm Klein and Irving Spergel have shown that “suppression tactics intended to make youth ‘think twice’ about gang involvement may instead reinforce gang cohesion, elevating the gang’s importance and reinforcing an ‘us versus them’ mentality.”¹¹ A study by Katz and Webb, “Policing Gangs in America,” also found that police gang units in Los Angeles, Las Vegas, Chicago, and Houston often became involved in criminal misconduct themselves, and all units were short-lived.¹² Another OJJDP report cites that sweeps—a popular tactic among gang suppression units—often resulted in the arrest of a large youth population.¹³ Many of the arrested youth were not gang members, and of those that were, very few had committed serious crimes.

A summary on gangs provided by The National Criminal Justice Reference Service, which is administered by the Department of Justice, noted that, “Incarceration does little to disrupt the violent activities of gang-affiliated inmates.”¹⁴ Furthermore, it cites a troubling statistic from the 2001 National Youth Gang Survey: “A large proportion of these jurisdictions reported that returning members [from incarceration] noticeably contributed to an increase in violent crime (63% of respondents) and drug trafficking (68%) by local gangs.”¹⁵ In fact, studies demonstrate that prisons and detention centers can be a breeding ground for potential gang members or other criminal activity.¹⁶ As much as youth in the community form gangs for protection and “family-like relationships,” incarcerated youth have an even greater need for protection.¹⁷ Detention does not provide the services individuals need in order to disassociate from gangs, but instead creates the conditions that make protection necessary.

Suppression tactics have not only been ineffective in reducing gang violence but also in providing the necessary services to get youth back on track;¹⁸ conversely, prevention and intervention programs show positive results in both areas.¹⁹ OJJDP’s recent publication, “Best practices to address community gang problems: OJJDP’s Comprehensive Gang Model,” reveals five strategies

focused on the community. These are: 1) community mobilization, 2) social intervention, 3) provision of opportunities, 4) organizational change and development, and 5) suppression. Suppression is reserved for the most “dangerous and influential gang members, removing them from the community.”²⁰ A meta-analysis of juvenile intervention practices found that evidence-based programs were more effective when implemented in community settings than when used in custodial settings.²¹ Community approaches are often more effective because they “dig deeper into the social and everyday issues that young people face, and they work on problem-solving skills that are more applicable to life in the community.”²² By recognizing that gang affiliation is often a response to system failures or community dysfunction, the model takes a comprehensive approach to reducing gang violence. By identifying the needs not only of individuals, but of the community itself, this comprehensive model maximizes community resources and applies the best research and evidence-based policies. Comprehensive programs are often the most effective in reducing gang violence because they address the roots of the gang problem and work to reduce the *delinquent behavior* of gang members instead of removing *the members themselves* from the community.

Gang Abatement Act

The Gang Abatement Act is focused mainly on suppression and enforcement tactics—increasing law enforcement, prosecution capabilities, and sentence lengths. It does not provide communities with new strategies or more resources towards programs with proven effectiveness in combating gang violence. Although the bill includes a list of prevention and intervention strategies that may be effective, they account for a minimal amount of the funding. Moreover, the term “prevention” is only loosely used in the bill, and many of its prevention programs should actually be categorized as suppression policies. The “prevention” programs listed include: designating existing High Intensity Gang Activity Areas, establishing enforcement teams, and enhancing the investigations and prosecutions of criminal street gangs. Of the grants allocated for prevention, there is no requirement that these programs be promising or evidence-based, a discussion of which is to follow.

Title I of the proposed legislation creates an entirely new penal section for gang-related crimes with longer maximum sentences. Not only are sentences longer, but they are applied to a broader set of crimes, as defined under “gang crimes.” For example, all murder offenses committed by a gang member would be subject to a sentence of life in prison, regardless of the nature or degree of the crime. In addition to these new penalties for gang members, another set of penalties, also lengthy, are detailed for accomplices and conspirators of gang-related crimes.

The proposed legislation goes beyond the creation of new gang penalties and, under Title II, details further reforms to violent crime penalties, supposedly “in order to reduce gang violence.” The bill uses the relationship between gangs, drugs, and guns to justify increased penalties. For example, Section 201 expands the penalties for all crimes, gang-related or otherwise, that are affiliated with drug-trafficking crimes, and Sections 202, 203, and 212, establish strict legislation for firearms possessions, which may or may not involve gang members.

Drugs. The Gang Abatement Act proposes to reduce gang violence by offering harsher penalties for crimes associated with drug-trafficking crimes. This assumes that, 1) drugs and gangs are related, and 2) gangs are responsible for the violence that results from drug-trafficking. However, only the first assumption has actually been found to be true. Most studies show that gang members are more likely to be involved in drug-trafficking than nonmembers, though primarily only with marijuana. On the other hand, agencies mostly reported that gangs did not control or distribute the drugs at the macro-level, but participated in the distribution at the street-level as a way to earn a living. Even though drug sales and distribution are high among gangs, gang members are not responsible for the majority of drug crimes. An OJJDP bulletin quoted a Los Angeles County District Attorney: “...drugs and gangs are not two halves of the same phenomenon. Though they [drugs and gangs] threaten many of the same neighborhoods, and involve some of the same people, gangs and drugs must be treated as separate evils.”²³

Guns. In an attempt to reduce gang violence, the bill proposes to criminalize the possession of firearms if an

individual was previously convicted of a gang-related misdemeanor or found to be in contempt of a gang injunction order. Current legislation prohibits gun ownership only if one has been convicted of a violent felony. The Act extends this prohibition to gang-related misdemeanors. An individual’s right to gun ownership should be based on his or her own violent or criminal history, not on assumed social associations to an organization that may commit violent crimes, especially under this bill’s loose definitions of “gang” and “gang crimes.”

Youth PROMISE Act

Rep. Scott’s Youth PROMISE Act will support evidence-based and promising prevention and intervention strategies proposed by communities that will come together through local councils. As defined by the Act, prevention efforts target youth and families who have not had substantial contact with the juvenile justice or criminal justice systems, and intervention programs target youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued involvement in juvenile delinquency or criminal street gangs. The Act will support effective programs based in the community; such programs have been shown to be more effective in community settings than in custodial settings.²⁴ It is more effective to work with youth in the community, than to wait until they are incarcerated.

The Act also supports law enforcement efforts; each year, \$100 million would be directed towards activities that promote youth-oriented policing, including the hiring and training of youth-oriented officers. These officers would focus on community policing and work with community-based agencies and local coordinating councils. They would receive training in youth development, systematic needs assessment, and the effectiveness of evidence-based and promising practices related to juvenile delinquency and gang prevention and intervention. Significantly, the Youth PROMISE Act states that local communities must ensure that their proposed plans will not increase the number of youth involved in the justice system. Allowing communities to invest in and work with their youth, with the collaboration of law enforcement, before they are further ensnared in the justice system is both humane and effective.

An Appropriate Role for the Federal Government?

Gang Abatement Act

Federalizing Crime. The Gang Abatement Act calls for the federalization of certain “gang crimes,” even though most are certainly not of a federal nature and most states already have specific sentencing guidelines for these crimes. Federalizing crimes that are not federal in nature violates both the constitutional integrity of a decentralized law enforcement and separate and distinct federal and state judicial systems. An American Bar Association (ABA) Task Force on Federalization of Criminal Law, headed by Edwin Meese III, reports that federalizing crimes not only blurs the distinction between the role of state and federal courts, but also often duplicates, and thus complicates, existing state laws. Indeed, most states already do have gang legislation in place and the Gang Abatement Act serves only to further complicate the mix of federal and state laws. According to the National Youth Gang Center, all but eight states have some form of gang-related legislation.²⁵ The result is that an individual is subject to two “appreciably different” sentencing outcomes. Furthermore, for crimes to be federalized, there should be a “distinctly federal interest beyond the mere conclusion that the conduct should be made criminal by some appropriate governmental entity.”²⁶ While many federal crimes may simply be symbolic, “...their presence on the books presents prosecutorial opportunities that may be exploited at any time in the future.”²⁷ Most importantly, the ABA’s Task Force found that this kind of federalization of crimes is hardly ever effective, as “federal law enforcement can only reach a small percent of such activity.”²⁸

Federal Suppression Efforts. Title III of the Gang Abatement Act designates greater federal resources to deter and prevent youth from joining gangs. Yet this section remains suppression heavy, allocating most resources to the Attorney General for investigation and prosecution purposes. The resources allow the Attorney General to designate High Intensity Gang Activity Areas, to hire additional personnel, to require that US

attorneys identify, investigate, and prosecute all gangs in their district, and to create a National Gang Activity Database to further these efforts. The database, which would collect information on gang members, their affiliations, firearms possessions, and criminal history, would be public information. Such a database would be duplicative of existing federal and state versions—yet another waste of resources and taxpayer dollars. Provisions for prevention programs are minimal. Further, while these bills also support some communities’ efforts to target gang violence, they call for increased involvement of federal agencies at the local level, which would minimize the local investment and role in enacting policies.²⁹

By focusing much of the work around the office of the Attorney General and federal resources, the Gang Abatement Act reduces the significance of local agencies in assessing the underlying problems that are at the heart of gang violence. In fact, the enforcement teams created by the Attorney General’s office consist mostly of other federal agencies, including the FBI, the DEA, US Marshals, and the Department of Homeland Security. Perhaps of greater concern is the creation of the national gang database, as the bill does not specify how gang members will be identified, what actions would lead to their inclusion, or how long they would be included. Many studies reveal that gang members “age out” and leave gangs after a year.³⁰ In fact, it is when gang members try to leave gangs that such a database would prove most dangerous. “Gang Wars,” a publication by the Justice Policy Institute, finds that such labeling complicates an individual’s ability to leave a gang; they will continue to be targeted by rival gangs as well as rejected by society due to their label. OJJDP has also found that this kind of labeling has the dual effect of continued rejection from social institutions and continued gang affiliation.³¹ As individuals are rejected due to their gang “status,” preventing them from integrating into the community, they are pushed back into gang life. If youth are expected to successfully leave gang life, they need to be incorporated into positive social activities and employment opportunities. Unless federal resources provide comprehensive services to communities, such as education and employment, suppression alone will be ineffective in deterring and preventing gang violence.

Youth PROMISE Act

Under the Youth PROMISE Act, communities facing the greatest gang and juvenile delinquency problems will form local councils to develop and implement an effective gang prevention plan. The local council will include representatives from law enforcement, health and mental health, local schools and other city agencies, court services, the business community, faith-based and community-based organizations, parents of minor children, and youth. The councils will receive grants to conduct objective strengths and needs assessments of their communities and develop and implement comprehensive plans to fight gangs through evidence-based and promising prevention and intervention practices. The selected communities will also have the opportunity to learn from each other's experiences.

NCCD's experience working closely with cities to develop and implement comprehensive citywide plans to combat gang violence supports this approach. These cities have stressed that, though they can learn from each other and adopt parts of existing approaches and models, it is very important that they are able to develop a plan that responds to their unique needs. Cities find that plans that are developed and have the support of a range of stakeholders in the community are more likely to be seen as legitimate, are easier to implement, and are more likely to gain community support. Cities have called for more resources from the state and federal government to support their work, but have not emphasized increased gang enhancements or added criminal penalties at the state or federal level.

Evidence-based Practices

Evidence-based programs are important, as considerable funding goes to programs that have not been shown to be effective. In fact, studies show that few social interventions, when evaluated in a scientifically rigorous manner, are found to produce significant and sustained effects.³² To be "evidence-based," an intervention must have shown positive and significant results when evaluated under a research design that includes a control or comparison group. Though random assignment is ideal,

it is not always feasible, and in such cases a quasi-experimental study with a well-matched comparison group may be appropriate.

Although there are a number of programs and interventions that work, there are others that are not only expensive, but have not been proven effective. Some programs have even been shown to increase crime. Researchers at the Washington State Institute for Public Policy conducted a systematic review of 571 rigorous comparison-group evaluations to identify effective crime-reduction approaches. Although they found a number of effective programs, some programs, such as Scared Straight, actually increased criminal behavior.³³ Similarly, the Surgeon General's review of the literature on youth violence revealed that, while some programs may be successful, others may not work, and others can actually be harmful to youth.³⁴ In particular, transferring youth to adult court has been shown to increase the criminality of the youth.³⁵

The Gang Abatement Act

The Gang Abatement Act calls for a number of practices aimed at improving the effectiveness of the interventions it supports. Unfortunately, these practices do not fulfill the requirements of rigorous, evidence-based research. The Act requires that local collaborative groups set up by the Attorney General include evaluation teams and collect information; the Attorney General must report on the groups' goals and objectives annually. Similarly, organizations receiving prevention grants are required to collect data to assess the effectiveness of the crime prevention, research, and intervention activities. Unfortunately, the Act does not require that the activities implemented by the local collaborative groups or using the gang prevention grants be fully evaluated; this is a wasted opportunity, given that some existing prevention and intervention programs have been proven effective, and others that are widely implemented have not shown any success. Further, there is no standard for how the activities of the local collaborative groups and the organizations receiving gang prevention grants will assess their effectiveness. Data collection to assess the effectiveness of a program is not the same as requiring

a rigorous, evidence-based evaluation of a program, and will not help expand the nation's understanding of what works to reduce gang violence. The Act establishes a National Gang Research, Evaluation, and Policy Institute; however, its proposed research agenda, though containing worthy goals such as how to foster and maximize the impact of the community's moral voice, does not focus on proven practices.

The Senate version of the Gang Abatement Act proposes grants to public and private entities to implement and rigorously evaluate innovative crime prevention and intervention strategies. However, this is only in the Senate version of the Act and accounts for a very small amount of the funding proposed under the Act.

Youth PROMISE Act

- Establishes a National Center for Proven Practices Research. This Center will collect and disseminate information to the public and the local councils on current research regarding evidence-based and promising practices related to juvenile delinquency and gang activity. The Center will also compile and share the particular programs and strategies that were effective in the Youth PROMISE Act communities.
- Requires that local councils partner with local researchers to assess their needs and strengths, prepare their plans, collect data, and evaluate their progress. The research partners are responsible for providing the local councils with information on fully vetted and promising practices related to reducing gang activity and youth violence.
- Mandates that the proposed plans include a combination of evidence-based promising prevention and intervention strategies that have been shown to be effective at reducing the rates of juvenile delinquency and criminal street gang activity.
- Lists a number of "model" programs that may work well in the selected communities. Though the Youth PROMISE Act does not mandate that communities implement any specific programs, it does include a

list of suggested programs and approaches that are backed by rigorous research. Programs such as the nurse-family partnership have been shown to deter violence for a sustained period of time and have been successfully replicated in multiple sites.³⁶

- Provides grants to state and local law enforcement agencies to hire and train youth-oriented police officers; the training will cover the effectiveness of evidence-based and promising practices related to juvenile delinquency and criminal street gang prevention and intervention, compared to traditional law enforcement.
- Establishes a Center for Youth-Oriented Policing, which, among other things, will develop, compile, and disseminate to youth-oriented police officers information about rigorous research and promising best practices for police to prevent and reduce juvenile delinquency and street gang activity.

With respect to juvenile delinquency and criminal street gang activity prevention and intervention, the Youth PROMISE Act defines an evidence-based practice as a practice "that has statistically significant juvenile delinquency and criminal street gang activity reduction outcomes when evaluated by an experimental trial, in which participants are randomly assigned...or a quasi-experimental trial, in which the outcomes for participants are compared with outcomes for a control group." A promising practice must have "outcomes from an evaluation that demonstrates that such a practice reduces juvenile delinquency and criminal street gang activity; or about which a study is being conducted to determine if such practice is evidence-based." Furthermore, the Youth PROMISE Act builds the requirement that the strategies be "evidence-based or promising" into the very definition of "intervention" and "prevention" activities. As such, all the intervention and prevention activities funded by the PROMISE Act, which account for the bulk of the Act's funding, must meet the clearly defined criteria. Further, not only must grantees report on the effectiveness of the prevention and intervention activities implemented, but they must choose to implement activities that have already been proven.

Overrepresentation of People of Color in the Justice System

People of color are heavily overrepresented in criminal and juvenile justice systems and in law enforcement's reports of gang membership. Beyond affecting the individuals incarcerated, this overrepresentation affects children, families, and communities of color. Children suffer as they are raised without their incarcerated parents, and communities face gender imbalances due to high male incarceration rates, declining political and economic significance, loss of economic power, and high rates of felony disenfranchisement.³⁷

According to BJS, African Americans represented approximately 900,000 of the nation's 2.3 million inmates held in state or federal prison or in local jails in midyear 2007.³⁸ African American males were incarcerated at six times the rate of White males, and Latino males were incarcerated at over two times the rate of White males.³⁹ Men of color of particular age groups are particularly vulnerable; one in nine African American men between 30 and 34 years of age is incarcerated.⁴⁰ Women of color are also substantially overrepresented; African American women were incarcerated at 3.7 times the rate of White women, and Latina women were incarcerated at 1.5 times the rate of White women.⁴¹ If current incarceration rates remain the same, BJS predicts that approximately one in three (32.2%) African American males, one in six Latino males (17.2%), and one in 17 White (5.9%) males will go to prison during their lifetime.⁴² Though females are expected to go to prison at much lower rates than males, women of color are similarly overrepresented compared to Whites in forecasted prison rates. African American females are expected to have a one in 18 chance (5.6%), Latina females to have a one in 45 chance (2.2%) and White females a one in 110 chance (0.9%) of ever going to prison.⁴³

Studies show that not only are people of color overrepresented in the juvenile and criminal justice systems, but this overrepresentation often increases as individuals move through the stages of the justice system. In a meta-analysis of 34 studies on race and the juvenile justice system, researchers found that about two-thirds of the studies of disproportionate minority contact (DMC)

showed negative "race effects" at one stage or another of the juvenile justice process.⁴⁴ NCCD's study of youth in the juvenile justice system revealed that youth of color, especially African American youth, are increasingly overrepresented as they move through the juvenile justice system.⁴⁵ That is true even when White youth and youth of color are charged with similar offenses. For example, while African American youth represent only 16% of the population, they are:

- 1) 28% of juvenile arrests,
- 2) 30% of referrals to juvenile court,
- 3) 34% of youth formally processed by the juvenile court,
- 4) 35% of youth judicially waived to criminal court,
- 5) 38% of youth in residential placement, and
- 6) 58% of youth admitted to state adult prison.

People of color are particularly vulnerable to being classified as gang members. The National Youth Gang Center conducted an annual survey of a nationally representative sample of law enforcement agencies serving larger cities, suburban counties, smaller cities, and rural counties since 1996. The latest figures, which average the results from 2001 through 2004, showed that law enforcement agencies reported gang members as being 35.7% African American, 48.2% Latino, and 9.5% White.⁴⁶ Similarly, a 1992 survey of police departments in 79 larger cities and 43 smaller cities found that the departments reported gang members as being predominantly African American (48%) and Latino (43%).⁴⁷ In both these samples, White gang members account for less than 10% of total gang members. Indeed, research shows that gang units are more likely to be formed in cities with larger Latino populations.⁴⁸

By contrast, youth surveys reveal much higher rates of White participation in gangs. The National Longitudinal Survey of Youth (NLSY) gathered data from a nationally representative sample of 9,000 youth between the ages of 12 and 16 at year end, 1996. Of youth who reported gang involvement in the previous 12 months, 42% were White, 27% African American, and 24% Latino.⁴⁹ The national evaluation of the Gang Resistance

Education and Training (GREAT) program incorporated a survey of 8th grade students in 42 schools located in 11 cities across the country. Judith Greene and Kevin Pranis found that by applying the prevalence rates in the GREAT sample to the US population, they produced a similar breakdown as the NLSY data: 46% White, 22% African American, and 25% Latino.⁵⁰

It is very difficult to reconcile the differences in racial and ethnic composition reported in law enforcement and youth surveys. The differences do not seem to be due to a difference in the seriousness of that youth's gang involvement or delinquent behavior. Gang-involved youth of all races report similar rates of delinquent behavior, including crime against persons, property crime, drug use, and drug sales.⁵¹ When researchers employed more stringent definitions of gangs to try to account for some of the difference, including a formal gang structure and specific delinquent behavior, the ethnic/racial breakdown of youth that self-report as gang members did not change.⁵²

There are a variety of reasons that youth surveys may report larger portions of White youth than law enforcement surveys, among them: suburban, small-town, and rural law enforcement agencies, where White gang youth are more likely to be active, may be less capable of tracking gang members than urban police agencies, urban police departments are more likely to use gang databases, which often do not have a process for removing youth from the gang list once their time with the gang has ceased, and law enforcement is trained to identify gang members as youth of color.⁵³ There are also several possible explanations for the overrepresentation of people of color in the justice system including increased policing in communities of color, the socioeconomic status of people of color and thus, their reliance on the public defense system, and sentencing laws that disproportionately affect them.⁵⁴

Gang Abatement Act

Despite the widely acknowledged overrepresentation of people of color in the justice system, and law enforcement's tendency to assume that gang youth are youth of color, the Gang Abatement Act does not include

any protections to minimize the disproportionate racial and ethnic impact of their proposed enforcement and suppression policies. Of particular concern is that the definition proposed is so broad that it will likely have the effect of targeting individuals of color, regardless of gang membership. The US Sentencing Commission reports that, in 2006, African Americans and Latinos made up approximately 70% of defendants convicted under code sections to be further "enhanced" by the Gang Abatement Act.⁵⁵ This new proposal reverses much of the progress already made in the area of juvenile justice. The Juvenile Justice and Delinquency Prevention Act (JJ-DPA)—originally passed in 1974, reauthorized in 2002, and currently in the process of another reauthorization—addresses several key issues, such as the overrepresentation of youth of color in the justice system (DMC) and the detrimental effects of incarcerating youth in adult prisons. The Act takes appropriate steps to require that, when possible, juveniles are treated separately from the adult criminal justice system and that states address the issues of DMC within their jurisdiction. The Gang Abatement Act runs counter to these mandates, addressing neither the effects of the legislation on the juvenile population nor on the problem of DMC.

The federal government has long recognized the importance of race and ethnicity in the administration of justice in this country; in 1988 the JJ-DPA was amended to require that states participating in formula grant programs determine if DMC exists and, if so, to demonstrate efforts to reduce it. It has been made clear that law enforcement agencies identify gang members as youth of color, and that race and ethnicity are central to understanding the experiences of individuals in the justice system. Last year, partly in response to the concerns of the racial disparity created by the difference in sentencing between crack and powder cocaine, the US Sentencing Commission lowered its sentencing guidelines for crack cocaine offenses. Two states, Connecticut and Iowa, now require that racial impact sentence statements be prepared for new proposed sentencing legislation. These statements should speak to the lack of consideration this bill places on certain racial populations and to the likely consequences. In a justice system that is already facing such racial disparities, these strategies promise to alleviate many of the unintended disparities prior to

adoption of new policies, rather than waiting until after the problems of DMC arise. It is particularly disappointing that the Act disregards the importance of race in the administration of justice, especially given the steps that the federal government has already taken to minimize these effects.

Youth PROMISE Act

The Youth PROMISE Act ensures that its proposed policies do not increase the number of youth of color in the justice system, and aims to alleviate some of the overrepresentation of these youth. In particular, local communities must ensure that their proposed plans will not increase the number of youth involved in the juvenile and criminal justice systems. Furthermore, the Youth PROMISE Act aims to reduce the overrepresentation of people of color by requiring that communities' proposed plans take into account the cultural and linguistic needs of the community and include strategies to improve indigent defense delivery systems, particularly for youth overrepresented in the justice system. The Youth PROMISE Act funds prevention and intervention programs proposed by communities; the communities with the highest concentration of youth, who are at risk of involvement or already involved in juvenile delinquency or criminal street gang activity, will be funded. Because people of color are more likely to rely on the public defense system, to live in communities with higher levels of juvenile delinquency and street gang activity, and to have limited positive activities for youth, they are likely to benefit from these considerations.⁵⁶

Special Needs of Youth

A large portion of gang members are under 18 years of age. According to the National Youth Gang Survey, youth under 18 years of age represented 37% of the individuals identified by law enforcement as gang members.⁵⁷ Researchers report that the typical age range for gang members is 12 to 24⁵⁸ and that the initial entry into gangs is around 11 years of age.⁵⁹

Studies have shown that youth lack some of the capabilities that are relevant to establishing culpability. Psy-

chosocial studies find that adolescents tend to employ short-sighted decision-making, poor impulse control, and vulnerability to peer pressure.⁶⁰ Neuroscientists have found that the adolescent frontal lobe has different quantities and types of cell matter as that of the adult brain; the frontal lobe is linked to long-term planning, ability to regulate aggression, and possibly moral judgment.⁶¹ In 2005, the US Supreme Court abolished the death penalty for juveniles who were below the age of 18 when they committed their offense; arguing that "juveniles' susceptibility to immature and irresponsible behavior" means their conduct is not as "morally reprehensible" as that of an adult.⁶² Further, as youth grow older, they tend to "age out" of delinquent behavior; harsh sentences and the gang member label may make it difficult for them to successfully reintegrate into society.⁶³ Studies have shown that youth can be very negatively impacted by incarceration and tough sentencing; youth seem to be particularly vulnerable and have particularly negative outcomes, when housed with adult criminals or when treated as adults in the criminal justice system. The Task Force on Community Preventive Services found that youth transferred to the adult criminal justice system were more likely to be re-arrested for a violent or other crime than comparable young offenders not transferred.⁶⁴ Youth in adult facilities are vulnerable to physical and sexual assault, the influence of negative "role models," limited educational and rehabilitation opportunities, inappropriate supervision, and suicide.⁶⁵

Gang Abatement Act

The Gang Abatement Act does not adequately account for the special needs of youth; this is particularly important as it calls for severe penalties, including life without parole, for *all* age groups. The bill does call for the US Sentencing Commission to examine the appropriateness of sentences for minors in the federal system, including the appropriateness of life sentences without possibility for parole for minor offenders. Unfortunately, this study will not be completed until a year after the enactment of the Act's provisions. It seems that given the extensive and growing knowledge of the developmental needs of youth, and the lack of a juvenile system at the

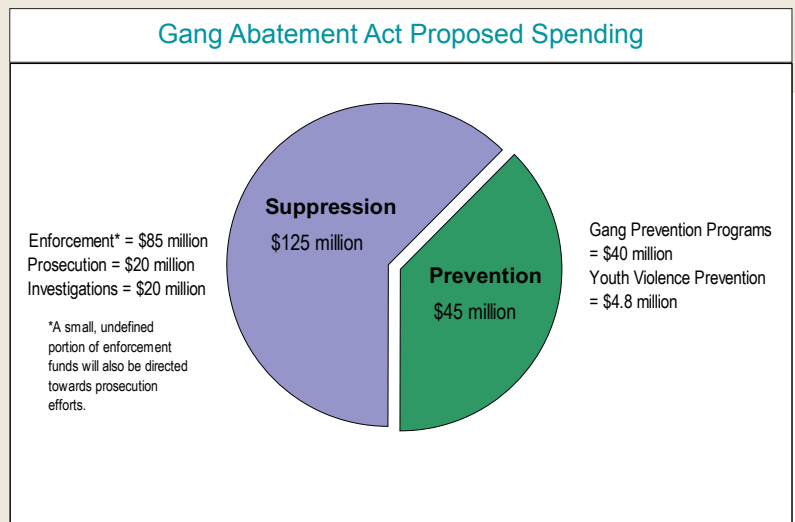
federal level, juveniles should not be subjected to the criminal penalties under the bill until the proposed study has been completed. Further, existing evidence—as well as US obligations under international law—suggests that life without the possibility of parole should not be considered for those who committed their crime before turning 18 years of age.

The Youth PROMISE Act

The Youth PROMISE Act funds several activities that aim to ensure that law enforcement and a community’s response to gang violence take into account the special needs of youth and the special vulnerability of youth in incarceration. The Act:

- Requires that each community’s PROMISE plan provides for the training of prosecutors, defenders, probation officers, judges, and other court personnel on issues concerning the developmental needs, challenges, and innovative opportunities for working with youth in the juvenile justice system.
- Requires that each community’s PROMISE plan ensures the number of youth involved in the juvenile and criminal justice systems do not increase as a result of the activities undertaken with the funds provided.
- Requires that each community’s PROMISE council includes at least two parents of minor children, and two local youth between the ages of 15 and 24.
- Establishes a center for Youth-Oriented Policing to develop a model training program that emphasizes youth development and evidence-based and promising practices related to juvenile delinquency and criminal street gang activity.
- Provides for the hiring and training of youth-oriented police officers who will work with PROMISE coordinating councils and community-based organizations. These officers will be trained to work with the community and to understand the developmental needs of youth.

By ensuring that those in law enforcement and court services are aware of the needs of youth, that youth are not more likely to enter into the juvenile or criminal justice system as a result of the community-based policies enacted, and by including youth and their families in composing the communities’ response to youth, the Youth PROMISE Act promotes a community response to youth that takes into account their special needs and vulnerabilities.



Fiscal Analysis

Title III of the Gang Abatement Act is designated as “Increased Federal Resources to Deter and Prevent Seriously At-Risk Youth from Joining Illegal Street Gangs and for Other Purposes.” Although the bill refers to the authorization of funds for “prevention,” a closer reading reveals that a large portion of the money is actually reserved for law enforcement and prosecution—categories that fall under suppression.

The Congressional Budget Office estimates that the implementation of the Senate version of this bill would cost \$1.1 billion over the 2008-2012 fiscal period, with about \$125 million appropriated annually for suppression and less than \$45 million reserved for prevention.⁶⁶ This CBO estimate does not factor in the costs of several important consequences of the bill—an increased number of prosecutions, convictions, and longer sen-

tences. Though it is difficult to forecast the additional number of individuals incarcerated due to this legislation, it is sufficient to say that there will be additional costs incurred besides the \$1.1 billion appropriated. For example, the federal judiciary estimates that, in FY 2007, it cost nearly \$25,000 to incarcerate a single person in federal prisons.⁶⁷ With more people in prison for longer periods, annual federal costs to incarcerate will easily surpass the current expenditure of \$49 billion.

Such an allocation of resources is contrary to research that shows that suppression efforts are often perceived to be the least effective of all methods, while prevention has been more useful in reducing gang violence. OJJDP's *Comprehensive Gang Models*, for example, stresses community mobilization, employment and educational opportunities, and social interventions before suppression strategies. Other evidence-based practices such as multisystemic therapy offer intensive services, counseling, and training, and have produced positive results. Studies have found that treatment and prevention programs show a greater return on each dollar invested than incarceration. A report by the Surgeon General that reviewed existing studies on ways to reduce youth violence concluded that "prevention is truly more cost-effective in the long run than incarceration."⁶⁸ The Justice Policy Institute finds that incarceration yields \$0.37 per dollar spent in reduced crime and public safety benefits to society, whereas treatment and prevention efforts yield over \$18.00 in return per dollar spent, a figure cited by the US Conference of Mayors in their 2008 *Comprehensive Gang Abatement Legislation*.⁶⁹ The savings to be realized in prevention efforts represent savings not only in justice and welfare costs, but also savings to victims and the added productivity of saved youth.

The Youth PROMISE Act proposes to spend approximately \$10 billion in the 2009-2013 fiscal period. While the Youth PROMISE Act contains larger initial costs,

several factors must be considered. First, the Act is an investment in all youth, whether low-risk, at-risk, or high-risk, providing them with the resources needed to stay away from crime and build healthy and promising lives. Second, research has shown that prevention and intervention programs such as those advocated for in this Act show a return on investment over time. A study by the Penn State Prevention Research Center shows that prevention programs that have proven effective in Pennsylvania "...not only pay for themselves but also represent a potential \$317 million return to the Commonwealth."⁷⁰ Similar studies by the Washington State Institute on Public Policy, the Justice Policy Institute, and the RAND Corporation have shown the same results.⁷¹

Both bills have significant long-term fiscal impacts that must be considered. While the Gang Abatement Act would grow in costs over time, the Youth Promise Act would not only recover its initial cost but also see savings grow from the investment.

Conclusion

Research and NCCD's experiences strongly favor the practices promoted in the Youth PROMISE Act. The Gang Abatement Act relies on strategies that have been used repeatedly in the past decades, only to yield the results of overcrowded prisons and a punitive culture in which our youth are being sent to correctional facilities not equipped to address their developmental needs. Such strategies are ineffective and costly, and reverse the progress the nation has already made in terms of juvenile justice and overrepresentation of people of color within the justice system. The Youth PROMISE Act appropriately rejects these failed policies, and embraces what years of research and practice have proven—that with the right programs, our youth can not only stay out of trouble but also have promising futures.

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The National Council on Crime and Delinquency, founded in 1907, is a nonprofit organization that promotes effective, humane, fair, and economically sound solutions to family, community, and justice problems. NCCD conducts research, promotes reform initiatives, and seeks to work with individuals, public and private organizations, and the media to prevent and reduce crime and delinquency.



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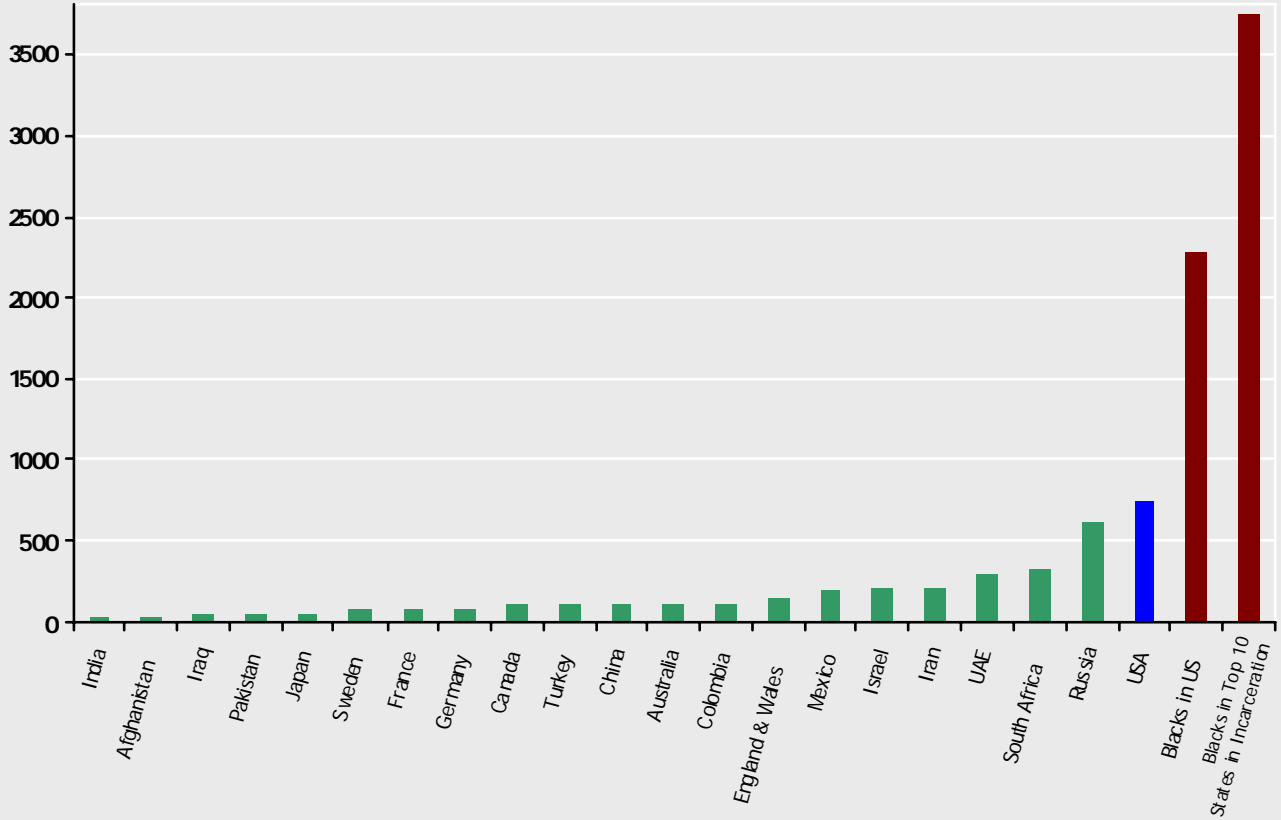
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U.S. Incarceration Rate Highest in the World
Rates Per 100,000 of National Population

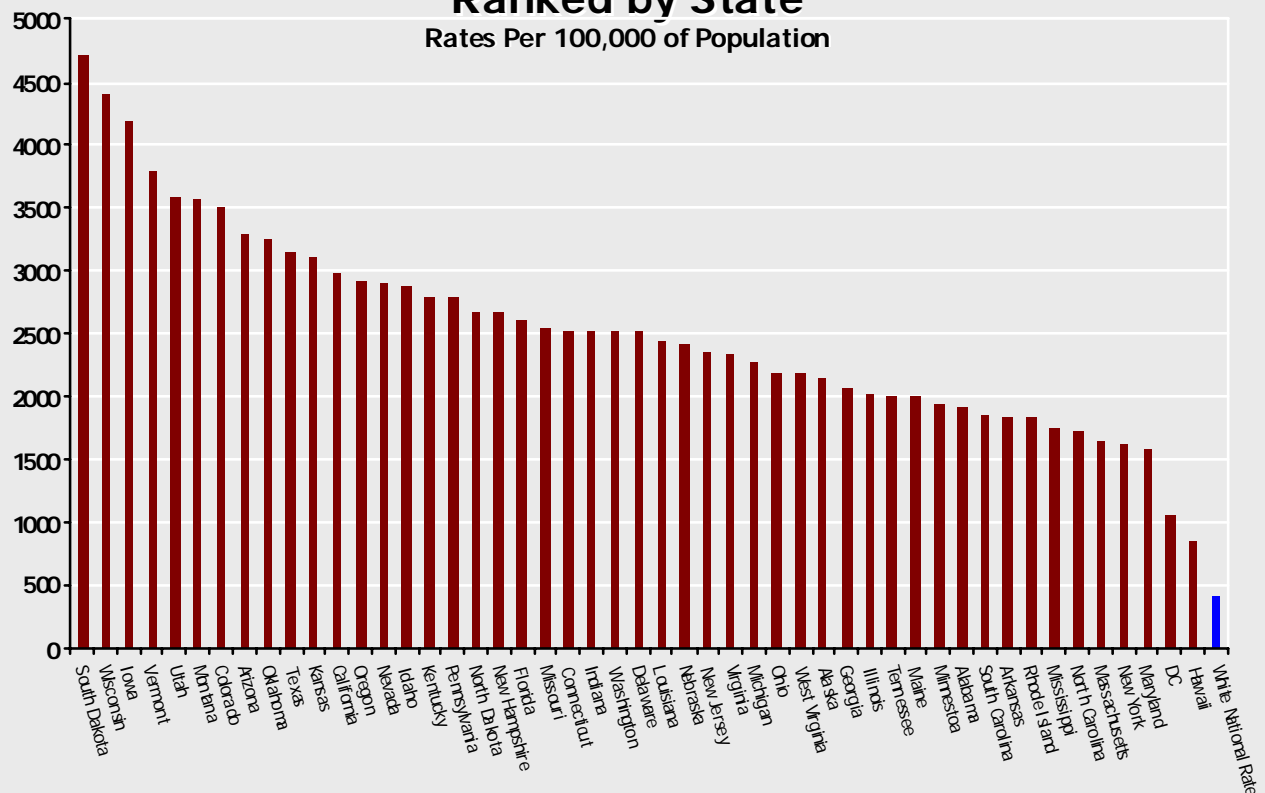


Prepared by the Office of Congressman Robert C. "Bobby" Scott (11/06/07)

Source: International Centre for Prison Studies, King's College - London

African American Incarceration Rate
Ranked by State

Rates Per 100,000 of Population

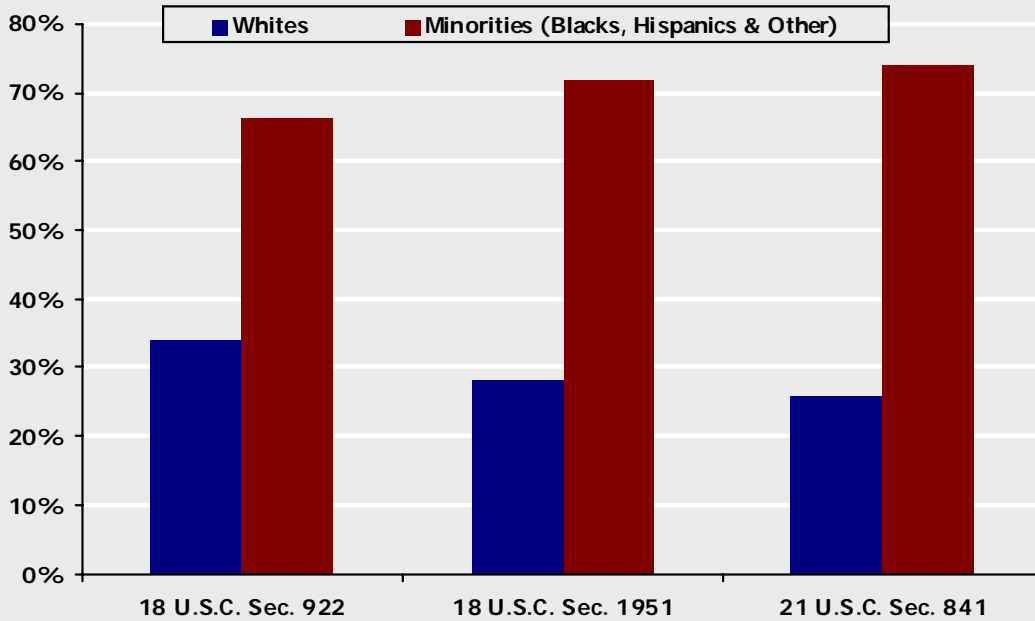


Note: New Mexico and Wyoming have been excluded due to lack of data on race and ethnicity.

Prepared by the Office of Congressman Robert C. "Bobby" Scott (11/06/07)

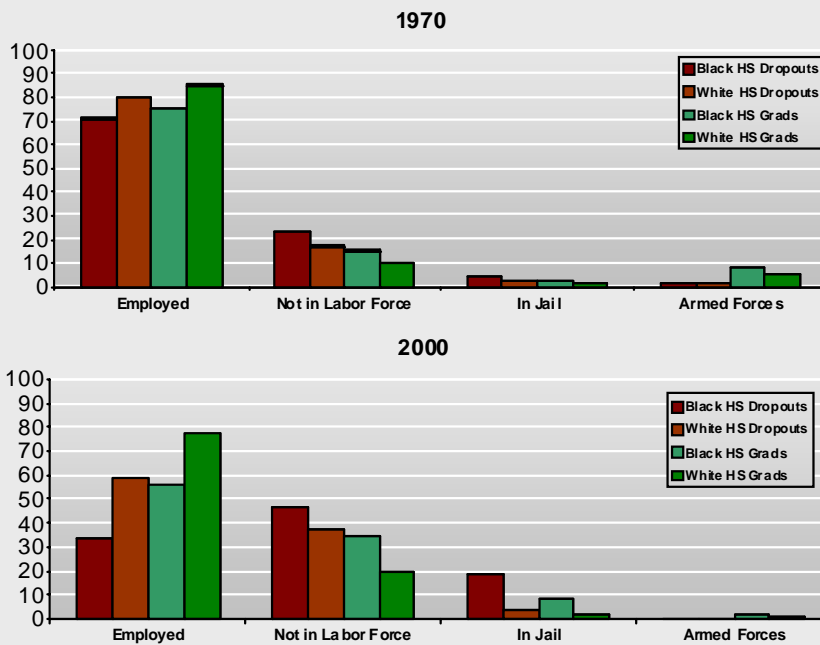
Source: The Sentencing Project (2005 Data)

Percent of Convictions Under Current Gang Related Statutes



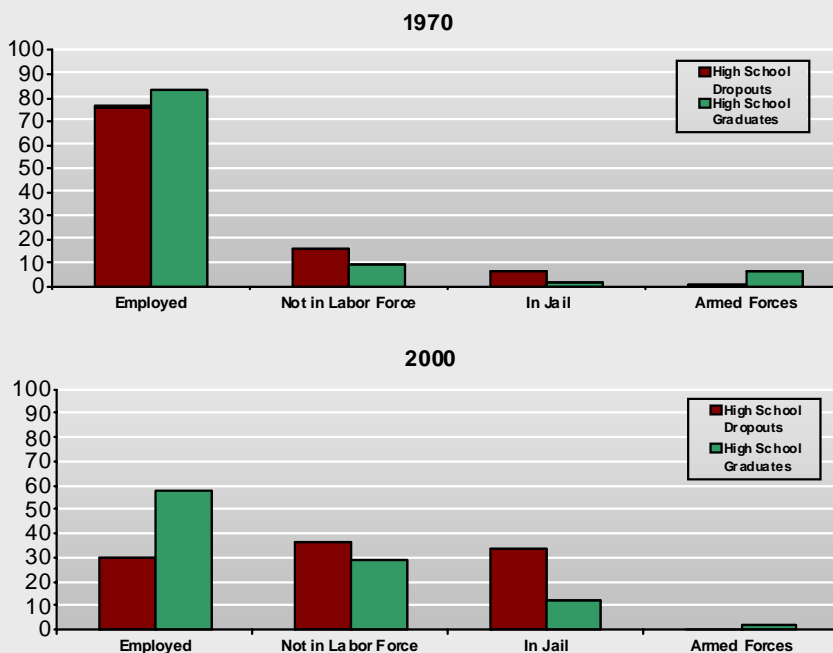
Prepared by the Office of Congressman Robert C. "Bobby" Scott (01/14/08) Source: U.S. Sentencing Commission, 2003-2006 Data

High School Dropouts vs. High School Graduates Employed, Not in the Labor Force, Incarcerated or in the Armed Forces by Race

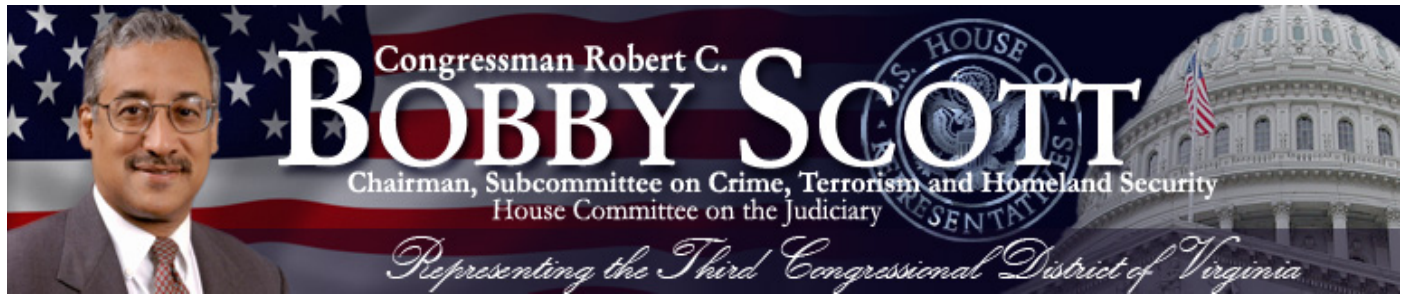


Prepared by the Office of Congressman Robert C. "Bobby" Scott (3/26/08)
Source: Steven Raphael, "The Socioeconomic Status of Black Males: The Increasing Importance of Incarceration." Goldman School of Public Policy, University of California, Berkeley, March 2004

Black Males Age 26-30 Employed, Not in the Labor Force, Incarcerated or in the Armed Forces



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



Immediate Release
October 16, 2007

Contact: Larry Dillard
202-225-8351

REP. SCOTT INTRODUCES YOUTH PROMISE ACT

Washington, DC – Today Congressman Robert C. “Bobby” Scott (D-VA), Chairman of the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, introduced his Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education (“Youth PROMISE”) Act.

The Youth PROMISE Act will provide resources to communities to engage in comprehensive prevention and intervention strategies to decrease juvenile delinquency and criminal street gang activity. Under the Youth PROMISE Act, communities facing the greatest youth gang and crime challenges will each form a local council called a Promise Coordinating Council (“PCC”). The PCC will include representatives from law enforcement, court services, schools, social service organizations, health and mental health providers and community-based organizations, including faith-based organizations. The PCC will then develop a comprehensive plan for implementing evidence-based prevention and intervention strategies. These strategies will target young people who are at-risk of becoming involved, or who are already involved in, gangs or the criminal justice system to redirect them toward productive and law-abiding alternatives.

“The Youth PROMISE Act could be a critical component to reducing crime across the United States,” said Congressman Scott. “For years, we have been codifying slogans and soundbites that do nothing to reduce crime. As a result of these policies, the average incarceration rate in the United States is far above the incarceration rates in other countries and incarceration costs have risen to \$65 billion per year. This legislation implements the recommendations of researchers, practitioners, analysts, and law enforcement officials from across the political spectrum concerning evidence- and research-based strategies to reduce gang violence and youth crime.”

The bill is supported by a variety of juvenile justice and civil rights organizations, including Fight Crime: Invest in Kids, the National Juvenile Defender Center, the Justice Policy Institute, the NAACP Washington DC Office, the ACLU, the Coalition for Juvenile Justice, and the Campaign for Youth Justice.

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The Youth PROMISE Act now has the endorsement of over 200 national and state organizations including juvenile justice, civil rights, education and religious organizations.

For more information, please visit: http://www.house.gov/scott/hotissues_youthpromiseact.shtml.

**H.R. 3846, the Youth Prison Reduction through Opportunities,
Mentoring, Intervention, Support, and Education (“Youth PROMISE”) Act
Introduced by Robert C. “Bobby” Scott on October 16, 2007**

Section-by-Section

Overview: The Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act) implements the advice we heard over the last year from over 50 crime policy makers, researchers, practitioners analysts, and law enforcement officials from across the political spectrum concerning evidence- and research-based strategies to reduce gang violence and crime. Under the Youth PROMISE Act, communities facing the greatest youth gang and crime challenges will form a local council. This council will include representatives from law enforcement, court services, schools, social service, health and mental health providers, and community-based organizations, including faith-based organizations. The council will develop a comprehensive plan for implementing evidence-based prevention and intervention strategies. These strategies will be targeted at young people who are at-risk of becoming involved, or involved in, gangs or the juvenile or criminal justice system to redirect them toward productive and law-abiding alternatives. Major program components in the bill include:

Title I: Sec. 101 creates a PROMISE Advisory Panel. This Panel will help the Office of Juvenile Justice and Delinquency Prevention select PROMISE community grantees. The Panel will also develop standards for the evaluation of juvenile delinquency and criminal street gang activity prevention and intervention approaches carried out under the PROMISE Act. Sec. 102 provides for specific data collection in each designated geographic area to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention. This data will then facilitate the strategic geographic allocation of resources provided under the Act to areas of greatest need for assistance.

Title II: Sec. 201 establishes grants to enable local and tribal communities, via PROMISE Coordinating Councils (PCCs) (Sec. 202), to conduct an objective assessment (Sec. 203) regarding juvenile delinquency and criminal street gang activity and resource needs and strengths in the community. Based upon the assessment, the PCCs then will develop plans (Sec. 204) that include a broad array of evidence-based prevention and intervention programs. These programs will be responsive to the needs and strengths of the community, account for the community’s cultural and linguistic needs, and utilize approaches that have been shown to be effective in reducing involvement in or continuing involvement in delinquent conduct or criminal street gang activity. The PCCs can then apply for federal funds, on the basis of greatest need, to implement their PROMISE plans (Sec. 211, 212, 213). Title II also provides for national evaluation of PROMISE programs and activities (Sec. 222), based on performance standards developed by the PROMISE Advisory Panel.

Title III: Sec. 301 establishes a National Center for Proven Practices Research. This Center will collect and disseminate information to PCCs and the public on current research and other information about evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention. Sec. 302 provides for regional research partners to assist PCCs in developing their assessments and plans.

Title IV: Sec. 402 provides for the hiring and training of Youth Oriented Policing (YOPS) officers to address juvenile delinquency and criminal street gang activity. Sec. 403 also establishes a Center for Youth Oriented Policing, which will be responsible for identification, development and dissemination of information related to strategic policing practices and technologies to law enforcement agencies related to youth.

Title V: Sec. 501 provides additional improvements to current laws affecting juvenile delinquency and criminal street gang activity, including support for youth victim and witness protection programs. Sec. 502 provides extended and increased authorizations for the Juvenile Accountability Block Grant program to support juvenile justice systems.

Authorization: The bill makes a substantial and sustained investment in evidence-based prevention and intervention practices, authorizing just over \$2.9 billion per year. Research shows that such investments in youth will yield tremendous savings through reductions in violence, delinquency and crime, welfare, prison and other criminal justice costs.



Investing in Our Nation's Youth to Help Disrupt the 'Cradle to Prison Pipeline'

By Rep. Robert C. "Bobby" Scott

Our nation is currently at a critical crossroads with regard to crime policy. When it comes to crime policy, we have a choice – we can reduce crime or we can play politics.

For far too long, Congress has chosen to play politics by enacting “tough on crime” slogans such as “three strikes and you’re out” or “you do the adult crime, you do the adult time.” Although these policies sound appealing, their impact ranges from a negligible reduction in crime to *increased* crime.

These slogan-based policies have created what experts at the Children’s Defense Fund (CDF) call the “Cradle to Prison Pipeline.” In a recent report, CDF identified various contributing factors, including poverty, a struggling education system, and an unresponsive, punitive juvenile justice system. The results are staggering. The report found that for boys born in 2001, black boys have a 1 in 3 chance of spending time in prison, while white boys have a 1 in 17 chance.

National prison statistics also reflect the pipeline’s construction. Since 1970, the number of individuals incarcerated in the U.S. has risen from about 300,000 to more than 2 million. This makes the United States the world’s leading incarcerator by far with an average rate seven times the international average rate and up to 40 times the international average in some inner-city communities.

Yet Congress is currently considering anti-gang legislation that continues this failed policy in addressing gang activity. These bills contain several particularly troubling components such as creating new gang crimes and increasing the number of crimes that make juveniles eligible for life without parole. They also would target minorities and

increase already high minority incarceration rates.

At the same time, the evidence is clear that to reduce crime, we must invest in research-based prevention and intervention programs aimed at at-risk youth. Programs such as teen pregnancy prevention, prenatal care, new parent training, nurse home visits, Head Start and other early childhood education programs, quality education, after-school programs, summer recreation and jobs, guaranteed college scholar-

In order to effectively reduce crime and dismantle the Cradle to Prison Pipeline, I introduced the Youth PROMISE Act, which puts evidence-based approaches to crime reduction into legislative practice. This Act would mobilize community leaders ranging from law enforcement officials to educators to health and mental health agencies.

ships, and job-training programs work cost-effectively to reduce crime.

In order to effectively reduce crime and dismantle the Cradle to Prison

Pipeline, I introduced the Youth PROMISE Act, which puts evidence-based approaches to crime reduction into legislative practice.

This Act would mobilize community leaders ranging from law enforcement officials to educators to health and mental health agencies.

These leaders would come together to form a PROMISE Coordinating Council that would identify the community’s needs with regard to youth and gang violence and develop a plan to address these needs. The community would then be eligible for a grant to implement evidence-based strategies based on a comprehensive, locally tailored plan to dismantle the Cradle to Prison Pipeline. The result of the Youth PROMISE Act will be to help communities get children out of the Cradle to Prison Pipeline and into a Cradle to College Pipeline.

It is important to note that the Youth PROMISE Act would not stop or impede the current enforcement of laws; the criminal justice system will continue to arrest, convict and incarcerate those who commit crimes.

The Youth PROMISE Act would, however, equip communities with tools to effectively prevent and reduce crime before it occurs.

I am hopeful that Congress will move forward with the Youth PROMISE Act this year so students in our next generation will be more likely to receive a college degree than serve time in jail. ■

Rep. Robert C. "Bobby" Scott represents the 3rd Congressional District of Virginia. He is chairman of the House Subcommittee on Crime, Terrorism and Homeland Security.

What People are Saying About the Youth PROMISE Act

“Our Nation must stop criminalizing children at younger and younger ages, and instead institute policies that place all children on a path to productive adulthood. The Youth PROMISE Act is a very important step toward that goal.”

Marion Wright Edelman, President, Children’s Defense Fund

“Research show that targeted investments that help kids get a good start in life can prevent crime from happening in the first place. Proven crime-prevention investments include: quality early childhood education, such as Head Start; effective abuse and neglect prevention programs like home visiting; quality after-school and mentoring programs; and effective interventions for troubled kids, such as evidence-based family therapeutic interventions and offender reentry efforts.”

David Kass, President, Fight Crime: Invest in Kids

“It is time for long-term policy solutions that will increase public safety and stem the tide of destruction and waste (both in terms of dollars and lives) caused by our current criminal justice policies. The Youth PROMISE Act offers such a solution. This legislation makes sense, comports with the research on prevention, intervention and adolescent brain development, and will yield overall savings to the community in both financial and life quality measures.”

Liz Ryan, President and Executive Director, Campaign for Youth Justice

“Successful strategies to combat youth violence and gang-related activity have long eluded lawmakers who too often rely on enacting longer sentences for young people instead of implementing proven prevention and intervention programs that stop violence before it happens. The Sentencing Project believes that H.R. 3846 promotes a constructive approach to address youth crime.”

Marc Mauer, Executive Director, The Sentencing Project

“Attachment to school has been documented as one of the strongest protections against susceptibility to violence in young people. That is why we strongly endorse the Youth PROMISE Act’s inclusion of local education agencies in the Coordinating Councils, and its focus on funding both school-based and after school programs. . . Now more than ever, we need the long-term policy solutions offered in the Youth PROMISE Act.”

Charles J. Ogletree, Jr., Executive Director, Charles Hamilton Houston Institute for Race and Justice, Harvard Law School

“NCLR believes that the ‘Youth PROMISE Act’ takes the right approach to reducing gang violence. It focuses on evidence-based prevention and intervention proven to reduce the risk of youth involvement in gangs and violence.”

Janet Murguía, President and CEO, National Council of La Raza

“This legislation would effectively address the scourge of gang violence that is decimating communities across the Nation and help tens of thousands of youth stay away from gangs and become productive members of our communities.”

Hilary O. Shelton, Director, National Association for the Advancement of Colored People, Washington Bureau

What the Press is Saying About Prevention and Intervention Rather Than More Suppression

“The main emphasis needs to be on proven prevention programs that change children’s behavior by getting them involved in community and school-based programs that essentially keep them out of gangs.”

The New York Times, July 19, 2007

“There is strong evidence that a community-based approach to gang prevention – reaching out to the most vulnerable children – is more effective than heavier policing.”

The Washington Post, September 22, 2007

“What’s needed are comprehensive programs in and out of school that nurture kinship and camaraderie among youths and, more obviously, stronger families. . . . When House members take up the Feinstein bill and other anti-gang measures, they should remember that tougher enforcement alone leads to only one place – prison.”

The Baltimore Sun, October 15, 2007

“Indeed, the United States leads the world in producing prisoners, a reflection of a relatively recent and now entirely distinctive American approach to crime and punishment. Americans are locked up for crimes – from writing bad checks to using drugs – that would rarely produce prison sentences in other countries. And in particular they are kept incarcerated far longer than prisoners in other countries.”

The New York Times, April 23, 2008

What the Press is Saying About Rep. Bobby Scott’s Youth PROMISE Act

“Scott wants Congress to rethink its historic emphasis on tougher enforcement measures against gangs, a philosophy that has put more teenagers in adult prisons and left them there to serve longer and longer sentences Scott has been a passionate but thoughtful voice for juvenile justice reform for years. It’s time his colleagues pay attention.”

The Virginian-Pilot (Norfolk, Virginia), October 30, 2007

“This more comprehensive approach, offered by Scott, addresses the root causes of why our young people join gangs: poverty, poor education, alienation, lack of opportunity, lack of training programs and poor community support. These are many of the social issues that our elected officials rarely ever get tough on.”

The Pasadena-Star News (Pasadena, California), November 15, 2007

“Rep. Scott is not interested in locking up more and more people only see them released, without skills, direction, or hope, and watch them get arrested over and over for the rest of their lives. He wants to get at the root causes: poverty, alienation, lack of jobs, training, or direction.”

EbonyJet.com, November 20, 2007

“Scott’s bill deserves support. His approach shifts the focus from get-tougher-on-crime policy to bottom-up strategies that attack the root causes of criminal behavior.”

The Roanoke Times (Roanoke, Virginia), November 28, 2007

ROBERT C. "BOBBY" SCOTT
3RD DISTRICT, VIRGINIA



COMMITTEE ON THE JUDICIARY

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SUPPORT
H.R. 3846 – The Youth PROMISE Act

A large percentage of this country's minority children are on what the Children's Defense Fund refers to as a "cradle to prison pipeline" rather than a "cradle to college pipeline."

Evidence is clear that if we want to reduce crime, we need to invest in research-based intervention and prevention programs for at-risk youth rather than more punitive strategies. Prevention and intervention efforts also save money over building and maintaining prisons and welfare costs.

H.R. 3846, the Youth PROMISE Act, puts research-based programs into legislative practice. It mobilizes community leaders and invests almost exclusively in prevention, as opposed to typical crime-related legislation that merely waits for children to get into trouble and then locks them up.

No matter how many at-risk youth we arrest today, if we are not working on preventing the next wave of at-risk youth from continuing down the wrong pipeline, we will only have more to arrest tomorrow.

The result of the Youth PROMISE Act will be to get kids onto the "cradle to college pipeline" by directing them back into the education system and into other supportive programs designed to assist their development.

For more information about the Youth PROMISE Act, please visit Congressman Scott's website at: http://www.house.gov/scott/hotissues_youthpromiseact.shtml. If you have questions or would like to endorse the Youth PROMISE Act, please contact Ilana Brunner in Congressman Scott's office at 202-225-8351 or Ilana.Brunner@mail.house.gov.

(over)

OPPOSE

H.R. 3547 – The Gang Prevention, Intervention, and Suppression Act

Over the past several months, several “anti-gang” bills have been introduced in the House of Representatives, including HR 3547, the Gang Prevention, Intervention, and Suppression Act. Below please find specific concerns with this bill.

H.R. 3547 would:

- **Expand the criminal justice dragnet:** HR 3547 creates new penalties for existing crimes and expands the definition of criminal street gangs. These changes will only widen a net that already needlessly ensnares too many young minorities in the criminal justice system. The bill has little to no provisions for prevention and rehabilitation.
 - Under the bill, a gang is defined as five or more individuals who have each committed a felony and then committed 3 or more gang crimes together. So, if five 15 year-olds who have criminal histories meet for the first time and commit three felonies in one afternoon, they can be a “gang” under the bill’s provisions even if they never meet again. This sets them up for harsher sentences.
- **Impose harsher punishments:** HR 3547 increases the number of crimes that make juveniles eligible for harsher sentences, including life without parole. Already, of the more than 2200 juveniles sentenced to life without parole around the world, all but 12 are in the U.S. This bill would only add to the 2200 people locked up for life as juveniles with no attempt at preventing the crimes in the first place and no attempt at rehabilitating young offenders.
 - The bill reclassifies 12 existing crimes as “gang crimes” and calls for up to eight additional years in prison on top of what is already required under the U.S. Code.
 - The crime does not have to be carried out. If the group simply conspires to commit one of the crimes, even a non-violent one, they can be sentenced to the additional eight years. And if any violence does occur during the commission of the crime, the sentence increases to an additional 15 years to life (if death occurs).
 - The bill makes it a crime to recruit someone to a gang. So if one is convicted of recruiting a gang member, s/he can be sentenced for up to 10 years even if no crime occurs after the recruitment.
 - Depending on the combination of new crimes committed, under this bill one youth can be charged up to an additional 25 years for participating in “gang crimes” on top of the sentence for the underlying crime itself, even if no death results from the crime.
- **Disproportionately affect minority juveniles:** An analysis by the U.S. Sentencing Commission shows that gang-related crime laws on the books are disproportionately applied to minorities. Between 60-75% of individuals convicted under current gang-related statutes are minorities while minority groups only make up 33% of the general U.S. population. Therefore, it is a virtual certainty that this bill will have a similarly disproportionate affect.
- **Nationalize Jena 6:** HR 3547 would give federal prosecutors across the country authority to arrest juveniles for “gang-related” crimes, which are defined in a broad manner. Unfortunately, various cases - such as Genarlow Wilson, Marcus Dixon, and Jena 6 - have shown what prosecutors already do with such tools. HR 3547 would increase such discretion by creating overly broad definitions of gang and gang-related crimes, and by providing for even harsher sentencing options for these crimes.

For additional information, please contact Bobby Vassar with Congressman Scott’s office at (202) 225-6739 or bobby.vassar@mail.house.gov.



The U.S. Conference of Mayors
76th Annual Meeting
June 20-24, 2008
Miami

2008 ADOPTED RESOLUTIONS

SUPPORT FOR CRADLE TO PRISON PIPELINE INITIATIVE

WHEREAS, tens of thousands of youth are funneled down life paths that lead to arrest, conviction, incarceration and even death; and

WHEREAS, a Black boy born in 2001 has a 1 in 3 chance of going to prison in his lifetime; a Latino boy a 1 in 6 chance; and a White boy a 1 in 17 chance. A Black girl born in 2001 has a 1 in 17 chance of going to prison in her lifetime; a Latino girl a 1 in 45 chance; and a White girl a 1 in 111 chance; and

WHEREAS, poverty, exacerbated by race, is the largest driving force behind the *Cradle to Prison Pipeline* crisis, with almost 13 million, or 1 in 6 children in America living in poverty, almost half of whom (5.5 million) live in extreme poverty; and

WHEREAS, 1 in 4 Latino children and 1 in 3 Black children are poor; and

WHEREAS, the number of uninsured children from birth through age 18 rose to 9.4 million in 2006; and

WHEREAS, Latino children are three times and Black children are almost twice as likely to be uninsured as White children; and

WHEREAS, the importance of the early years is dramatically underscored in a U.S. Department of Education study which found that Black and Hispanic children were substantially behind when they entered kindergarten; and

WHEREAS, 86 percent of Black, 83 percent of Latino and 58 percent of White 4th graders cannot read at grade level; and

WHEREAS, 89 percent of Black, 85 percent of Latino and 59 percent of White 8th graders cannot do grade level math; and

WHEREAS, only 48,000 Black males earn a bachelor's degree each year, but an estimated 1 in 3 Black men ages 20-29 is under correctional supervision or control; and

WHEREAS, one-size-fits-all zero tolerance school discipline policies are transforming schools into a major point of entry into the juvenile justice system as children are increasingly arrested on school grounds for subjectively and loosely defined behaviors; and

WHEREAS, a child is abused or neglected every 36 seconds but four in ten of the children who are confirmed abused or neglected get no help at all; and

WHEREAS, although they comprise only 16 percent of all children, Black children represent 32 percent of the foster care population; and

WHEREAS, a Congressional study found 15,000 children in juvenile detention facilities, some as young as 7 years old, solely because community mental health services were unavailable; and

WHEREAS, children who age out of foster care are less likely to graduate from high school or college, and experience more serious mental health problems, including post-traumatic stress disorder, than children generally and they are less likely to receive adequate health and mental health care, and are more likely to experience homelessness, and to be involved in the criminal justice system; and

WHEREAS, alcohol and other substance abuse treatment for youth and for parents and adults is in too short supply; and

WHEREAS, Black youth are about four times as likely as their White peers to be incarcerated; and

WHEREAS, most juvenile correctional facility programs focus on punishment rather than treatment and rehabilitation, often creating environments that further harden youth and makes it more difficult for them to productively reintegrate into their communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Mayors is committed to fighting for policies that put children on track to a productive adulthood and against the criminalization of children at younger and younger ages and urge the President of the United States and Congress to; and

BE IT FURTHER RESOLVED, that the Conference of Mayors is committed to ending poverty through investments in high quality education for every child, livable wages for families, income supplements like the Earned Income and Child Tax Credits, job training and job creation, and work supports like child care and health coverage; and

BE IT FURTHER RESOLVED, that the Conference of Mayors is committed to ensuring every child and pregnant woman has access to affordable, seamless, comprehensive health and mental health coverage and services; and

BE IT FURTHER RESOLVED, that the Conference of Mayors is committed to making early childhood development programs accessible to every child by ensuring such programs are affordable, available and of high quality; and

BE IT FURTHER RESOLVED, that the Conference of Mayors is committed to helping each child reach his/her full potential and succeed in work and life by ensuring our schools have adequate resources to provide high quality education to every child; and

BE IT FURTHER RESOLVED, that the Conference of Mayors is committed to expanding prevention and specialized treatment services for children and their parents, connect children to caring permanent families, improve the quality of the child welfare work force and increase accountability for results for children; and

BE IT FURTHER RESOLVED, that the Conference of Mayors is committed to reducing detention and incarceration by increasing investment in prevention and early intervention strategies, such as access to quality early childhood development and education services and to the health and mental health care children need for healthy development.

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The U.S. Conference of Mayors
76th Annual Meeting
June 20-24, 2008
Miami

2008 ADOPTED RESOLUTIONS

COMPREHENSIVE GANG ABATEMENT LEGISLATION

WHEREAS, The U.S. Conference of Mayors previously adopted resolutions that recognize the broad range of harmful social and economic impacts that result from gang activity and endorsed comprehensive anti-gang legislation; and

WHEREAS, criminal street gangs remain a pervasive problem nationwide, and the incidence of gang-related felony crimes and violence continues to increase in urban, suburban, and rural communities; and

WHEREAS, the Federal Bureau of Investigation estimates there are 800,000 active gang members nationwide – more than the total number of law enforcement officers; and

WHEREAS, according to the 2005 National Gang Threat Assessment, published by the National Alliance of Gang Investigators Association, gangs account for several alarming trends in the U.S.:

- Gangs remain the primary distributors of drugs;
- Neighborhood, or home grown gangs are being found more frequently in the Northeast;
- The growth of gangs within certain communities of the South has brought increased levels of violence and crime to the region;
- In the Midwest, gang activity has increased around schools and college campuses;
- Street gangs in the West are more frequently involved in the distribution of both marijuana and methamphetamine; and

WHEREAS, between one-quarter and one-half of all homicides in major urban jurisdictions are now considered to be gang-related; and

WHEREAS, gang operations, activities, and their effects cross multiple local and state jurisdictions and cannot be adequately addressed at the local level alone, and, therefore, the federal government must take a leadership role and dedicate increased resources to this effort; and

WHEREAS, criminal justice experts and scientific research support the need for a comprehensive and balanced approach to address the continuing and changing nature of gangs and gang-related crimes, including prevention, intervention, enforcement, and ex-offender reentry strategies; and

WHEREAS, the U.S. has the highest incarceration rate in the world with nearly 550 people to every 100,000 currently experiencing some form of incarceration, and a recent report by the Children's Defense Fund found that among boys born

in 2001, black boys have a one in three chance of spending time in prison while white boys have a one in 17 chance, and identified poverty, a struggling education system, and an unresponsive punitive juvenile justice system as contributing factors; and

WHEREAS, the "cradle to prison pipeline" dynamic described by the Children's Defense Fund characterizes more and more youths today; and

WHEREAS, reliance on imprisoning gang members does not solve the problem since, according to the National Gang Threat Assessment, gangs often weather incarceration by organizing in jail or prison as effectively as on the street, and some youth actually are recruited to a gang affiliation while incarcerated; and

WHEREAS, an effective approach to the gang problem must include positive development for youths before they commit crimes, at a point when the choices and relationships promoting a gang lifestyle have not solidified; and

WHEREAS, prevention and intervention efforts are more cost effective than the building and maintaining of prisons since, according to the Justice Policy Institute, when a community invests one dollar in drug treatment, it will receive \$18.52 in return from reduced crime and public safety benefits - but for every dollar invested in prison, the return is only \$0.37; and

WHEREAS, some of the \$65 billion the U.S. spends each year to keep 2.2 million people incarcerated (according to the Bureau of Justice Statistics) may achieve better results if spent on prevention and intervention activities; and

WHEREAS, in addition to enforcement efforts, mayors around the country have launched successful community-based, comprehensive, anti-gang programs which include prevention and intervention activities that direct at-risk youth toward positive educational and employment opportunities; and

WHEREAS, additional federal resources are needed to supplement state and local efforts in more effectively combating criminal street gangs; and

WHEREAS, the U.S. Congress has engaged in serious debate over the last decade on how to address the rising gang problem in our nation, but despite Senate action in 2008, still has failed to pass legislation that would support efforts to combat gang violence in our communities;

NOW THEREFORE, BE IT RESOLVED that The U.S. Conference of Mayors calls on the House of Representatives to act and Congress to immediately pass comprehensive legislation that will provide resources to cities seeking to reduce gang activity and violence; and

BE IT FURTHER RESOLVED that such legislation should include assistance to implement strategies that prevent and deter gang activity among at-risk youth populations, support community-based positive youth development programs, promote ex-offender reintegration to reduce gang recidivism, provide necessary resources to law enforcement authorities, and help local governments in enforcing laws that keep communities safe from gangs;

BE IT FURTHER RESOLVED that The Conference of Mayors urges Congress to address gang activity by giving greater attention to and support for evidenced-based methods proven to reduce youth violence and delinquency, such as early childhood education, home visiting for parent training, after-school mentoring, mental health services, and substance abuse treatment services.

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June 20, 2008

Support for the Youth PROMISE Act (H.R. 3846)

Dear Member of Congress:

We, the undersigned, representing a broad array of children and youth-oriented specialties including juvenile justice, mental health, civil rights, education, youth work, legal services, and faith communities, respectfully express our strong support for Chairman Robert C. “Bobby” Scott’s Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act), H.R. 3846.

Rather than creating additional and duplicative punitive approaches, the Youth PROMISE Act builds upon evidence-based and promising practices proven to reduce youth violence and delinquency, authorizing just over \$2.9 billion per year. Specifically, the Youth PROMISE Act directs resources towards communities facing an increased risk of crime and gang activity in order to enable those communities to begin to address significant unmet needs and prevent crime from occurring. Under the Youth PROMISE Act, communities facing the greatest youth gang, delinquency and crime challenges will come together – via a local council that includes law enforcement, community-based organizations, schools, faith organizations, health, social services, and mental health providers – to develop and implement a comprehensive local plan to support young people and their families and make our communities safer, reduce victimization, and help at-risk young people to lead law-abiding and healthy lives, free from gangs, delinquency and/or criminal involvement.

The Youth PROMISE Act provides for thorough evaluation, including analyses of the cost-savings to society yielded by investing in prevention and intervention rather than in more costly and ineffective prosecution and incarceration. Under the Youth PROMISE Act, savings from investments in prevention and intervention programs will be reinvested in prevention and intervention efforts funded under the Act.

The Youth PROMISE Act also provides for the hiring and training of Youth Oriented Policing (YOPS) officers to prevent and address juvenile delinquency and criminal street gang activity in a manner that is responsive to the research on juveniles and adolescent brain development. The Act’s Center for Youth Oriented Policing will be responsible for identification, development and dissemination of information related to strategic policing practices and technologies to law enforcement agencies, specifically related to the needs of young people. Additionally, the Act includes support for youth victim and witness protection programs, which are critical to deter crime, as well as extended and increased authorizations for the Juvenile Accountability Block Grant program to support juvenile justice systems.

In short, the approach of the Youth PROMISE Act makes sense, comports with the research on adolescent brain development and crime and violence prevention and intervention, and will yield overall savings to the community, according to both financial and life quality measures. We are hopeful that you will take into account our strong support for the Youth PROMISE Act H.R. 3846. Please feel free to contact us with any questions: Tara Andrews, Deputy Executive Director at the Coalition for Juvenile Justice, 202-467-0864, ext. 109; Angela Arboleda, Director of Criminal Justice Policy, at the National Council of La Raza, 202-776-1789 or Carol Chodroff Advocacy Director of U.S. Programs at Human Rights Watch, 202-612-4356.

Thank you for your consideration.

Sincerely,

National Organizations

Alliance for Children and Families
American Civil Liberties Union (ACLU)
American Correctional Association
American Council of Chief Defenders
American Federation of School Administrators, AFL-CIO
American Federation of Teachers (AFT)
American Jewish Congress
American Psychological Association
Asian American Justice Center
ASPIRA, Inc.
Bazelon Center for Mental Health Law
Campaign for Youth Justice
Catholic Charities USA
Center for Children's Law and Policy
Child Welfare League of America
Children's Defense Fund
Citizens United for the Rehabilitation of Errants (CURE), International
Coalition for Juvenile Justice
Coalition on Human Needs
Correctional Education Association
Council for Educators of At-Risk and Delinquent Youth
Council for Opportunity in Education
Council of Juvenile Correctional Administrators (CJCA)
Covenant House International Headquarters
Federal CURE
Fight Crime: Invest in Kids
Girls Inc.
Human Rights Watch
Immigrant Justice Network
Institute for Community Peace
International Community Corrections Association
Justice Policy Institute
Juvenile Justice Trainers Association
Legal Action Center
Lutheran Immigration and Refugee Service
Mennonite Central Committee Washington Office
Mental Health America
Mexican American Legal Defense & Educational Fund (MALDEF)
National Advocacy Center of the Sisters of the Good Shepherd
National African-American Drug Policy Coalition, Inc.
National Alliance to End Homelessness
National Alliance for Faith and Justice
National Association for the Advancement of Colored People (NAACP)
National Association of Blacks in Criminal Justice

National Association of Criminal Defense Lawyers
National Association of Juvenile Correctional Agencies
National Association of Secondary School Principals
National Black Caucus of Local Elected Officials (NBC-LEO)
National Black Police Association
National Center for Youth Law
National Consortium of TASC (Treatment Accountability for Safer Communities) Programs
National Council for Community Behavioral Health
National Council of La Raza
National Council on Crime and Delinquency
National Education Association
National Federation of Families for Children's Mental Health
National Head Start Association
National Hire Network
National Immigration Project of the National Lawyers Guild
National Juvenile Defender Center
National Juvenile Detention Association
National Juvenile Justice Network
National Network for Youth
National Organization of Concerned Black Men, Inc.
National Partnership for Juvenile Services
National Parent Teacher Association (PTA)
National Trust for the Development of African-American Men
National Urban League
National Women's Law Center
Penal Reform International
Presbyterian Church (USA), Washington Office
Prison Legal News
Prisons Foundation
Southeast Asia Resource Action Center
Southern Poverty Law Center
The Academy of Criminal Justice Sciences, Public Policy Section
The Rebecca Project for Human Rights
The School Social Work Association of America
The Sentencing Project
Therapeutic Communities of America (TCA)
Time Dollar Youth Court
TimeBanks USA
Unitarian Universalist Association of Congregations
United Methodist Church, General Board of Church and Society
United Neighborhood Centers of America
VOICES for America's Children
W. Haywood Burns Institute
Washington Office on Latin America
World Vision
Youth Law Center
Youth Matter America

State Organizations

ACLU of Illinois (IL)

ACLU of North Carolina (NC)
ACLU of Ohio (OH)
Action for Children North Carolina (NC)
Advocates for Children and Youth (MD)
Alabama Youth Justice Coalition
Alston Wilkes Society (SC)
Archdiocese of Los Angeles, Office of Restorative Justice (CA)
Asian Law Caucus (CA)
ATTIC Correctional Services, Inc. (WI)
Barrios Unidos – Santa Cruz Chapter (CA)
Barrios Unidos – Virginia Chapter (VA)
CASA of Maryland, Inc. (MD)
Center for Community Alternatives (NY)
Central American Legal Assistance (NY)
Chicago Area Project (IL)
Children's Action Alliance (AZ)
Children's Campaign, Inc. (FL)
Citizens for Juvenile Justice (MA)
Columbia Heights Shaw Family Collaborative (DC)
Connecticut Juvenile Justice Alliance (CT)
Contra Costa County Public Defender's Office (CA)
Correctional Association of New York (NY)
Council for Children's Rights (NC)
DC Alliance of Youth Advocates (DC)
DC NAACP Youth Council (DC)
Delaware Center for Justice (DE)
Equal Justice Initiative (AL)
Facilitating Leadership in Youth (FLY) (DC)
Faith Communities for Families and Children (CA)
Families & Allies of Virginia's Youth (VA)
Families & Friends of La.'s Incarcerated Children (LA)
Families Moving Forward (CT)
Florida Public Defender Association, Inc. (FL)
Florida Public Defender, Fourth Judicial Circuit (FL)
Florida Families for Fair Sentences (FL)
Franklin County Public Defender (OH)
Fusion Partnerships, Inc. (MD)
Hispanic Urban Minority Alcoholism and Drug Abuse Outreach Program (OH)
Homies Unidos (CA)
H.O.P.E., Inc (KS)
Identity, Inc. (MD)
John Howard Association of Illinois (IL)
JustChildren (VA)
Justice for DC Youth (DC)
Juvenile Justice Center of Suffolk University Law School (NY)
Juvenile Justice Coalition (OH)
Juvenile Justice Initiative of Illinois (IL)
Juvenile Justice Project of Louisiana (LA)
Kansas CURE (KS)
L.A. Youth Justice Coalition (CA)

Latin American Youth Center (DC)
Leaders in Community Alternatives, Inc. (CA)
Life Pieces to Masterpieces, Inc. (DC)
Law Office of Anthony J. Keber (MA)
Maryland Juvenile Justice Coalition (MD)
Maryland Office of the Public Defender (MD)
Mental Health Association in Pennsylvania (PA)
Michigan Council on Crime and Delinquency (MI)
Mid-Atlantic Juvenile Defender Center, Juvenile Law and Policy Clinic,
University of Richmond School of Law (VA)
Midwest Juvenile Defender Center (IL)
Minnesota Juvenile Justice Coalition (MN)
Mississippi CURE (MS)
Mississippi Youth Justice Project (MS)
New Hampshire Association of Criminal Defense Lawyers (NH)
New Jersey Association on Correction (NJ)
New Mexico Council on Crime and Delinquency (NM)
New Mexico Criminal Defense Lawyers Association (NM)
Pacific Juvenile Defender Center (CA)
Parents Who Care Coalition (SD)
Parents, Youth, Children and Family Training Institute (AL)
Partnership for Safety and Justice (OR)
Puerto Rico Association of Criminal Defense Lawyers (PR)
Public Justice Center (MD)
PTA of Illinois (IL)
Southern Juvenile Defender Center (AL)
Texas Criminal Justice Coalition (TX)
The Fortune Society (NY)
The Law Offices of Public Defender Bennett H. Brummer
(Miami-Dade Public Defender's Office) (FL)
The Pendulum Foundation (CO)
The Poor People's Alliance, Connecticut Chapter (CT)
The S.T.O.P. Family Investment Center at Oakmont North (VA)
Southern Poverty Law Center (AL)
Tennessee Commission on Children and Youth (TN)
UNC Juvenile Justice Clinic, University of North Carolina at Chapel Hill School of Law (NC)
United Church of Christ, Justice and Witness Ministries (OH)
Virginia Coalition for Juvenile Justice (VA)
Virginia Commonwealth University School of Education (VA)
Virginia Commonwealth University Center for School-Community Collaboration (VA)
Virginia C.U.R.E. (VA)
VOICES for Alabama's Children (AL)
VOICES for Children in Nebraska (NE)
VOICES for Ohio's Children (OH)
Washington Association of Criminal Defense Lawyers (WA)
Washington Defender Association (WA)
Washington Defender Association's Immigration Project (WA)
Youth Advocate Programs, Inc. (PA)
Youth Advocacy Project of the Committee for Public Counsel Services (MA)
Young America Works Public Charter School (DC)

Elected Officials and Academics

Donna M. Bishop, Northeastern University (MA)

Susan J. Carstens, Psy.D., L.P.Juvenile Specialist, Crystal Police Dept. (MN)

The Honorable Toni Harp, Connecticut State Senator

The Honorable Alice L. Bordsen, North Carolina State Representatives

Jolanta Juskiewicz, Ph.D., American University (D.C.)

The Honorable Kelvin Roldán, Connecticut State Representative

Tony Roshan Samara, George Mason University (VA)

Earle Williams, Psy.D. Hampton University, (VA)

Aaron Kupchik, Ph.D., University of Delaware

National Juvenile Justice & Delinquency Prevention Coalition

September 25, 2007

Honorable John Conyers, Jr.
Chairman
House Judiciary Committee
2426 Rayburn Building
Washington, DC 20515

Honorable Lamar S. Smith
Ranking Member
House Judiciary Committee
184 Rayburn House Office Building
Washington, DC 20515

**Re: Support for the Youth PROMISE Act and
Opposition to the Gang Prevention, Intervention, and Suppression Act (H.R. 3547)**

Dear Chairman Conyers and Representative Smith:

On behalf of the National Juvenile Justice and Delinquency Prevention Coalition, we write to express our strong endorsement of Chairman Scott's Youth PROMISE Act, and our equally strong opposition to H.R. 3547, the "Gang Prevention, Intervention, and Suppression Act." As a Coalition of 80 national groups dedicated to advocacy for children, youth, and families across this nation, we respect efforts to improve our nation's response to violent gang activity, and to more fully understand gangs, how they function, and how we can prevent individuals, particularly young people, from becoming involved in criminal gang activity. While the Youth PROMISE Act focuses on evidence-based prevention and intervention approaches proven to reduce youth gang involvement and violence, H.R. 3547 is fundamentally flawed in its misguided emphasis on punishment and incarceration over prevention and early intervention, and will lead to an increase in the already troubling racial and ethnic disparity in the juvenile and criminal justice systems. We offer unconditional support for the Youth PROMISE Act, which is premised upon evidence-based programs that are proven to prevent and stop youth gang involvement and delinquency. In contrast, we have three main concerns with H.R. 3547.

I. THE JUVENILE JUSTICE COALITION SUPPORTS THE YOUTH PROMISE ACT

The Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act) is based upon evidence-based methods proven to work to reduce youth violence and delinquency: investing resources in youth. Specifically, the Youth PROMISE Act targets resources towards communities encountering increased youth gang and crime risks to enable those communities to begin to address their significant unmet needs for evidenced-based prevention and intervention investments. Under the Youth PROMISE Act, each community facing the greatest youth gang and crime challenges will come together – via a local council that includes law enforcement, community-based organizations, schools, faith organizations, health, social service, and mental health providers – to develop and implement a comprehensive plan for evidence-based prevention and intervention strategies targeted at young people and their families to make our communities safer, reduce victimization, and help at-risk young people to lead law-abiding and healthy lives, free from gang and criminal involvement.

The youth prevention strategies under the Youth PROMISE Act include a broad array of programs proven to reduce the likelihood of a young person joining a gang and/or committing a delinquent act (e.g., early childhood education, home visiting for parent training, youth development including after-school efforts, mentoring, mental health services, substance abuse prevention services, effective approaches to keeping youth in school, etc.). Meanwhile, the youth intervention strategies include strategic funding based upon each community's needs assessment and subsequent strategic youth crime and gang intervention plan – from

a broad array of programs proven to reduce the likelihood of a young offender’s recidivism (e.g., evidence-based risk-analysis-focused assessments, as well as proven-effective individual and family therapeutic interventions, tattoo removal, community re-entry activities, witness protection, youth victim witness assistance, and other services).

The Youth PROMISE Act also provides for training, hiring and support of *Youth Oriented Policing* officers to implement strategic activities to minimize youth crime and victimization and reduce the long-term involvement of juveniles in the juvenile and criminal justice systems. The bill also establishes a *Center for Youth Oriented Policing* which would be responsible for identification, development and dissemination to law enforcement agencies best practices for *Youth Oriented Policing* techniques and technologies. Research shows that youth oriented policing is much more effective in working with youth and reducing recidivism than other, non-youth oriented law enforcement approaches.

Finally, the Youth PROMISE Act provides for thorough evaluation, which will include an evaluation of the cost-savings to society yielded by the investment in prevention and intervention, as opposed to more costly and ineffective prosecution and incarceration. Under the Youth PROMISE Act, the savings sustained from investment in prevention and intervention programs shall be reinvested in the continuing implementation of the prevention and intervention efforts initially funded under the Act.

In short, the approach of the Youth PROMISE Act makes sense, comports with the research on prevention, intervention and adolescent brain development, and will yield overall savings to the community according to both financial and life quality measures.

II. THE JUVENILE JUSTICE COALITION OPPOSES H.R. 3547, FOR THREE MAIN REASONS:

We have three main concerns with the H.R. 3547.

Concern #1: The Definitions of “Gang” and “Gang Crime” Are Overbroad, Vague, and Will Dramatically Increase Unwarranted Federal Prosecution of Children and Youth, Especially Low-Income Youth and Youth of Color

Section 521(1) of the bill defines a “criminal street gang” as “a formal or informal group, organization, or association of five or more individuals, each of whom has committed at least one gang crime; and who collectively commit three or more gang crimes (not less than one of which is a serious violent felony...), in furtherance of the group, organization, or association, in separate criminal episodes (not less than one of which occurs after the date of enactment of the Gang Prevention, Intervention, and Suppression Act ...).” Section 521(2) defines “gang crime” as “an offense under federal law punishable by imprisonment for more than one year, or a felony offense under State law that is punishable by a term of imprisonment of five years or more” within certain enumerated categories. Given the natural tendency of children and youth to associate in peer groups – a tendency child development experts encourage as essential for fostering resilience and social-emotional competence¹ – the breadth and vagueness of these definitions are problematic for several reasons.

These definitions are overbroad, vague, and suffer from failure of fair notice and a high likelihood of discriminatory enforcement problems. The proposed definition eliminates one of the most fundamental tenets of criminal law: intent. As written, there is no “common criminal purpose” requirement in Section 522. Thus, a group of young people who come together for any legal group activity and not for the *purpose* of committing gang crime will still be vulnerable to federal prosecution under this bill.

The gang crime definition is also vague and overbroad because it fails to include a requirement that the crimes be “ongoing” or “continuous and related.” Additionally, the definition fails to require a prior

conviction and *sentence* of one year in the federal system or five years or more in the State system. The current language merely requires the “collective” “commission” of three or more gang crimes that are “punishable” by a given term. It does not, however, require criminal conviction for any offense. Thus, a finding of juvenile delinquency and imposition of probation could suffice under this proposed definition. Moreover, as written, the definition poses *Ex Post Facto* constitutional problems.

Research has shown that the vast majority of adolescent crimes occur in groups and that this “group context” is the most significant trait of offending during the adolescent years.² Adolescents who have not yet learned how to resist peer pressure “lack effective control of the situations that place them most at risk of crime in their teens.”³ While this greater susceptibility to peer pressure does not excuse a crime, it does have implications for defining gang activity simply as that which occurs in groups of five individuals. Given the developmental realities of adolescent behavior, it is likely that youth will be subject to prosecution under this legislation for conduct that does not constitute true gang activity. The fact that attempt and conspiracy liability is included as gang crime predicates intensifies this problem.

These definitions are of particular concern because the lack of directives governing this bill’s enforcement-related measures will invariably lead to an increase in the already troubling racial and ethnic disparity in the juvenile and criminal justice systems, criminalizing the conduct of many more people - particularly young men of color - whose conduct was never contemplated by this legislation. Documented disparity begins with pre-arrest contact with law enforcement. This bill calls for an unspecified “prediction” of levels of gang crime activity. See § 301(b)(4)(A) *Criteria for Designation*. Without explicit, objective standards to guide the “predicted levels of gang activity in an area,” this bill risks increasing the already severely disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system and is likely to increase the level of racial profiling in communities of color.

The proposed bill also provides for a National Gang Activity Database. Sec. 304(b). We are very concerned that this database, in combination with the aforementioned overbroad definitions, will lead to racial profiling. The bill fails to provide any due process requirements governing the process by which an individual is entered into the database or may challenge entry into the database. There are also no specified procedures for expungement from the database. In addition, the legislation does not provide any limit on how the information in the database may be used. Without these specifications, the proposed legislation, as written, raises critical due process, Fourth Amendment, and privacy concerns. Noting that the database shall be “subject to appropriate controls” see Sec. 304(b)(2)(A) lacks the specificity required to ensure due process protection. In addition to triggering constitutional concerns, this database seems duplicative of that which the Department of Justice and the FBI currently employ. The funds necessary to establish this database would be better used to strengthen prevention programs. *See Concern #2, infra*.

In addition to proposing overbroad definitions, this bill’s suggested method to combat gang crime is ineffective as it pertains to juvenile offenders. Extensive research demonstrates that youth benefit much more from prevention, early intervention and intervention than from overly punitive sanctions. The OJJDP Gang Violence Reduction Program underscores the success of prevention and intervention in addressing youth gang violence.⁴ Whereas Section 209 seeks to publicize new criminal penalties and federal enforcement, what is really needed is a media campaign highlighting the prevention and intervention programs available for young people.

Concern #2: H.R. 3547 Emphasizes Reactive Approaches at the Expense of Proactive Approaches

Although we recognize and appreciate that efforts have been made to improve and address prevention in this legislation, the bill continues to encourage misguided penalties that are overly severe for youth, and emphasize incarceration and interdiction at the expense of prevention and intervention. The authorized appropriations in this bill fail to reflect the widely recognized and accepted expertise regarding what works

to reduce recidivism and deter crime. This bill simply does not reflect the importance and success of prevention and intervention programs, which are proven to be much more effective anti-gang strategies, especially for young people. Instead of focusing on meaningful prevention and intervention, drug treatment, job training and employment opportunities for youth, this bill places undue emphasis on the creation of new crimes, expanding culpability for the accused, and enhancing penalties for the convicted.

The authorizations in H.R. 3547 fail to emphasize the importance of prevention; appropriations for law enforcement still dramatically exceed those for prevention. Moreover, the majority of the funds that are authorized for prevention will be available only to communities designated as High Intensity Gang Activity Areas (HIGAAAs).

This bill's overemphasis on criminalization and incarceration is out of step with what research and law enforcement show works to reduce gang violence: more prevention and intervention at the community-based level. When addressing gang violence, it is important to keep things in perspective and let the facts, empirical evidence, and quality research guide our actions. After a nearly continuous 13-year crime drop, crime rates in the U.S. are indeed on the rise. Nationwide, violent crime rose 2.3% between 2004 and 2005.⁵ Based on data in the FBI's *Preliminary Semiannual Uniform Crime Report*, released in December 2006, the upward trend appears to be continuing, as violent crime rose 3.7% between the first six months of 2005 and the same time period in 2006.

But while any rise in crime is cause for concern, this increase needs to be put into proper context. After experiencing a steady drop in violent crimes since a 1992 peak, crime rates remain near a 30-year low. According to surveys conducted by the U.S. Department of Justice, the odds of being a victim of violent crime are approximately 60% lower today than they were in 1994.⁶

In addition, the image of juvenile crime and gang crime have been manipulated by the media, complicating the picture of crime trends and their relation to gangs, and giving us good reason to take a step back. Just as most young people "age out," or desist from delinquency and crime when they reach adulthood, research on gangs published by the Justice Department found that, "gang membership tends to be short lived, even among high-risk youth...with very few youth remaining gang members throughout their adolescent years."⁷ Law enforcement estimates of nationwide juvenile gang membership suggest that no more than 1% of youth ages 10-17 are gang members.⁸

For all of these reasons, it is imperative that we understand what works, and that we approach violent gang activity with effective practices that will produce the desired outcomes, as Chairman Scott's Youth PROMISE Act does. Sound research has revealed the following:

- 1. Incarcerating perceived gang members does not reduce recidivism.** There is a growing body of research that suggests increased imprisonment could negatively impact youth who may otherwise "age out" of delinquent behavior, and consequently aggravate public safety goals.⁹ A 2004 Illinois report on gang recidivism rates tracked 2,500 adults prisoners released in 2000, one quarter of whom were gang members.¹⁰ They found that more than half (55%) of the gang members were readmitted to prisons within a two-year follow-up. A study of youth in the Arkansas juvenile justice system found that prior incarceration was a greater predictor of recidivism than carrying a weapon, gang membership, or poor parental relationship.¹¹
- 2. Education is a protective factor against juvenile delinquency and recidivism.** Providing education and employment services have been shown to correlate with lower crime rates. According to the Office of Juvenile Justice and Delinquency Prevention, "If, as research has found, educational failure leads to unemployment (or underemployment), and if educational failure and unemployment are related to law-violating behavior, then patterns of educational failure over time and within specific groups may help to explain patterns of delinquent behavior."¹² Providing education and employment services for at-risk youth to increase graduation rates, as well as wages and employment

opportunities, could greatly reduce crime, benefiting both young people and society as a whole, especially young men, who are often the most impacted by the availability of well-paying jobs and who commit the majority of crimes.¹³

- 3. There are proven programs that work with seriously violent and at-risk youth.** While the science on preventing gang crime is limited, there are evidence-based practices that work with at-risk and delinquent youth, the same youth who often join gangs. In addition, studies have shown that evidence-based practices that work with violent and seriously delinquent youth are more cost effective and produce more benefits than traditional punitive measures.¹⁴

In short, the focus on interdiction and incarceration is misplaced. The focus should be on intervention and prevention. While H.R. 3547 proposes an interdiction-heavy, prevention-light funding allocation, the President's budget proposal would end the federal government's commitment to improve the quality of juvenile justice. Cutting juvenile justice funding by 25% and jeopardizing the continued existence of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) – which for more than 25 years has led national efforts to reduce youth crime and make communities safer, and provided critical technical assistance, training, research and support for innovative and proven practices – will dismantle local efforts to curb juvenile crime and delinquency. In contrast, Chairman Scott's Youth PROMISE Act invests resources in youth, and will yield greater results, reduced recidivism and cost-savings.

Concern #3: Juveniles Should Not Be Subjected to the Enhanced Penalties Under this Bill

H.R. 3547 calls for significantly enhanced penalties, including life without parole sentences, which are inappropriate for youth, and contraindicated by widely accepted scientific research in the field of adolescent brain development. Research on adolescent brain development reveals, as the Supreme Court has acknowledged, there are fundamental differences between adults and adolescents, and the “culpability or blameworthiness” for an adolescent's crimes are “diminished, to a substantial degree, by reason of youth or immaturity.”¹ The life without parole penalties called for in H.R. 3547 should not apply to juvenile offenders.

Section 310 of H.R. 3547 is a step in the right direction. The call for the United States Sentencing Commission to “conduct a study” regarding the appropriateness of life sentences without possibility of parole for minor offenders in the Federal system, however, does not go far enough. We request the requirement that a defendant prosecuted under this bill must be 21 or older (or at least 18 years of age) for the enhanced penalties to apply in §§ 522(b)(1)(A), 201(a)(1), 205(a)(1)(C)(i) and 205(a)(1)(C)(ii), and anywhere else the “life without possibility of parole” may appear in the legislation.

While we appreciate restricting application of §523(b)(1) *Recruitment of Persons to Participate in a Criminal Street Gang* to persons “over 18 years of age,” we request the exemption of minors from all enhanced penalties under this section, including §§ 523(b)(2), 523(b)(3), 523(b)(4), and 523(b)(5). This request is consistent with that which Congress has already recognized: an increased penalty for a minor using a minor is inappropriate. See Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, § 140008, 108 Stat. 2003 (1994), directing Sentencing Commission to promulgate enhancement for involving a minor *if* the defendant was at least 21 years old. Research on adolescent brain development also indicates that group activity and what might be deemed “recruitment” under this provision is in fact a hallmark of teenage behavior and adolescent development. See *Research Network on Adolescent Development and Juvenile Justice, MacArthur Foundation, Issue Brief 3, Less Guilty by Reason of Adolescence* 3. It is simply inappropriate to penalize minors for “recruiting minors” under § 523. This entire section should apply to adults only.

¹ *Roper v. Simmons*, 543 U.S. 551, 571 (2005).

We are hopeful that you will take into account the National Juvenile Justice and Delinquency Prevention Coalition's strong opposition to H.R. 3547, and our equally strong support for the Youth PROMISE Act. Please feel free to contact us with any questions: Carol Chodroff at the National Juvenile Defender Center at (202) 452-0010 x 103, Tim Briceland-Betts at the Child Welfare League of America at (703) 412-2407, Sandi Pessin-Boyd at the Center for Children's Law and Policy at (202) 637-0377 x102, Tara Andrews at the Coalition for Juvenile Justice at 202-467-0864, ext. 109, and Angela Arboleda, Associate Director of Criminal Justice Policy, at the National Council of La Raza: (202) 776-1789.

Thank you for your consideration.

Sincerely,

Tim Briceland-Betts
Child Welfare League of America

Sandi Pessin-Boyd
Center for Children's Law and Policy

Carol Chodroff
National Juvenile Defender Center

Angela Arboleda
National Council of La Raza

Tara Andrews
Coalition for Juvenile Justice

cc: Members of the House Judiciary Committee
Speaker of the House Nancy Pelosi
Majority Leader Steny H. Hoyer
Republican Leader John A. Boehner
Majority Whip James E. Clyburne
Republican Whip Roy Blunt
Honorable Xavier Becerra

¹ Longitudinal studies of children and adolescents indicate that the existence of support systems, including relationships in the community and with friends, buffer high-risk youth from a sense of isolation, and foster healthy resiliency. See Weissberg, R.P., K.L. Kumpfer, M.E.P. Seligman. "Prevention that Works for Children and Youth: An Introduction." *American Psychologist*, 58 (6/7) 2003. See also the work of Dr. Gill G. Noam, Executive Director of the Program in Education, Afterschool & Resiliency (PEAR) and an Associate Professor at Harvard Medical School and McLean Hospital.

² Zimring, Franklin E., "Penal Proportionality for the Young Offender: Notes on Immaturity, Capacity, and Diminished Responsibility," eds. Thomas Grisso and Robert G. Schwartz, *Youth on Trial*, pp. 281-82, 2000.

³ Zimring, Franklin E., 2000. *Op cit.*

⁴ Evaluation results from OJJDP's Gang Violence Reduction Program, covering three out of five years of program operations, revealed positive results of prevention and intervention programs in reducing gang arrests and gang violence, as well as a notable improvement in residents' perceptions of gang crime and police effectiveness in dealing with that crime. (Spergel and Grossman, 1997; Spergel and Grossman, 1998; Thornberry and Burch, 1997).

⁵ FBI Uniform Crime Reports, *Crime in the United States*, 2005.

⁶ Butts, Jeffrey A. and Howard N. Snyder. "Too Soon to Tell: Deciphering Recent Trends in Youth Violence." Chicago, IL: Chapin Hall Center for Children, University of Chicago, 2006.

⁷ Snyder, Howard N. and Melissa Sickmund. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office Juvenile Justice and Delinquency Prevention, 2006.

⁸ *Ibid.*

⁹ Benda, B.B. and C.L. Tollet. "A Study of Recidivism of Serious and Persistent Offenders Among Adolescents." *Journal of Criminal Justice*, Vol. 27, No. 2 111-126, 1999.

¹⁰ Olson, D.E., B. Dooley, and C.M. Kane. "The Relationship Between Gang Membership and Inmate Recidivism." Research Bulletin, 2(12). Chicago, IL: Illinois Criminal Justice Research Authority, 2004. <http://www.icjia.state.il.us/public/pdf/Bulletins/gangrecidivism.pdf>.

¹¹ Benda, B.B. and Tollet, C.L., 1999. *Op cit.*

¹² Snyder, Howard N., and Sickmund, Melissa. *Op cit.*

¹³ Raphael, S. and R. Winter-Ebmer. "Identifying the Effects of Unemployment and Crime." *Journal of Law and Economics*. Vol. XLIV, 2001; Grogger, J. "Market Wages and Youth Crime." *Journal of Labor Economics*, 16(4), 1998; Lochner, L. and E. Moretti. "The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports." *The American Economic Review*, 2004; Grogger, J. Market. "Wages and Youth Crime." *Journal of Labor Economics*, 16(4), 1998.

¹⁴ Steve Aos, Marna Miller, and Elizabeth Drake. *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*. Olympia, WA: Washington State Institute for Public Policy, 2006.

THE Nation.

Turning Point in the Gang Crisis

by TOM HAYDEN

September 12, 2008

The funeral of Bo Taylor a few weeks ago last was a testament to the gang peace process he helped inspire in Los Angeles.

Bo died of cancer in August. One thousand people attended his "homegoing" at the City of Refuge church in Gardena, a neighborhood long accustomed to gang-related funerals vastly different from this one. Mayor Antonio Villaraigosa lamented the loss of "this invisible guardian of hope." Former police chief Bernard Parks recalled chuckling with Bo about the old days when he chased him on the streets. Sheriff Lee Baca spoke of working with Bo on violence reduction programs in the county jails. The LAPD provided a full-dress motorcade. Over the open coffin, USC football coach Pete Carroll vowed to Bo that "we're not backing down for nothing. This is a movement." The Board of Supervisors and the Legislature adjourned in his memory, too.

It was not always so. The idea of deploying former gang members as street workers has been met with deep skepticism by law enforcement. Bo was an icebreaker, convincing key members of the LAPD hierarchy that street workers with credibility can be useful in sometimes preventing homicides.

When I first met Bo Taylor over a decade ago, he showed me black-and-white footage of the famous 1992 truce between Crips and Bloods which ended, for a significant time, the street wars in Watts. Gang members took buses funded by Jim Brown to City Hall to propose taking up shovels to rebuild the neighborhoods they were terrorizing. A parallel peace process was unfolding in East LA and the north San Fernando Valley, as described in Luis Rodriguez's best-selling *La Vida Loca*.

The police and the *Times* reported in the nineties that drive-by slayings drastically declined in the first years of the truce. But there was no economic peace dividend for Bo's generation. In perhaps the greatest moral default in Los Angeles's history, the city's leaders failed to deliver on a promise of \$6 billion to create 57,000 jobs in five years. The reverse happened; the South Central area lost a net 50,000 jobs in the next decade. As hope turned into hoax, a new generation of young gangsters took to the streets.

As Bo and I later watched the documentary of truce marchers waving their blue and red bandannas in peace, Bo rubbed his balding head and softly described their fates: he's dead, he's in prison, he got shot, dead, still alive, in prison. In the absence of a peace dividend, the truce began unraveling.

The human legacy of 1992 was Bo's generation of self-invented peacemakers, a few hundred gang members who became skilled in mediating truces, squashing dangerous rumors, counseling their younger homeboys, and navigating the institutions in search of what they called "jobs, not jails." Then a state senator, I hired several on my staff and tried to legislate a statewide peace process initiative, with some success. The core ideas were to create a roundtable including former gang members, law enforcement and business leaders, to identify three violent neighborhoods for a pilot project in mediating tensions through deploying former gang members, and a think tank to recommend rehab, training and jobs policies to the

politicians. A few Republicans and state law enforcement officials endorsed the bills, but two governors--Pete Wilson and Gray Davis--vetoed them for fear of being tainted by association.

Those long and bitter experiences taught me that street gangs were the real untouchables in American politics, the perfect scapegoat for law-and-order politics. Here I first encountered the neo-conservatives' domestic agenda: to counter "domestic terrorism" carried out by "super-predators" before it was too late. The theories of adolescent "incurability" put forward by William Bennett, John Diullio, and James Q. Wilson were easily discredited in empirical studies by James Gilligan, Franklin Zimring, Michael Males, David Brotherton, John Hagedorn, Joe Domanick and Luis Barrios, but facts didn't matter much in the new bipartisan consensus. Fighting irredeemable monsters at home was very good politics in the interlude between wars abroad.

The cost was great, threatening the state's fiscal and social stability. California currently has 140,000 inmates in its state penitentiaries, costing \$10 billion per year. Over 2 million felons have been incarcerated in the past two decades, only one-third of them new felons. The policy toward parolees, according to public defenders, is to "violate and send back." Only \$50 million of that ten billion goes to rehabilitation--"We don't want to go too fast," a prison official recently said. The taxpayer costs for police and sheriffs in LA County during a recent decade was \$35 billion.

Yet the quest towards a community-based peace process continued to grow amidst the failures of the wars on gangs and drugs. As long ago as 1927, sociologists like Frederic Thrasher were recommending the hiring of "Boy Men to cover the city and spend their entire time with gangs." New role models, who themselves had turned their lives around, could serve as useful role models in making up for the failures of institutions. Police, prisons and punishment, while possibly deterring short-term crimes, would only foster more gangs born in incarceration.

The most recent cycle of Los Angeles gang wars left more than 10,000 dead in two decades, in neighborhood holocausts that gave rise to Bo's generation of peacemakers.

The question for me at the funeral that day was whether Bo's untimely passing also marked a requiem for his 1992 generation of peacemakers. Fifteen years, after all, is a long time to dodge bullets without meaningful pay, benefits or recognition.

It happened that shortly before Bo's death, the dream of an officially sponsored gang peace process was coming into being in Los Angeles. The Mayor and City Council earlier this year adopted a plan proposed principally by the 1992 generation of peacemakers, including Bo himself. Chaired by Michael De La Rocha (cousin of Zack De La Rocha) and Eduardo Hewitt (son of a former Black Panther), a community task force over more than thirty former gang members spent six months drafting a two-pronged approach: deploying intervention workers on the streets and providing wrap-around social services with community input. With the emphasis on peacemaking and rehabilitation, a critical third prong was implied but never debated: an economic development strategy to create jobs in the inner city. The city council adopted the two-prong policy unanimously on February 13, 2007. Though implementation has been uneven, it was the first time in the nation's history that so many homeboys had so much input into city policies affecting their lives.

The program will provide \$7.5 million this fiscal year to pay 125 to 150 street intervention workers this year, double the number employed last year. That is small change in a city with a \$6 billion annual budget and an estimated 93,000 young people out of work and unemployed. For example, the Homeboy project sponsored by the visionary Father Gregory Boyle has a budget of \$9 million, largely from private

sources. But the City's program gives a new legitimacy to gang intervention and promises expanded funding in the future.

Mayor Villaraigosa insisted that the new gangs initiative be headquartered in his office, stirring an initial friction with members of the council like Tony Cardenas, an ardent sponsor of the proposal who wanted greater council oversight. The mayor's proposal was criticized as too little by civil rights attorney Connie Rice, whose city-sponsored study of gangs resulted in a long-term recommendation of one billion dollars. The Mayor also ruffled some advocates by terminating a popular inner city program known as Bridges, faulting it for lack of tangible results. A new gang "czar" was appointed, Rev. Jeff Carr, a longtime Los Angeles advocate and former director of the Sojourners organization in Washington, DC. Carr, a gregarious white man in a sea of color, is said to be a tough administrator and bureaucratic infighter. Since his appointment, Carr has traveled from neighborhood to neighborhood, listening and gradually earning respect from the bottom up.

The LAPD remains a problem. Despite nearly a decade under a federal court order, last year the department's Metro Unit rampaged through a peaceful immigrant rights rally at MacArthur Park, inflicting beatings on scores of media representatives, who had never seen such levels of misconduct. Citizen complaints about the police rose to 6,400 last year while the department upheld only 4 percent of those filed by the public. Andre Birotte Jr., inspector general for the police commission, told me last year that LAPD officers were still "out of control" in one inner city precinct, driven in part by a numbers-of-arrests measure of performance. The department still harbors a traditional militaristic culture suspicious of civilians, especially ex-gang members. The city attorney has imposed strict injunctions on fifty separate street gangs, prohibiting associations even among family members, or being caught with a spray paint can. Violations of the injunctions can lead to deportation for those with illegal status--and has. Chief William Bratton is known to complain privately about "thug-huggers"--anyone sympathetic to the gang peace process.

Yet there have been significant changes in recent years too, both in the department and Bratton himself. To remove the stain of the federal consent decree and, more important, to prevent explosive public clashes with skeptical community leaders, Bratton has tried to work as closely as possible with African-American leaders, including ministers and especially attorney Rice, whose career includes many lawsuits against the LAPD. Now, however, Rice is funded by the city and, at Bratton's request, leads an exhaustive review of the late-1990s Rampart scandal. She also has accompanied the FBI on gang investigations to El Salvador, and jokes publicly about whether she has gone "over to the dark side."

Rice's theory that police reform can only come from within, by engaging with the police themselves, is yet to be proven. But it is a position that was embodied in the past two years by Bo Taylor, with some risk to his reputation. Collaborating with the LAPD in any way is an extraordinarily sensitive role to play, since a "snitch" is considered the lowest of life forms on the street. Any suspicion of sharing rumors, names or intelligence with law enforcement would destroy the credibility of any advocate, and perhaps lead to consequences far worse. The police themselves rely extensively on paid secret informants from the streets to the prisons, and would naturally be want to know information held in strictest confidence by a lawyer or a street worker. There is no official LAPD policy governing the relationship between the police and independent community organizations, so the process is informal and ad hoc.

Nevertheless, several LAPD commanders gradually were won over by Bo Taylor and his friends to acceptance of a role for the peacemakers. At the February 2007 Council hearing, longtime deputy chief Charlie Beck testified that "the new model is a big step. We will work together but separately. When done

effectively, it has a tremendous impact. We in LA have initiated the problem and we have to initiate the solution." Beck was referring to the recent ending of a cycle of nine murders in the housing projects after gang intervention workers brought an end to deadly rivalries the police could not begin to comprehend.

Until now, the political class has been paralyzed with fear of being tarred as "soft on gangs." Villaraigosa, whose own roots are in the East LA dropout culture, has tried to toughen his image by promising to hunt down "the top ten" shot-callers in the city, a typical public relations gesture for big-city politicians. But his new gangs initiative is the seed of an alternative model. The traditional LA hardline approach is becoming the grim American future. Without much public notice, America incarcerates nearly 25 percent of the world's inmates while having only 5 percent of the world's population. Since Los Angeles is the epicenter of the globalization of gangs, an alternative might spark wide interest.

Villaraigosa and California will be pivotal. In November, state voters will decide on Proposition 6, a harsh measure authored by Mike Reynolds, who drafted the state's original "three strikes" initiative which mandates life terms for nonviolent felonies. Proposition 6, which expands the grounds for incarcerating juvenile offenders as adults and mandates life sentences for home robbery, will be a test of the changing public mood since the frenzied nineties.

On the same November date, Los Angeles voters will decide on an annual \$40 parcel tax to provide \$30 million annually for gang prevention and intervention programs. While public support is over 60 percent, the measure requires a two-thirds super-majority for approval.

Villaraigosa is considering a run for governor, which might pit him against Attorney General Jerry Brown, the former iconoclast now campaigning as a hardliner against gangs. Brown worked overtime to defeat a 2006 citizen's effort to modify the "three strikes" law by requiring that the third offense be a violent, not a nonviolent, one.

Whether he runs statewide or not, Villaraigosa will have to challenge the state to shift funding from incarceration to prevention and intervention. Governor Arnold Schwarzenegger, though a critic of the current crony contracting system, has been unable to face down the prison guard union that benefits from the ratio of inmates and has become a top contributor to political campaigns.

As chair of the national mayor's conference on urban poverty, Villaraigosa also can challenge the national priorities that have resulted in increased rates of poverty and inner city neglect during the past eight years.

Beyond a California role looms a presidential contest with huge potential for impacting the debate on crime, gangs and prevention. On the table is an innovative proposal for federal funding for community-based prevention and intervention programs, HR 3846, by Rep. Bobby Scott (D-VA), chair of the House subcommittee on crime, terrorism and homeland security. Scott, a strong believer in what he calls "evidence-based programs," has tired of the annual procession of politicians seeking to burnish their credentials with costly "touch on crime" amendments. Whether crime goes up or down, he says, members keep proposing more punishment regardless of results or costs. Scott's is the first measure in years that exclusively funds prevention and intervention, authorizing \$2.9 billion annually. The funds would be channeled through representative state and local councils under performance-based guidelines.

Scott's nemesis is Senator Dianne Feinstein who, with Representative Adam Schiff, has a bill perpetuating a vast expansion of the punitive approach, while including only modest funding for prevention and intervention. The Feinstein-Schiff bill will include more life-without-parole sentences for

teenagers, leading Human Rights Watch to complain that "the United States is the world's worst human rights violator in terms of sentencing youthful offenders to life without parole.... In contrast, there is not a single youth service the sentence of life without parole anywhere else in the rest of the world."

Like many, Villaraigosa prefers the content of the Scott bill but will swallow the harsh provisions of the Feinstein-Schiff bill if LA receives its share of funds. Scott remains adamantly against Feinstein-Schiff, with the permission of Speaker Nancy Pelosi and the support of the Congressional Black Caucus. Scott argues that reckless spending on punishment has failed, and devours state and local budgets for alternatives.

The fate of these bills may rest on the presidential outcome this November, where a vote for McCain-Palin will be a boost for Feinstein-Schiff.

So far the presidential campaign is oddly devoid of the usual rants about gangs and violence, which may be another sign that the fever of recent decades is ebbing at last. With 2.3 million behind bars in America, as against second-place China's 1.6 million, the incarceration race may be exhausted.

Or the latest chapter of Willie Horton is about to begin. The producer of the 1988 Willie Horton ad, Floyd Brown, is raising funds for television ads attacking Barack Obama as another Michael Dukakis. Obama's alleged offenses include voting against an Illinois bill extending the death penalty to murders where "gang-related," and crafting state legislation to mandate that police interrogations and confessions be taped. If elected President, Obama's instincts might be divided between sympathy for the Scott approach and a centrist deference towards Feinstein. But he would be very open to the arguments, Scott says. That's why Floyd Brown already is circulating an Internet spot attacking Obama, asking "Can a man so weak in the war on gangs be trusted in the war on terror?"

It's predictable that the missing issues of gangs, poverty, dropouts, the inner city and policing will return to the center of the presidential debate, with huge implications for the outcome. America will either continue imprisoning the largest number of young people in the world, bankrupting its domestic budget and vainly trying to arrest its way out of a quagmire, or begin seriously searching for more Bo Taylors to help.

About Tom Hayden

Tom Hayden is the author of *The Other Side* (1966, with Staughton Lynd), *The Love of Possession Is a Disease With Them* (1972), *Ending the War in Iraq* (2007) and *Writings for a Democratic Society: The Tom Hayden Reader* (2008).

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Cutting the Prison Rate Safely

By John Vratil and John Whitmire
Thursday, March 20, 2008; A15

The news that more than 1 in 100 adults in our country are behind bars shocked many Americans, but it shouldn't have come as a surprise.

The U.S. incarceration rate has been marching toward this milestone for three decades, a result of policy choices that put more offenders in prison and keep them there longer. Harsher sentencing laws, more restrictive parole policies and the practice of locking up people who have violated the rules of their probation or parole have been driving up the inmate population since the early 1980s.

What is remarkable, and has been highlighted alongside the incarceration figures in a recent report from the Pew Center on the States, is that our states, Kansas and Texas, and others are finding effective ways to fight crime and punish criminals without breaking the bank on prisons.

Locking up 2.3 million people has undoubtedly helped reduce the nation's crime rate. And we certainly believe that violent and chronic criminals deserve a good, long term behind bars.

Yet high numbers of nonviolent, lower-risk criminals have been swept up in the prison boom. Getting tough on them has gotten tough on taxpayers, without an adequate public safety benefit. A prison cell costs about \$65,000 to build and \$24,000 a year to operate. States spend nearly \$50 billion a year on corrections, more than four times the amount from 20 years ago, and they are projected to spend an additional \$25 billion over the next five years to accommodate more inmates.

For this much money the public expects lower recidivism rates and safer communities. Yet crime rates are still too high. Recidivism rates are still too high. And corrections spending is crowding out dollars for other pressing priorities such as health care and education.

Like many of our performance-minded colleagues across the country, we have wondered whether we are getting our money's worth out of prisons. For violent offenders and sex offenders, the answer is yes. For many nonviolent offenders and probation violators, the answer is no. We've got to find a better way.

Many states are doing just that. In law-and-order Texas, we expanded a network of residential treatment centers for low-risk, substance-abusing offenders in prison and under community supervision, as well as intermediate-sanction facilities for probation and parole violators. Texas might avoid increased incarceration costs for the next five years, saving taxpayers millions of dollars, according to the latest projections.

After Kansas found that nearly two-thirds of its prison admissions were probation and parole violators, the legislature set up an incentive program for community corrections programs.

Counties that cut their revocation rates by 20 percent will get a share of new state funding -- money made available because of averted prison construction -- to help them hold violators accountable without using up prison cells.

Other states are taking similar steps. We aren't going soft on crime; we're getting smart on crime.

Our country has a million more prison beds today than it did just 20 years ago, yet the average time served behind bars has increased by only six months, to about three years. Holding inmates an extra six months costs a bundle, but greater reductions in recidivism may be achieved by the alternative treatment and sanctioning programs that have begun to be funded.

For the same price, we can put four offenders through a drug court or reentry program and actually alter the course of their criminal careers. Research has shown that by using new technologies and treatment strategies, community corrections programs can cut rates of repeat offenses by 25 percent. Rather than claiming new victims, these offenders have a decent shot at rejoining society, paying taxes and supporting their children.

Public safety spending, like other areas of government responsibility, is not exempt from the test of cost-benefit analysis. Taxpayers want the job done as effectively as possible. It's up to us as policymakers to consider all of the options and create an array of punishments and programs that deliver the biggest public safety bang for the buck.

John Vratil, a Republican from Kansas, is vice president of the state Senate and chairs its Judiciary Committee. John Whitmire, a Democrat from Texas, is the senior member of the state Senate and chairs its Criminal Justice Committee.

March 10, 2008**EDITORIAL**

Prison Nation

After three decades of explosive growth, the nation's prison population has reached some grim milestones: More than 1 in 100 American adults are behind bars. One in nine black men, ages 20 to 34, are serving time, as are 1 in 36 adult Hispanic men.

Nationwide, the prison population hovers at almost 1.6 million, which surpasses all other countries for which there are reliable figures. The 50 states last year spent about \$44 billion in tax dollars on corrections, up from nearly \$11 billion in 1987. Vermont, Connecticut, Delaware, Michigan and Oregon devote as much money or more to corrections as they do to higher education.

These statistics, contained in a new report from the Pew Center on the States, point to a terrible waste of money and lives. They underscore the urgent challenge facing the federal government and cash-strapped states to reduce their overreliance on incarceration without sacrificing public safety. The key, as some states are learning, is getting smarter about distinguishing between violent criminals and dangerous repeat offenders, who need a prison cell, and low-risk offenders, who can be handled with effective community supervision, electronic monitoring and mandatory drug treatment programs, combined in some cases with shorter sentences.

Persuading public officials to adopt a more rational, cost-effective approach to prison policy is a daunting prospect, however, not least because building and running jailhouses has become a major industry.

Criminal behavior partly explains the size of the prison population, but incarceration rates have continued to rise while crime rates have fallen. Any effort to reduce the prison population must consider the blunderbuss impact of get-tough sentencing laws adopted across the United States beginning in the 1970's. Many Americans have come to believe, wrongly, that keeping an outsized chunk of the population locked up is essential for sustaining a historic crime drop since the 1990's.

In fact, the relationship between imprisonment and crime control is murky. Some portion of the decline is attributable to tough sentencing and release policies. But crime is also affected by things like economic trends and employment and drug-abuse rates. States that lagged behind the national average in rising incarceration rates during the 1990's actually experienced a steeper decline in crime rates than states above the national average, according to the Sentencing Project, a nonprofit group.

A rising number of states are broadening their criminal sanctions with new options for low-risk offenders that are a lot cheaper than incarceration but still protect the public and hold offenders accountable. In New York, the crime rate has continued to drop despite efforts to reduce the number of nonviolent drug offenders in prison.

The Pew report spotlights policy changes in Texas and Kansas that have started to reduce their outsized prison populations and address recidivism by investing in ways to improve the success rates for community supervision, expanding treatment and diversion programs, and increasing use of sanctions other than prison for minor parole and probation violations. Recently, the Supreme Court and the United States Sentencing Commission announced sensible changes in the application of harsh mandatory minimum drug sentences.

These are signs that the country may finally be waking up to the fiscal and moral costs of bulging prisons.

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Experts on youth violence: Intervene early or pay dearly later

- Story Highlights
- Many societal factors behind youth violence, experts say
- "We've learned a lot about what works," researcher says
- Fascination with Columbine duo not uncommon with spree killers
- Studies show intervention is less costly than dealing with inaction

By Ashley Broughton
CNN

(CNN) -- A college student embarks on a shooting spree, taking 32 lives. A teenager with an assault rifle opens fire on holiday shoppers in a department store in middle America. And, long before that, two youths turn the halls of their high school into a virtual abattoir, leaving some 13 dead before killing themselves.

Blame for the explosion of violence by teenagers and young adults in recent years has fallen on everything from the breakdown of families to video games, from lax security to violent music.

In reality, experts say, a variety of societal factors is behind youth violence. But, they maintain, it is not an unavoidable consequence of life in the 21st century: It can be reduced, if not prevented entirely, through programs aimed at increasing awareness and education, reducing the stigma sometimes associated with mental illness or depression, and providing youth with the skills and confidence needed to handle difficulties.

"We've learned a lot about what works," said Tom Simon, deputy associate director for science for the Centers for Disease Control's Division of Violence Prevention. "There's only so much we can do as a society to keep the places where we gather safe -- metal detectors, guards, cameras. The need, really, is to focus on primary prevention. We need to start early."

'At least I can be notorious'

Youth violence rocketed to the forefront of American consciousness in 1999, when Dylan Klebold and Eric Harris killed 12 of their fellow Columbine High School students and a teacher before turning their guns on themselves. The two live on in cyberspace, where they have gained a cultlike following among disgruntled youth -- and continue to inspire similar acts, experts say.

"A large number of people over the Internet ... idolize Klebold and Harris and consider them to be heroes," Montgomery County, Pennsylvania, District Attorney Bruce Castor said last month. Castor was speaking about a case in which a 14-year-old was arrested and accused of plotting to launch a Columbine-style attack at his former high school.

[See a timeline of notorious youth violence incidents »](#)

That youth, Dillon Cossey, had contact via computer with Finnish teenager Pekka-Eric Auvinen, who on November 7 killed eight people at his high school outside Helsinki before committing suicide.


The two discussed their admiration for Klebold and Harris, as well as their interest in violent role-playing computer games, Castor said.

Louis Schlesinger, a forensic psychologist and professor of psychology at New York's John Jay College of Criminal Justice, pointed out that President John F. Kennedy and the Rev. Martin Luther King Jr. were both on the cover of Newsweek magazine once.

"Klebold and Harris were on the cover of Newsweek twice," he said. "What does that tell you?"

Teenagers and young adults, he said, got the message loud and clear. A suicide note left by Robert Hawkins, the 19-year-old gunman behind Wednesday's shootings at an Omaha, Nebraska, department store, says that he had been "a piece of sh-- all his life and that now he'd be famous," according to the woman who found it.

"He's thinking, 'OK -- I'm a nobody, I'm treated like dirt, at least I can be notorious,'" said Ralph Larkin, a research associate and adjunct professor at John Jay College and the author of the book "Comprehending Columbine." "That's what he thought when he went into the mall."

Hawkins killed eight people before turning his rifle on himself.  [See profiles of the victims >](#)


Seung-Hui Cho, a Virginia Tech student who in April killed 32 students and faculty before shooting himself to death, was also fixated on Columbine, something noted in his middle and high school records.

Although there is an undeniable rise in youth violence in the past 30 years, Schlesinger points out that life in general is different than decades ago -- in schools and in families. For instance, there are more single-parent families, and in two-parent families, both parents are more likely to work outside the home. Those societal shifts have a ripple effect that may have unintended consequences, he said.

"It's in every area of society. It's so different."

In many cases, rampage shooters -- like Klebold and Harris -- are seeking revenge "for usually a long history of victimization, public humiliation, being bullied," Larkin said.

Or they may feel repeatedly rejected. According to Debora Maruca-Kovac, who let Hawkins live with her after he experienced problems at home, the teen was "kind of like a pound puppy nobody wanted."

He recently had broken up with his girlfriend, she said, and lost his job the day of the mall shootings. He previously had withdrawn from school, and was turned down when he attempted to join the Army.  [Watch how killer exhibited signs of trouble >](#)

Hundreds of thousands of youth have similar experiences yet do not become violent, Schlesinger notes.

And "the majority of people with mental illness are not violent," said Terry Cline, an administrator with the federal Substance Abuse and Mental Health Services Administration (SAMHSA). "The majority of violence we see in our country is committed by people who are not mentally ill. There are millions of people in our country who are living successfully with mental illness."

However, in nearly every case of rampage shootings by youths, a clear pattern emerges -- after it's too late.

Warning signs of emotional disturbance are usually there, Cline said. But those who see it -- typically a youth's friends or fellow students -- are "not quite sure what to do with that."

In addition, he said, the stigma still attached to mental disturbances prevents people from asking for help or talking to someone about it.

"We want to make certain that people have a better understanding of those early warning signs and know what to look for," Cline said.

Critical support

There are ways, both in and out of the classroom, to ensure that children don't grow into troubled, violent youths, experts maintain. And research has proved their effectiveness.

"There really is the potential if you start early and work with these kids," Simon said. "There really is promise for primary prevention."

Larkin advocates the need for a "peace education program" built into school curriculums that focuses on non-violent conflict resolution as well as issues such as bullying. "We have to build much stronger support networks for kids," he said.

Students who participate in such a universal school program -- aimed at impacting all the children in a school, not just those who are at risk for future violence -- have shown a 15 percent relative reduction in violent behavior, Simon said.

SAMHSA has launched a program called "What a Difference A Friend Makes," Cline said. It is aimed at educating young people on the signs of mental illness and emotional disturbance and encouraging them to provide support to friends who may be experiencing difficulty, rather than becoming awkward and uncomfortable and turning away.

"Their support may be critical to that person's recovery," he said.

The program, which targets 18- to 24-year-olds, involves public service announcements and other ads. In addition, information packets have been distributed to college students nationwide. SAMHSA is retooling it to target ethnic and racial minorities and will relaunch it in the near future, Cline said.

Focusing on the age group is important, he said. Half of all lifetime cases of mental illness are diagnosed by age 14, and three-quarters by the age of 24.

After-school programs can provide a youth with the opportunity to learn new skills and build a positive relationship with at least one adult, and mentoring programs can provide teens with a "supportive, nonjudgmental role model," according to the National Youth Violence Prevention Center, an organization that evolved from the White House-established Council on Youth Violence, the CDC and other agencies following the Columbine shootings.

A program called therapeutic foster care places troubled youths with a pattern of delinquent behavior into specially trained foster families for several months, Simon said. They are provided with a structured environment, where positive social behavior is rewarded and negative behavior is punished. Research has shown a 70 percent reduction in violent crime among youths participating in the program, he said.

Such programs, he acknowledged, are expensive to implement, which may be an obstacle.

Cline said SAMHSA attempts to maximize scarce funding by focusing on being proactive, rather than reactive.

"The key with the funding is that we be as strategic as possible," he said. "That's why we're focusing upstream with those issues. It's not targeting individuals who are already in the throes of mental illness.

"We are really emphasizing more of a public health approach. There are things we can do to decrease risk factors and increase resiliency ... so (youth are) less likely to have negative outcomes."

"Funding is always a problem," Simon said. But in the case of the therapeutic foster care program, for instance, a cost analysis has shown that for every dollar spent, \$14 is saved that would be spent in the justice system -- meaning that making prevention a priority will pay off in the future.

"It really comes down to our willingness to go long-term," he said.

CNN's Joe Sterling and Tricia Escobedo contributed to this report.

Find this article at:

<http://www.cnn.com/2007/US/12/07/youth.violence/index.html>

Check the box to include the list of links referenced in the article.

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The Roanoke Times

[Roanoke.com](http://www.roanoke.com)

Wednesday, November 28, 2007

Editorial: Prevent, or build

Rep. Bobby Scott's Youth PROMISE Act has been tagged as an anti-gang bill, but its impact could be far greater than keeping kids out of gangs.

America can continue to build more prisons for people who are drawn to a life of crime at a young age and persist into adulthood -- what the Children's Defense Fund calls the cradle-to-prison pipeline.

Or we can build at the front end -- not prisons, but strategies that target young people who are at risk of being sucked into gangs, drugs and ultimately a lifetime in and out of the criminal justice system.

U.S. Rep. Bobby Scott, D-Va., proposes to steer the crime-fighting policy agenda away from tough crackdown measures and toward comprehensive preventive measures through his Youth PROMISE Act.

His bill, H.R. 3846, aims to reduce juvenile delinquency and criminal street gang activity through prevention and early intervention.

Scott's bill deserves support. His approach shifts the focus from get-tougher-on-crime policy to bottom-up strategies that attack the root causes of criminal behavior.

His approach is not novel. It draws from "evidence- and research-based strategies to reduce gang violence and youth crime," Scott says.

Many of those strategies have been tested at state and local levels. Virginia, for instance, has had school gang-prevention programs and regional gang task forces in place for several years.

What's novel about Scott's proposal is the strategies' application at the federal level.

That has critics howling the bill would turn state crimes into federal offenses. That solves nothing, they argue, but merely federalizes criminal activity that should be categorized as ordinary street crime.

The argument discounts the bill's sensible premise: Attack criminal proclivities by eliminating factors that pull young people into crime in the first place.

Under the Youth PROMISE (an acronym for Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education) Act, communities with the greatest youth gang and criminal activity would form a local PROMISE coordinating council.

Each council -- with members including representatives from law enforcement, schools, social services groups, court services, health providers and the faith community -- would develop a plan to implement prevention and intervention strategies that target at-risk youth.

There is a price tag; the bill would provide resources to these communities.

But prisons -- building them and housing criminals in them -- carry a price tag, too.

The state House Appropriations Committee was told two weeks ago that Virginia could be forced to build one prison a year to keep up with its growing prison population.

Building prisons to hold a flood of inmates is a back-end approach. Redirecting the human pipeline is a much more effective one.

THE ROANOKE TIMES
roanoke.com

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Gangbuster

Preventing gang membership beats building jails

November 27, 2007

The nation's quest to get a handle on gangs is going down two divergent paths. One involves expanding the traditional law-and-order, zero-tolerance, slap-'em-in-jail approach that's at the heart of a congressional bill introduced by California Sen. Dianne Feinstein. The other, a community-wide approach that concentrates on prevention and early intervention, is being pushed by Rep. Bobby Scott. The Newport News congressman offers an alternative to Feinstein's bill, his called the Youth PROMISE Act, a short version of a long official name of Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education Act.

The two approaches don't have to be mutually exclusive. Scott's PROMISE, calling for a collaborative effort between law enforcement, mental health providers and community organizations, would serve as an adjunct to existing law enforcement measures targeting gangs. The bill aims to reduce the social and financial costs of putting young people in jail. It would separate the wheat from the chaff by focusing not on the small number of hard-core gang members, but on the large number of gang members who are on the fringes, and provide support for positive alternatives to gang membership.

In taking a more comprehensive tack, Scott's bill offers a more effective strategy for achieving results. It distinguishes between the criminal and the needy, and it attempts to divert troubled youth from criminal activity. This approach supplements law enforcement by involving a wide community — educators, youth specialists, community organizations, families, employers and faith-based organizations — in steering would-be thugs in more constructive directions.

That's an expensive proposition, and even granting that prevention makes far better economic sense than dealing with the consequences of increased crime, expensive propositions require rigorous accountability. As proposed by Scott, PROMISE's price tag would be \$2.9 billion annually for the localities most beset by gang activity and for a new, nationwide database of proven strategies.

With that kind of money involved — as much as \$10 million to any one community — scrupulous programs to impose accountability and measure success will be essential. Such a hefty upfront investment in prevention demands close scrutiny of where the money goes and the results it brings.

Scott's bill has the endorsement of the National Juvenile Justice & Delinquency Prevention

Coalition, a group of 80 national youth advocacy groups. It's consistent with the recommendation coming out of this summer's report of the Justice Policy Institute, urging support for anti-gang programs operated by health and human services agencies. New York City's success in emphasizing job training, mentoring and recreational programs as a way to beat gangs offers a model of prevention and intervention.

Scott's Youth PROMISE Act takes an optimistic view of the prospects for reducing youth involvement in gangs. Though stringent law enforcement must remain a priority in tackling hard-core gang activity, his bill offers a way out for troubled youth through ratcheted-up community support. It's a better idea — and cheaper — than just accepting more crime and paying to build and operate more jails.

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The Gang Bill

Congress has fast-tracked some tricky legislation. Now comes the tough part: pegging discrimination.

Tuesday, November 20, 2007

By Brian Gilmore

At a sparsely attended Congressional briefing on Capitol Hill recently, Wayne McKenzie, a former prosecutor, and now Director of the Vera Institute's Prosecution and Racial Justice Program, spelled out an initiative that was almost unheard of just a few years ago. The Prosecution and Racial Justice Program is, for lack of a better description, a new direction at the intersection of criminal justice and race. It helps prosecutors collect data on race and crime within their own offices in the hope that it will stop the discriminatory racial patterns so pervasive these days.

The Vera Institute, a 40-year-old organization that seeks solutions to problems with the criminal justice system, says the initiative "seeks to offer...prosecutors a mechanism for being proactive by monitoring the exercise of discretion" with their offices. In addition, McKenzie's bold effort of technical management, it is hoped, will promote "fairness" and enhance "consistency" while guarding against "biased decision making" in the criminal justice system. In other words, if there is racism in the criminal justice system, McKenzie's program will try to help prosecutors, through technical support and information gathering, identify the problem with hard data.

The program is especially welcome now as the Democratic controlled Congress fast tracks a crime bill called "The Gang Prevention, Intervention, and Suppression Act." The bill, already approved by unanimous consent by the Democratic controlled Senate, is just the kind of potential law that could promote what has been described in McKenzie's briefing as "mistrust" between prosecutors and Black communities across the nation as they play God with the lives of so many people of color.

"The Gang Prevention, Intervention and Suppression Act," as the title suggests, aggressively targets gangs, gang activity and crime, but in the process, targets juveniles of color, mainly African-Americans and Latinos. It is simple criminal justice work: many gang associated crimes will be federal crimes now so federal prosecutors with the full weight of Uncle Sam's deep pockets, can start filling up adult federal prisons with African-American and Latino youth, who comprise a large number of gang members. It is the same formula that has been incredibly successful in filling up state and federal prisons during the failed War on Drugs.

The bill re-defines gangs broadly and vaguely and also makes the penalties for gang crimes and gang activity more severe than they are now. This includes life sentences in prison without parole for some crimes.

Of course, many states already have laws to deal with gang activity, but it is nearing election time, and the Democrats in Congress, who were too cowardly to stop the war in Iraq, and cannot deliver health care for some children living on the edge, have to deliver something to the people. This year's political sacrifice: thousands of African-American and Latino youth in prison if the

bill passes.

For the record, it is mostly those “Blue-Dog Democrats” who want to stick it to the country’s youth under the guise of solving the country’s gang problems, but the opposition so far has been shallow from anyone up there. Everyone on Capitol Hill, as an election approaches, loves a hard nosed crime bill. Congressman Adam Schiff, Democrat, California, pushed this one upon us.

“[F]or those who do engage in gang violence,” Congressman Schiff, Democrat, mused when he introduced it, “the bill will give law enforcement an enhanced ability to crack down on gang offenders and increase penalties for those gang members who terrorize our communities.”

Schiff, a well known Blue Dog, also boasted of the bill’s prevention funding in his press release although anyone reading the bill can see quickly: this is really about locking up as many people as possible for long sentences and even life without parole if necessary.

The U.S. Sentencing Commission knows the deal. It reported recently that 75 percent of those incarcerated because of the enactment of the bill into law will be African-American or Latino. This is consistent with most of the available statistics on this issue.

Note, of the more than 2200 individuals in the world sentenced to life in prison without parole as a juvenile, all but 12 of these individuals are in U.S. prisons. No other country in the world thinks this is credible criminal justice policy.

A lot of political heavyweights are against this bill and it is easy.

The American Civil Liberties Union called it “disastrous” for minority youth. The National Juvenile Justice and Delinquency Coalition, an association of 80 national groups advocating for children, said the bill is “fundamentally flawed with its misguided emphasis on punishment and incarceration over prevention and early intervention.” Even the right wing Heritage Foundation hates it. They describe it as “overbroad” and add that it “disregards the constitutional framework underlying America’s state and federal criminal justice systems.”

The best argument for opposing this bill, however, is contained in a competing bill – “The Youth Promise Act” introduced by Congressman Bobby Scott of Virginia.

Rep. Scott is not interested in locking up more and more people only to see them released, without skills, direction, or hope, and watch them get arrested over and over for the rest of their lives. He wants to get at the root causes: poverty, alienation, lack of jobs, training, or direction.

“‘The Youth Promise Act’ will provide resources to communities to engage in comprehensive prevention and intervention strategies to decrease juvenile delinquency and criminal street gangs,” wrote Rep. Scott when the bill was introduced on October 17, 2007. It is a much different approach as it provides significant funding for prevention programs rather than incarceration efforts.

The act, Scott adds “implements the recommendations of researchers, practitioners, analysts,

and law enforcement officials from across the political spectrum...to reduce gang violence and youth crime.”

These findings have been well known for years. Throw young people in adult prisons and you are harvesting career criminals who you will have to incarcerate for decades. Throw them a lifeline and they might just climb out of hell.

Brian Gilmore is an attorney and a writer based in Washington, D.C.

Congress must target roots of gangs

Pasadena-Star News

Article Launched: 11/15/2007 06:27:26 PM PST

CONGRESS is yet again trying to show the country that it is tough on crime.

"The Gang Prevention, Intervention, and Suppression Act," a bill being fast tracked by the House (the Senate passed the bill by unanimous consent), is the latest offering. Unfortunately, the bill is full of problems.

The bill has a vague definition of what it means to be in a gang, stating that such an association can be "formal" or "informal." This new definition, deliberately overbroad, will label more young people as gang members and subject them to the provisions of the law even if their associations with each other are meaningless or benign.

The bill federalizes numerous state crimes as federal crimes to give prosecutors the power to go after alleged gang members. But individual states are already tackling such crimes.

The bill targets minorities. One section in particular, called "Illegal Aliens," will result in more arrests of Latinos by design. The U.S. Sentencing Commission estimates that of those arrested under this proposed bill, 75 percent will be black or Latino, even though there is significant gang membership among young whites, too.

And the bill's overall approach makes little sense. Gangs are not driving the crime problem in America. The Justice Policy Institute reported in July that "gang members play a relatively small role in the national crime problem." The institute's report shows that the incarceration and suppression approach that this bill endorses is a failure.

A number of groups working on issues surrounding the bill have come out against it. The American Civil Liberties Union calls the potential law "disastrous for minority youth and African-American youth."

The National Juvenile Justice and Delinquency Prevention Coalition, an association of 80 national groups advocating for children, says the bill is "fundamentally flawed with its misguided emphasis on punishment and incarceration over prevention and early intervention." The organization adds that the bill will lead to "an increase in the already troubling racial and ethnic disparity in the juvenile and criminal justice systems."

One member of Congress is offering a substitute.

Rep. Bobby Scott, D-Va., has introduced his own piece of legislation, "The Youth Promise Act," to address the problem of gangs in a real way. If Scott has his way, significant funds will be devoted to "mentoring, mental health counseling, Boys & Girls Clubs, after-school programs, summer jobs, college scholarships and early childhood education," he says.

This more comprehensive approach, offered by Scott, addresses the root causes of why our young people join gangs: poverty, poor education, alienation, lack of opportunity, lack of training programs and poor community support. These are many of the social issues that our elected officials rarely ever get tough on.

We need a more enlightened attitude toward solving our gang problem.

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Brian Gilmore is a poet and lawyer in Takoma Park, Md. He wrote this for Progressive Media Project, a source of liberal commentary on domestic and international issues. It is affiliated with The Progressive magazine.

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Rep. Scott's blueprint can save young people

The Virginian-Pilot

© October 30, 2007

Last updated: 5:34 PM

SEN. DIANNE FEINSTEIN chose to promote her anti-gang bill earlier this month by visiting a youth community center, not a prison. So it's too bad her plan would invest most of its money into putting kids behind bars rather than helping them improve their grades or find jobs.

The California Democrat should consider throwing her support behind a competing measure authored by Rep. Bobby Scott.

The congressman from Virginia's 3rd District has introduced legislation that would commit \$2.6 billion in an array of gang-prevention programs, including mentoring, mental health counseling, Boys & Girls Clubs, after-school programs, summer jobs, college scholarships and early childhood education.

The Youth PROMISE Act would help communities with high murder and school dropout rates develop plans for reducing gang activity, set up the programs and track data to determine whether they are succeeding. The effort would be overseen by local councils composed of police officers, court officials, educators, church leaders and social service workers.

Scott wants Congress to rethink its historic emphasis on tougher enforcement measures against gangs, a philosophy that has put more teenagers in adult prisons and left them there to serve longer and longer sentences.

On the streets, though, enforcement-heavy programs have failed to get a firm handle on gang violence. Los Angeles, which spends two-thirds of its anti-gang resources on surveillance and incarceration, has six times as many gangs now as it did in the 1980s. In contrast, New York City and Boston have kept their gang-related crime down by pairing police efforts with early intervention for troubled youngsters.

But Congress continues to throw money at failing programs and starve those that are making progress.

The U.S. Senate unanimously approved the brass-knuckled Feinstein bill with little discussion. It would institute sentences of life without parole for juveniles and would federalize an assortment of street crimes associated with gangs by declaring them a threat to interstate commerce, an argument that has the bespectacled conservatives at the Heritage Foundation rolling their eyes and muttering constitutional epithets.

Fortunately, Scott has helped to stir up a healthy debate in the House of Representatives about the need for a new approach to gangs.

Getting kids out of gangs is a worthy goal, he says, but what then? If they all end up in prison cells or milling around on street corners, any reduction in crime will be short-lived.

"Success in fighting gangs can only happen if young people are given more positive alternatives," Scott said last week.

He's under pressure to compromise, melding enforcement and prevention into a single measure. But Scott is resistant because he's seen the "balanced approach" before. When budgets get tight, the prevention programs are the first to be sliced off and discarded.

Scott has been a passionate but thoughtful voice for juvenile justice reform for years. It's time his colleagues pay attention.

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Think prevention first

Baltimore Sun Editorial
October 15, 2007

The proliferation of gangs in American cities has led to calls for new federal laws and tougher penalties to stem gang violence. Locking up more gang members may deplete their ranks, but only until the next teenager becomes the newest recruit. It's the wrong approach to the real solution, which is keeping youngsters from joining a gang in the first place.

We question the need for new laws because there are few crimes unique to gangs. Their members - no matter their colors - murder, steal, sell drugs, extort money, beat up rivals and intimidate witnesses. Prosecutors in Maryland and elsewhere have successfully used federal laws to convict and imprison notorious gang members, but what's lacking is a sustained public effort to protect kids from the lure of gangs.

Federal legislation pending in Congress would commit \$1.1 billion for law enforcement and prevention efforts to attack gang problems that are consuming manpower and money in cities as diverse as Baltimore and Boise. The Senate bill, sponsored by Dianne Feinstein of California, would criminalize gang activity that is already a crime and outlaw recruitment for the purposes of committing a crime for the gang.

While the Feinstein bill provides \$447 million for prevention, its thrust is enforcement. But keeping kids out of gangs in the first place would save millions of dollars now spent to arrest, convict and imprison them as lawbreakers.

Experts say that kids who join gangs are looking for the family support or stable home they lack. What's needed are comprehensive programs in and out of school that nurture kinship and camaraderie among youths and, more obviously, stronger families. Baltimore, like other cities, must rely on a patchwork of programs to serve kids at risk for gang membership. The Feinstein bill would increase funding for prevention programs, but the effort should be robust enough to underwrite an extensive campaign to counter gang life.

The legislation rightly recognizes the increasing problem of witness intimidation and dedicates \$270 million to combat it. Rep. Elijah E. Cummings of Maryland has been a forceful advocate for this aid because of Baltimore's experience with witnesses who have been victimized.

When House members take up the Feinstein bill and other anti-gang measures, they should remember that tougher enforcement alone leads to only one place - prison.

July 19, 2007

EDITORIAL

The New York Times

The Wrong Approach to Gangs

No city has failed to control its street gangs more spectacularly than Los Angeles. The region has six times as many gangs and double the number of gang members as a quarter-century ago, even after spending countless billions on the problem. But unless Congress changes course quickly, the policies that seem to have made the gang problem worse in Los Angeles could become enshrined as national doctrine in a so-called gang control bill making its way through both the House and Senate.

This issue is underscored in a study released this week by the Justice Policy Institute in Washington. It shows that police dragnets that criminalize whole communities and land large numbers of nonviolent children in jail don't reduce gang involvement or gang violence. Law enforcement tools need to be used in a targeted way — and directed at the 10 percent or so of gang members who commit violent crimes. The main emphasis needs to be on proven prevention programs that change children's behavior by getting them involved in community and school-based programs that essentially keep them out of gangs.

Prevention programs have worked extraordinarily well in New York, where street gangs ceased to be a big problem decades ago. But these prevention programs are difficult to sell in Congress, where lawmakers like to show the folks back home how tough they are on crime, even if it means embracing failed policies. By some analyses, the gang control bill circulating in Congress commits nearly 70 percent of the government's resources to policing and only about a third to prevention.

Proponents of the bill are assuring the rest of us that the statute will be modified to provide more money in support of research-based prevention

programs and less for the failed policies of the past. But this bill is shaping up to be a disaster — a policy that would do little about the gang problem where it in fact exists, while filling the jails to bursting with children who would have left the gangs on their own in a year or two. Once jailed, these children will inevitably become hardened criminals and spend the rest of their lives in and out of prison.

Federal Gang Bills

Evaluating the Gang Abatement Act and the Youth PROMISE Act

Dr. Barry Krisberg
The National Council on Crime and Delinquency
December 3, 2008

Where's the Fire?

Violent & Property Crimes

1973-Present:

30-year low

Bureau of Justice Statistics

Violent & Property Crimes

1997-2006:

down 23%

FBI, Crime in the U.S.

**Violent crime decreasing in
90% of cities**

University of Chicago

Definitions

Current Law

Gang:

An ongoing group, club, organization, or association of 5+ ...

...That has the **purpose** of committing criminal offenses

...Whose members have engaged in **continuing** offenses for the past **5 years**

Gang Crimes:

1. Drug felony
2. Violent felony

Proposed Law

(Gang Abatement Act)

Gang:

Requires at least **3 crimes** to be committed collectively

Gang members:

Requires each member to have committed 1+ **gang crime**

Gang Crimes:

1. Violent crime
2. Obstruction of justice
3. Illegal possession of firearms
4. Harboring illegal aliens
5. Aggravated sexual abuse

Suppression vs. Prevention

Suppression tactics...

...have been widely used without any promising results

...are aimed at **removing** gang members from communities, not **reducing** their delinquent behavior

Gang Abatement Act

- Increased law enforcement
- Increased prosecution
- Increased sentence length (more LWOP)

Youth PROMISE Act

- Focus on prevention and intervention
- Use of evidence-based practices
- Community-based programs

Federal Government's Role

Gang Abatement Act

- Federalizes gang crimes
 - Complicates existing laws
 - Gangs not a federal issue
- Uses federal resources
 - Deploys federal agents to local communities
 - Increases powers of Attorney General

Youth PROMISE Act

- Calls on communities to address their gang problem
 - Local councils comprised of local law enforcement, health agencies, schools, courts, churches, and business members

Evidence-based Practices

- Few programs have been shown to be effective. Many programs have inconclusive effects or have not been studied rigorously. Some have been shown to increase criminal behavior
- “Evidence-based” interventions must show positive and significant results when evaluated under a research design that includes a control and comparison group

Gang Abatement Act

- Funded activities NOT required to be promising or evidence-based
- Does NOT require funded programs be rigorously evaluated

Youth PROMISE Act

- Local plans must be evaluated and include evidence-based and promising practices
- A research center will disseminate information on evidence-based and promising practices

Youth in the Justice System

- Large portion of gang members under 18 years of age
- Youth lack some capabilities relevant to establishing culpability
- Youth tend to “age out” of delinquent behavior; harsh sentences & gang label make successful re-entry difficult
- Youth transferred to adult criminal justice system more likely to be re-arrested for violent or other crime; increased vulnerability to physical/sexual assault and rehabilitation opportunities limited

Gang Abatement Act

- Severe penalties, including life without parole, for all age groups
- Study will not be completed until a year after provisions enacted

Youth PROMISE Act

- Plans must not increase # of youth in justice system
- Provides for training of prosecutors, judges, etc on needs of youth
- Supports youth-oriented policing

People of Color in the Justice System

People of color are:

- ...heavily overrepresented criminal and juvenile justice systems
- ...increasingly overrepresented as they move through the justice system
- ...overrepresented in law enforcement reports of gang membership

Gang Abatement Act

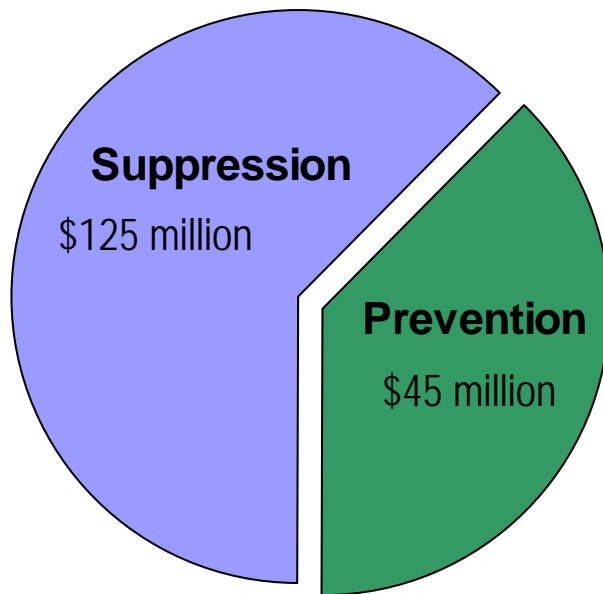
- No protections to minimize the racial and ethnic impact of proposed policies
- Vague gang definition could lead to youth of color being targeted

Youth PROMISE Act

- Addresses DMC by limiting reliance on incarceration and by limiting # of youth in system
- Plans must look at cultural and linguistic needs, include strategies to improve indigent defense delivery

Fiscal Analysis

Gang Abatement Act Proposed Annual Spending



Youth PROMISE Act

- Proposes \$10 billion over 2009-2013
- Investment in all youth
- Treatment/prevention yields over \$18.00 in return per dollar spent
- Prevention programs in Pennsylvania represent “a \$317 million” return to the state

Youth Violence Summit
Empowering Communities to Combat Gang Crime
The Youth PROMISE Act
Statement by Shay Bilchik, Director
Center for Juvenile Justice Reform
Georgetown University Public Policy Institute
December 3, 2008

Congressman Scott, thank you for the opportunity to participate in this Summit and share my thoughts about the most effective strategies to reduce juvenile crime and gang violence in this country. I bring to this Summit 16 years of experience as a local prosecutor, 7 years as the Administrator of the Federal Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice, and an equal amount of time as the President of the Child Welfare League of America.

In my current position at Georgetown University's Public Policy Institute I have brought the lessons learned from my past experience to a program designed to help public agency officials institute reforms in their state and local juvenile justice systems.

Those lessons can be succinctly stated: that it is never too early and almost never too late to intervene to prevent juvenile delinquency.

As a prosecutor in Miami, Florida, from 1977 until 1993 I worked in a jurisdiction that provided me the opportunity to both work on cases that involved allegations of child abuse and neglect and ones alleging juvenile delinquency. The records I reviewed in preparing for court revealed a pathway that many young people followed into juvenile crime and gang activity that often started with allegations of maltreatment, or status offenses such as truancy, ungovernability, and running away.

My experience as a practitioner in Miami was reflected in subsequent years through a growing body of research about the pathway that young people follow into crime; specifically the federally supported research on the Causes and Correlates of Delinquency conducted by David Huizinga, Rolf Loeber and Terry Thornberry.

This research informed practitioners and policy makers that prior to entering the juvenile justice system our young people put off warning signs, for an average period of time of seven years. Seven years of opportunities to address the young persons needs and prevent them from committing a crime.

Too often, however, we ignore these warning signs (truancy, running away, misbehavior in school, being the victim of child maltreatment...), and instead focus most of our efforts to addressing crime after it has occurred. As a former prosecutor I surely understand the need for this approach to public safety and attacking gang related crime, but it must be one used in balance with a strong effort inclusive of prevention programs.

This is what the Youth PROMISE Act provides: a balance to our crime fighting efforts; one that creates a more comprehensive and

coherent strategy to reducing juvenile crime; one that also achieves better outcomes for our young people.

It provides positive youth development opportunities, supports efforts to keep kids engaged in their schools, addresses family dysfunction, and provides services and treatment for our young people at the first signs of trouble. This is the remedy that we need and the one the Youth PROMISE Act helps to provide.

This is also what the research tells us is effective. When we talk about evidence based programs or practices, we are talking about efforts such as Functional Family Therapy, Multi Systemic Therapy, Mentoring Programs such as those sponsored by BBBS, and after school programs like those run by BGCA – the types of programs that the Youth PROMISE Act would support.

As a former prosecutor and a tax payer, I can tell you that for every dollar we put into law enforcement and juvenile correctional

programs, we should match it with two dollars supporting programs such the Nurse Family Partnership that not only prevents child abuse and neglect, but also reduces serious juvenile offending by 50%. We should also make equal matching investments in enhanced preschool programs that help our children succeed in school, stay connected to pro-social activities, and develop the life skills they need to grow into law abiding citizens within our communities.

It came as no surprise to me that David Olds, the researcher behind the Nurse Family Partnership program, also known as Nurse Home Visiting, was chosen as the recipient of the Stockholm Award this past year – the International Criminology Award, for his achievement in fighting crime. So my clarion call is for others to see the wisdom of these early investments and for them to then call for a more balanced approach to fighting crime and gang violence in this country; for others to share in the vision and wisdom that is contained in this legislation.

I will close with two quick observations. The wisdom of the approach taken by the Youth Promise Act mirrors the recent child welfare legislation passed by Congress and recently signed into law by the President. The law, the Fostering Connections to Success and Increasing Adoptions Act looks to prevention and working with children and families in the community, rather than institutional placements. So Congress has already seen the wisdom of “going upstream” in attacking these social issues. It needs to act in a similar vein in regard to the YPA.

And finally, none of this federal juvenile justice related legislation should be considered without also ensuring a strong federal leadership office within the DOJ. The OJJDP is due to be reauthorized this year and I hope that this reauthorization will be accomplished with the intent not just to reauthorize the Act, but to strengthen it and the Office that the juvenile justice field looks to for guidance.

The Youth PROMISE Act, in tandem with a reauthorized and reinvigorated JJDPa and Office of Juvenile Justice and Delinquency Prevention, will provide us with some very powerful tools to better serve our most challenged and challenging youth.

Thank you, Mr. Scott. I look forward to the opportunity to answer any questions and to working with you on these important matters.

**REDUCING VIOLENT CRIME & BUILDING TRUST:
THE WHITE PLAINS, NY EXPERIENCE**

December 3, 2008

**Frank G. Straub, Ph.D.
Commissioner
City of White Plains, NY
Department of Public Safety**

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Thank you, Congressman Scott for the leadership you have shown by introducing the Youth Promise Act and recognizing the need to direct resources to evidence-based prevention and intervention programs that have proven successful in reducing youth violence and delinquency. Also, thank you for the opportunity to discuss strategies, implemented in the City of White Plains that have significantly reduced youth violence and gang activity, improved communication between our young people and the police, and continue to build trust in our neighborhoods. The continued success of White Plains' initiatives demonstrates that a comprehensive and collaborative local plan, built on proven and tested practices can support young people and their families, assist incarcerated persons re-enter the community, and make our communities safer by reducing crime.

In 2006, a series of violent events - a gang-related fatal stabbing in March, a fatal shooting in May, two more youth-involved stabbings in September, as well as a "shoot out" in the

city's largest public housing complex demonstrated how quickly gang violence can erupt, and how quickly it can spin out of control.

These tragic incidents, like those taking place in cities across America, were driven by street disputes – wearing the wrong colors in a neighborhood, retaliation for a robbery, a fight over girls, stares, and an exchange of words between young people.

The police department responded with traditional strategies - increased patrols and enforcement in crime hot spots. We identified the individuals who were driving the violence, arrested them, and their associates. At the same time, our Community Policing Division conducted home visits to interrupt future violence.

While enforcement strategies may suppress crime in the short-run, they can create animosity, distrust, and a loss of police legitimacy over time if they are not focused on the persons driving the crime, and monitored closely to assess their community impact. To respond to youth violence and gang activity in White Plains we needed a multi-faceted approach that:

- Offered real alternatives to gang involvement,
- Provided services and support to at-risk youth and their families,
- Reduced domestic violence,
- Assisted persons released from the county jail re-enter the community,
- Ensured safety and stability in our neighborhoods.

We established a steering committee, co-chaired by the police department and the city's youth bureau to create, implement, and guide our initiatives. Steering committee members include representatives from the school district, housing authority, youth employment services, homeless services, child advocates, faith and community leaders, parents, and youth.

One of our first programs, the Youth-Police Initiative (YPI), developed in partnership with the North American Family Institute, brings young African-American men and women together with the police officers that patrol their neighborhoods. During structured presentations, group learning, and problem-solving

activities, the youth and the police officers discuss race, respect, gang involvement, youth-police relations, and share their life histories. Sometimes, the youth and police officers come to realize that they have had very similar life experiences. For example, one of our police officers, grew up in the Bronx, became a mother in her early teens and had numerous contacts with the police and the juvenile justice system. She became a NYFD emergency medical technician, a New York City police officer, transferred to White Plains, and is currently assigned to our Community Policing Division and works with at-risk youth.

Role-playing exercises provide an opportunity for the youth and police officers to see how easily street interactions can spin out of control and develop methods to de-escalate highly charged encounters. Team building exercises held outdoors, in the heart of our public housing complexes have generated significant interest, curiosity, and favorable responses from residents. For many, this may be the first time they have seen police officers positively

engaged with the young men and women who live in their neighborhoods.

During the final YPI event, a “celebration dinner,” the youth and police officers discuss their experiences as well as their plans to continue building relationships. At the first dinner, held in Fall 2006, about 50 people attended. In April 2008, over 200 parents, youth, community, religious, and political leaders attended the dinner demonstrating the growing success of the youth-police initiative.

There is no single response to youth violence and gang activity. Long term solutions require comprehensive responses that offer real alternatives to gang involvement, individualized case management, support, and services. The Youth Bureau’s Step Up program, based on the OJJDP - Comprehensive Gang Model Program, provides case management and wrap-around services to address the personal challenges faced by the young men and women in Step-Up such as truancy, poor school performance, unemployment, parenting, drug and alcohol dependency. The

participants, ages 14-21, come into Step-Up through police officer referrals, non-traditional outreach, and most recently, the young men and women in the program have recruited their friends.

The “success” of Step Up is evaluated from two perspectives: reductions in individual risk levels and reductions in the number of negative police contacts. Since late-2006, when Step-Up was initiated, individual risk levels had been reduced, in all categories, by the 12th month of participation, for each of the 95 young men and women in the program. Similarly, negative police contacts were also reduced during and after participation in Step-Up.

Recognizing that domestic violence destroys families, threatens child development, and can lead children and adolescents to engage in future violence, the police department committed to breaking the cycle of domestic violence. Investigators assigned to our community policing division respond to each and every domestic violence incident within 24-hours connecting victims to legal, counseling, and other services. Through a recent partnership with Westchester Jewish Community Services, children and

adolescent victims and/or witnesses to domestic violence receive immediate crisis and follow-up intervention services. Additionally, our school resource officers are notified of every domestic violence incident in which a school-aged youth was present to ensure follow-up by school social workers and counselors. As a result, aggravated domestic assaults have been reduced by 38% since 2004, and there has not been a homicide involving intimate partners since 2003.

The Police Department's prisoner re-entry program, the first in Westchester County, assists individuals leaving the county jail re-enter the community. Every month, a multi-disciplined team led by the police department, meets with inmates selected to participate in the initiative. Team members, representing social service, not-for-profit, religious and other organizations, discuss the resources they can provide to the inmates prior to, and upon their release from jail. The team conveys a unified message that the White Plains community is aware of the inmate's pending release,

will help them lead productive lives, however re-offending will not be tolerated.

Since we began the re-entry program in 2007, the re-entry team has met with 137 inmates in the County Jail. To date, 99 of the participants have successfully re-entered the community and have not been re-arrested for any offense since their release, a success rate of 72%.

The White Plains police department is committed to a policing paradigm that fights crime on all fronts. The police department uses data-driven strategies to target high-rate offenders, their illegal activities, and neighborhood hot spots. On the other front, the department has taken the lead in developing and implementing non-traditional programs to target the factors that drive youth violence and gang activity.

Since 2002, the police department has reduced serious crime by more than 40%, to the lowest level in 42 years, and there has not been a homicide in the city since May 2006. In 2008, serious

crime, specifically crimes committed against persons – homicide, rape, robbery, and aggravated assaults - has been reduced by 27%.

The White Plains police department did not let a series of violent incidents define the city or allow gang activity to take hold. The police department took the lead. We built, and have sustained, effective and dynamic partnerships that prevent, intervene and respond to youth violence and gang activity.

Congressman Scott's Youth Promise Act offers concrete alternatives to the failed policies and strategies that have led to the mass incarceration of our young men and women, created turmoil in our disadvantaged communities, and exacerbated police-community relations by emphasizing arrest and incarceration over community building and stability.

**STATEMENT BEFORE THE
“YOUTH VIOLENCE SUMMIT”
Empowering Communities to Combat Gang Crime:
The Youth PROMISE Act**

**December 3, 2008
Washington, D.C.**

Miriam Aroni Krinsky
Lecturer, UCLA School of Public Affairs
Former Assistant U.S. Attorney

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YOUTH VIOLENCE SUMMIT
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*“There can be no keener revelation of a society’s soul
than the way in which it treats its children.”
Nelson Mandela*

A. Introduction

Thank you for affording me the opportunity to add my voice to the chorus of esteemed experts and committed professionals addressing you today. As our nation’s new leaders prepare to assume office, we find ourselves at a turning point -- a historic moment in time when we have the opportunity to rethink past practices, devise new approaches, and chart a more positive path for the thousands of children and youth in our country who stand at a precipice. I commend you for convening today’s gathering and continuing to provide a platform for the needs and challenges facing the most vulnerable and at-risk members of our community.

It has been said that a society’s soul and morality is judged by how it treats its children. By that yardstick, we justifiably can question the integrity of our nation’s soul as we continue to allow millions of our children to live out a life marked by poverty, unaddressed physical and mental health struggles, homelessness and despair. Nearly half a million children are victims of abuse and neglect and part of our foster care system, and too many of our foster children plummet down a slippery slope into the juvenile and then adult justice systems. It is not a long fall before some of those youth end up as federal offenders, immersed in a system where mandated penalties provide little room for flexibility or consideration of the characteristics and needs of the individual.

It is my aim in these remarks to offer the perspectives of someone who has seen first hand two bookends of that far too common and disheartening path: the *ending* point for youth who “graduate” to the federal justice system and the *starting* point for the thousands of abused and neglected youth who “grow up” in foster care and too often face a childhood of upheaval, trauma, and instability.

As a federal prosecutor for 15 years, I handled and supervised criminal investigations and indictments both in Los Angeles and with an organized crime and drug enforcement task force in the mid-Atlantic region. During those years, I participated in the first prosecution in the Districts of Maryland and Virginia resulting from Los Angeles

street gang members' movement to the DC area to establish a new drug market in the wake of LAPD crackdowns. While with the Los Angeles U.S. Attorney's office, I prosecuted and supervised hundreds of criminal cases, many involving narcotics or firearms violations by suspected gang members.

Over the course of my decade and a half with the Department of Justice, I saw first hand the downstream byproduct of our failure to attend to the needs and concerns of youth at risk. I have seen countless federal offenders, many barely older than 18, with a past history of abuse and neglect that propelled them into unfortunate life circumstances and a craving for connection often fulfilled by gang affiliation. I have observed the frustration of judges and lawyers with harsh mandated federal penalties that allow little room for judgment, attention to the needs and past history of the individual, or simple humanity. I have seen the tremendous cost to society as thousands of young offenders every year are destined to an adult future behind bars in our federal institutions. And I have seen the tremendous and tragic loss of human potential as we essentially have given up on notions of rehabilitation, presuming that public safety is furthered solely by longer and harsher penalties.

I have also spent nearly 10 years as an advocate in the foster care system, an endeavor I pursued out of a desire to scroll back and find windows of opportunity that would enable me to positively impact children and youth when the first wake up call sounded. Over these years, I have seen too many opportunities missed as a system dealing with disjointed leadership, siloed funding, uncertain accountability, and inadequate resources fails to address the social, developmental and emotional needs of children in foster care.

With that backdrop in mind, my aim in the course of these remarks is to offer my perspectives on three topics that I believe may be useful to consider as this Summit and future legislative initiatives grapple with ways to combat youth and gang violence:

- Current conditions and challenges in our foster care system – the “feeder” for too many youth who cross into the justice system and become gang involved;
- Observations on the federal justice system and the particular challenges facing an urban community such as Los Angeles; and
- My own “modest proposals” and recommendations for how we turn the corner and chart a new path for our most vulnerable children and youth.

B. The Current State of Our Foster Care System

There are approximately 500,000 children in foster care nationally, almost double the number from the 1980s. Some children remain under child welfare jurisdiction for only a few months while their parents get their lives back on track; thousands of others, however, cannot safely be returned home and "grow up" in foster care. These are children we all, collectively, commit to "parent." Yet too often we struggle mightily to responsibly attend to their needs.

Life for too many youth in foster care is characterized by movement from placement to placement, disruption of schooling, and the severing of ties with all that is familiar to the child, often including siblings and extended family. Half of our youth in foster care do not receive appropriate mental health services, many lack timely and basic medical care, some suffer emotional or physical abuse at the very hands of the foster caregivers we entrust to keep them safe, and almost one third of children in foster care live below the poverty line. It is thus not surprising that foster youth find it difficult to keep up -- 75% of children in foster care are working below grade level in school, almost half do not complete high school, and as few as 15% attend college. Nor is it surprising that these troubled youth become troubled adults. Within the first couple of years after young people emancipate from foster care, commonly at the ill-prepared age of 18:

- 51% will be unemployed;
- 40% will be on public assistance;
- 25% become homeless and many more will return to the biological parent we sought to "protect" them from by keeping them in foster care; and
- one in five will be incarcerated.

With these facts and figures in mind, the imperative to improve policy and practice and responsibly "parent" the most vulnerable children in our community is clear. Yet too often policy making in this arena is scattered, responding to the crisis of the moment; practices and decision making are reactive, rather than strategic; public perceptions are driven by the negative shadow cast by tragedy and scandal driven media coverage; and the resolve to devote needed resources and attention to reform is anything but strong.

For many youth, foster care is the first step down the path to the justice system. Foster youth commonly lack a stable or positive adult role model, tend to feel socially isolated, and are deprived of the opportunity to participate in extracurricular activities that are a fundamental part of development. As a result, foster youth are at an elevated risk of gang involvement as they seek to fill their family void. And these youth quickly find themselves on the doorstep of the justice system.

Studies confirm that the risk of delinquent behavior is nearly 50% higher for victims of abuse and neglect. So-called “crossover” youth who move from the dependency to the juvenile justice system are disproportionately youth of color. Many of these youth (1/3) enter the justice system as a result of “placement crimes” stemming from their residence in group home facilities where adolescent misbehavior is addressed differently than it would be in a family setting and often results in engagement by law enforcement.¹ Many other foster youth find themselves vulnerable to criminal misbehavior as a result of:

- Lack of a stable living environment -- one study in Pennsylvania found that over 90% of foster youth who move five or more times will end up in juvenile justice;
- Unattended to mental health and substance abuse concerns -- research in Los Angeles revealed that while over 83% of crossover youth have mental health or substance abuse problems, very few (8%) have received substance abuse treatment; or
- School absences or problems – Los Angeles research revealed that over 45% of crossover youth were truants or had irregular attendance and nearly one-quarter of foster youth who came into contact with law enforcement were simply not enrolled in school.²

All of these risk factors make these youth particularly susceptible to recruitment by and the influence of gangs. Indeed, recent research determined that at least one-quarter of Los Angeles’ crossover youth were known to be gang involved.

Once they come into contact with law enforcement, foster youth often find themselves battling the justice system with few supports – reports on the foster care “bias” these youth face confirm that they are more likely to end up arrested, detained, charged with a crime and pushed deeper into the justice system than other similarly situated nonfoster youth. Thereafter, given the lack of ongoing child welfare services and support for the child or family once the youth crosses into juvenile justice, foster youth have no home to return to upon exiting custody and tend to spend longer periods of time incarcerated or under probation supervision.³

Understanding these struggles, and the enhanced risk facing youth in foster care for entry into gangs and the juvenile justice system, help define where and how our system can improve.

¹ See Herz, D., Krinsky, M., and Ryan, J.P. (Summer 2006), “Improving System Responses to Crossover Youth”, *The Link* (published by the Child Welfare League of America).

² *Id.*

³ See Ryan, J.P., Herz, D., Hernandez, P.M., & Marshall, J.M. (2007), “Maltreatment and delinquency: Investigating child welfare bias in juvenile justice processing,” *Children and Youth Services Review*, 29(8), 1035.

C. Perspectives on the Federal Justice System and the Challenges Facing Los Angeles

I hail from a state that leads the nation in prison population and incarceration expenditures. California has over 175,000 individuals in state and county jails and spends over \$10 billion per year in incarceration costs. Those expenditures dwarf the modest investments we have made in prevention and intervention; indeed, while costs associated with incarceration and prisons have been on the rise, we have seen a reduction in investments in juvenile delinquency prevention.

Los Angeles is estimated to have anywhere from 40,000 to 100,000 gang members. Local gang injunctions prevent youth who are deemed gang affiliated from engaging in activities including congregating in groups in particular prohibited areas, using cell phones, possessing pagers or bikes, or being out after hours.

The U.S. Attorney's Office in Los Angeles has some of the most talented and hard working attorneys in the nation. With nearly 200 prosecutors, the office has identified criminal gang violence as one of its priority areas. Joint state and federal task forces have investigated and prosecuted a number of criminal organizations, including the Mexican Mafia, the Drew Street gang, the Vineland Boys and several other violent street gangs. These prosecutions tend to be large and sweeping, often involving as many as 50 to 75 defendants. Prosecutions seek to remove from the streets not simply the gang leadership, but also what are viewed as second and third tier members of the organization. Federal charges include narcotics violations (most of which trigger mandatory minimum federal penalties), gun offenses (also frequently resulting in mandated penalties), RICO allegations, and sometimes civil rights violations (if the criminal acts were racially motivated).

Whatever one may think about the dearth of investment in prevention and intervention efforts, these prosecutive efforts should not be cast aside as ill advised or unnecessary. Many dangerous and violent offenders have been removed from the streets as a result of the dedicated work of law enforcement and prosecutors. And we know that, while the causative factors may be less than clear, violent crime and homicides have declined in recent years.

As one assesses this landscape, however, certain questions necessarily come to mind:

- Are federal prosecutions sweeping too far and wide, pulling in too many lower level gang members who could have been diverted from federal prosecution and may simply end up emerging from federal prison with a more entrenched involvement in and allegiance to the gang?
- Will removal of large numbers of gang members from the street address the community's long term safety if we do little to invest in strategies

aimed at preventing a new generation of gang members from rising up and filling the void?

- Can incarceration and stiff penalties adequately deter gang leadership and organizations that we now know operate robustly from within the jails?
- Do mandated federal penalties leave sufficient room for courts to consider an individual's past history and the potential for rehabilitation?

I encourage you to consider these questions as legislative proposals come before you in the ensuing months.

In the wake of a recent large-scale gang prosecution in Los Angeles, a former federal prosecutor succinctly summed up what he perceived to be the futility of federal efforts: "They will send lots of people to jail, but won't change the streetscape." Within a matter of months, he predicted, a new set of gangs will be "fighting to control turf old gangs controlled."⁴ While the never-ending cycle and revolving door of gang members does *not* mean that we should abandon all federal prosecution and suppression efforts, it does suggest that our balancing of investments and priorities may be misaligned.

D. Turning The Corner – Recommendations for Reform

As your policy work on these important issues continues, let me suggest three areas to consider, based on my professional experiences over time: (1) the importance of addressing the tremendous needs of youth in foster care, (2) lessons learned from both federal prosecutive and prevention efforts, and (3) the need to strengthen the public will to support early and proactive interventions for youth at risk.

1. Eliminating the "Breeding" Ground -- Efforts to Combat Gang Violence and Reduce Juvenile Crime Must Address the Needs and Challenges of Youth In Our Foster Care System

(a) Inflexible Foster Care Funding Inhibits the Ability to Keep Families Intact and Divert Children from Foster Care

The Federal Government sends \$7 billion annually to the States to ensure that children are protected from abuse and neglect. Unfortunately, that financial investment in at-risk children often doesn't improve the young lives we undertake to protect and nurture. Because the largest source of federal child welfare funds (Title IV-E money) can only be accessed once a child is removed from the home and brought into foster care, child welfare has little or no resources to provide in-home or other preventive services that could keep more families intact. As a result, too many children unnecessarily enter foster care and an already overburdened system cannot attend to the children in its charge. Even absent new resources, federal funding streams should be reformed to

⁴ "Feds Using Anti-Mafia Laws to Pursue Organized Street Gangs," (August 18, 2008), FOXNEWS.com, quoting former prosecutor and Chapman Law Professor Lawrence Rosenthal.

provide child welfare officials with flexibility to develop and offer preventative social services and supports that could give troubled but still functioning families a fighting chance to stay together.

(b) Addressing Foster Youth Educational and Mental Health Challenges

While a quality education is a key component of every child's successful transition to adulthood, a sound educational foundation is especially crucial for children who spend long periods of their childhood in foster care. Too many children in foster care find themselves shuttled from school to school with each placement disruption, out of school due to record or information delays, and falling behind educationally with no safety net on which to rely. Ensuring education support, stability, and oversight for youth in foster care could go far in slowing the "crossing" of these youth into juvenile justice. As Victor Hugo aptly opined: "He who opens a school door closes a prison."

Foster children similarly face a wide array of untreated mental health concerns. Experts estimate that 30 to 85 percent of youngsters in out-of-home care suffer significant emotional disturbance and report that adolescents living with foster parents or in group homes have a four times higher rate of serious psychiatric disorders than youth living with their own families.⁵ The mental health needs of foster children frequently are overlooked until the child exhibits extreme and harmful behavior. Even then, the lack of coordination between the child welfare, juvenile justice, mental health and school systems results in fragmented and disjointed provision of services. Children are not properly assessed, no one is given the clear responsibility of monitoring the mental health needs of these children, and when mental health services are finally made available, they are often either inadequate or too late to be of meaningful benefit to the child.

Until all foster children receive educational stability and support and prompt assessment and individualized mental health services, we will continue to see children exiting foster care to our justice system and leaving the dependency system more damaged than when they entered care.

(c) Addressing the Needs of Teens In and Emancipating from Foster Care

Recent findings regarding adolescent brain development highlight the unique needs of adolescents. Without proper stimulation, experiential learning, and guidance, teens experience far greater challenges in negotiating the adult world and learning to exercise sound judgment.

Even the best-prepared teen is not ready to be completely self sufficient at age 18. Indeed, the average age of financial independence in the US is now 26. Yet, throughout the country, foster children automatically exit care on their 18th birthday or the day after high school graduation ill-prepared for life on their own. These youth often have no one to share Thanksgiving dinner with and no one to help them prepare for their first job

⁵ See Battistelli, E., (May 17, 2001), Fact sheet: The Health of Children in Out-of-Home Care, *Child Welfare League of America*.

interview or secure their first apartment. They commonly emancipate from foster care without any significant connection to a responsible adult, on average have less than \$250 to their name, have no home, no one to provide them with desperately needed guidance, and no place to return to when they falter. It is no wonder that so many adolescent or emancipated foster youth end up gang involved or incarcerated.

Recent federal legislation – the Fostering Connections to Success Act – will provide federal funds to states, for the first time, to extend child welfare support through age 21. Congress should keep a watchful eye on state implementation efforts, encourage favorable guidance from HHS that will further expansive implementation, and assist states struggling with retooling their child welfare system to attend to the needs and challenges of young adults.

2. We Must Prioritize Investments in Proven Prevention Efforts Rather than Adding to the Arsenal of Existing Federal Penalties

Other esteemed members of this panel will be describing prevention and intervention strategies that have been put in place around the country with proven success. The common ingredients of those successful approaches are relatively self evident and not difficult to replicate:

- Youth need a safe and supported place to spend their time and occupy their after school hours;
- Youth – especially disconnected youth – need positive role models and mentors, someone who can believe in and help them envision their path to a better future;
- Promoting job skills and creating employment opportunities are a key way to break the often-intergenerational cycle of criminal activity; and
- Community engagement, participation, and partnerships are critical.

Research analyzing the benefits of positive interventions for crossover youth yielded similar results. Studies found that youth with strong levels of positive attachment (positive connections to foster caregivers or others), involvement in after school programs or religious organizations, were significantly less likely to experience a delinquency petition.⁶

We also know that many youth will initially come to the attention of law enforcement before they are too entrenched in criminal conduct. Recent statistics estimate that over 400,000 juvenile arrests a year will be the result of youth running

⁶ See Ryan, J., Testa, M.F. & Zhai, F., “African American Males in Foster Care and the Risk of Delinquency: The Value of Social Bonds and Permanence, *Child Welfare League of America*, Vol. 87 #1.

away, curfew violations and loitering, or liquor law violations.⁷ These numbers reinforce our ability to identify at-risk youth for whom early engagement and intervention would be most valuable.

While suppression efforts are equally important, it is hard to cast existing federal penalties as inadequate. Federal mandatory minimum penalties, statutory gang enhancements, and the vast ability under the sentencing guidelines to account for aggravating gang-related circumstances provide a broad array of tools that prosecutors have at their disposal in combating the criminal arm of violent street gangs. Indeed, the lament from judges and prosecutors has been not that they need to build that arsenal of penalties or expand the list of potential federal charges, but rather that existing inflexible federal statutes strip them of the ability to exercise judgment and discretion in appropriate cases. While some changes at the margins might be warranted, it is hard to argue the case in challenging fiscal times for investing in tougher penalties and devoting even more to suppression efforts in lieu of proven prevention strategies.

3. We Must Strengthen The Collective Resolve to Chart A Better Future For Youth At Risk

It was not that long ago, in the wake of an upsurge in coverage of and resulting concerns about juvenile crime, that youth who strayed into the criminal arena were labeled “super predators.” While public perceptions have evolved somewhat since that unfortunate label first surfaced in the mid-1990s, and while recent polls suggest that voters strongly favor strengthening rehabilitative programs and prevention over harsher penalties,⁸ we can and must do more to improve the image of young people and strengthen the resolve to rally around them. We need to encourage the media to responsibly cover achievements of our youth to the same degree they cover the sensational crime of the moment and we must involve the voices of youth who have turned a corner in carrying to the public messages around the benefit of prevention efforts.

* * * * *

It has been said that “children are the living message we send to a time we will never know.” For too many youth in our country, that message is one of despair, neglect, and hopelessness. We can – and we must – work together to scribe a better future for our next generation. And we must do so promptly, with due consideration of the swift passage of time on a child’s clock.

My thanks for your ongoing commitment to these issues and your consideration of my remarks.

⁷ See National Criminal Justice Reference Service, administered by the Office of Justice Programs, US Department of Justice, www.ncjrs.gov/pdffiles/1/ojdp/221338.pdf.

⁸ See “Potential for Change: Public Attitudes and Policy Preferences for Juvenile Justice Systems Reform,” *Center for Children’s Law and Policy* (www.modelsforchange.net).

Statement of Larry Cohen, Prevention Institute

I am Larry Cohen, Executive Director of Prevention Institute in Oakland California. I'm very happy to be here today and I wish to acknowledge Bobbie Scott's critical work as a tireless voice for prevention and the importance of the Youth PROMISE act.

I have worked in violence prevention for 30 years and founded Prevention Institute, a non-profit national center dedicated to improving community health and well-being by building momentum for effective primary prevention. Prevention Institute defines violence as a preventable, public health issue. We focus on addressing the complex underlying conditions in communities and the social environment that lead to violence. By reducing risk factors, strengthening resilience factors, and changing norms, violence can be prevented. Violence affects not only our youth, our families, and our communities, but the very viability of our cities to thrive. Where we shop and whether we shop is affected by the safety of our communities - our economic wellbeing as well as our personal wellbeing are at stake. Thus, a focus on cities and communities as key leaders, as well as strengthening support for individuals and families, is vital.

One of our major initiative is Urban Networks to Increase Thriving Youth (UNITY), a national initiative that builds support for effective, sustainable efforts to prevent violence *before it occurs* so that urban youth can thrive in safe environments with supportive relationships and opportunities. To achieve this, UNITY brings together representatives from cities around the country to share best-practices and discuss challenges and strategies for preventing violence in their communities. Recognizing that violence is preventable and that cities need new strategies, UNITY proposes a paradigm shift in the way we do violence prevention from stand-alone programs to a comprehensive strategy that includes programs, practices, and policies. We are currently working with the nation's 35 largest cities and have developed the *UNITY RoadMap* to help cities better achieve success.

Through UNITY, we recently conducted an assessment of one third of the largest cities in the US. The most important things we learned are as follow: 1) Violence is a serious issue for cities; 2) Most cities lack a comprehensive strategy or adequate response mechanisms to violence despite the seriousness of the problem; and 3) Cities with the best collaboration and coordination showed the lowest rates of violence. These findings show us that we have a clear mandate to work with our cities to create comprehensive strategies to prevent violence before it occurs.

With a new administration comes the opportunity, even the obligation, to re-envision the best ways to advance our nation's safety, well-being, and equity. Prevention Institute has developed a 12-point platform on violence prevention in which have identified clear pathways for improving safety and well-being in our nation's urban areas while saving money and stimulating the economy. The opportunities, benefits, and need for advancing equity and prevention have never been greater.

We have attached this platform, a description of UNITY's activities, and my PowerPoint presentation. Thank you very much.

Overview of the UNITY Initiative

UNITY is designed to strengthen and support cities in preventing violence before it occurs and to help sustain these efforts. Young people are severely impacted by violence and those who live in urban areas are disproportionately affected. Cities absorb a disproportionate share of the cost of violence such as criminal justice and law enforcement, social services, and health care and mental health expenses; diminished reputation; and costs to the local economy. It is time to consider a new approach. To maximize existing resources and promote sustainability, we are proposing a paradigm shift – from programs to strategy.

Many cities do not have a collaborative plan or a clear strategy for preventing violence before it occurs. They need help to more effectively prevent violence and improve the lives of young people in our cities. Others are well underway and can share their successes and further strengthen their efforts. All of them need effective policies and resources at the federal level to reinforce and sustain their priorities. UNITY has been envisioned to help.

UNITY Activities

- *Foster effective communication:* People need to be able to communicate about violence prevention to establish effective policies and sustainable solutions. UNITY is developing materials and resources to help frame the violence that affects young people as a preventable condition and not only a matter for the criminal justice system to pick up the pieces after the fact.
- *Conduct an assessment:* We have assessed what cities already have in place and what they need in order to be most effective. This is informing our tools, training, and technical assistance.
- *Develop a RoadMap to prevent violence affecting young people before it occurs:* From efforts all over the country, we know what works. Cities need leadership, prevention, and strategy. We are delineating the elements of a *RoadMap* and identifying tools to help cities implement an effective and sustainable approach. Examples include protocols for data and evaluation; coalition building tools; links to effective programs, policies, and organizational practices; and guidelines for developing a strategic plan.
- *Foster a peer network:* We want to establish opportunities for cities to learn from each other about what works and not have to reinvent the wheel. With their input, we will facilitate topical interactive sessions, establish listservs, and disseminate information to support a national peer network.
- *Conduct training and technical assistance:* We will provide training and technical assistance via internet, phone and in person to support local efforts.
- *Develop a national strategy:* With the help of City representatives, we are identifying the elements of a national platform designed to prevent violence before it occurs and improve outcomes for young people. We are working with the National Consortium in general and City representatives in particular to develop this and disseminate it.

For more information about UNITY, please visit our website, www.preventioninstitute.org/UNITY.html or contact Sonia Lee, Project Coordinator at 510-444-7738 or sonia@preventioninstitute.org

*Violence is not the problem
of one neighborhood or group,
and the response and solutions
are not the responsibility
of one sector of the community
or of one agency, professional
group, or business.
Coming together and
owning this problem and
the solutions are central.*

—Dr. Deborah Prothrow-Stith

PREVENTING VIOLENCE BEFORE IT OCCURS:
**DIRECTIONS FOR IMPROVING OUTCOMES FOR YOUNG PEOPLE, OUR CITIES, AND OUR
ECONOMIC RECOVERY AND GROWTH**

*Prepared by Prevention Institute**

With a new administration comes the opportunity, even the obligation, to re-envision the best ways to advance our nation's safety, well-being, and equity. Thankfully, President-elect Obama has recognized the need for change.

Prevention Institute has identified clear pathways for improving safety and well-being in our nation's urban areas while saving money and stimulating the economy. The opportunities, benefits, and need for advancing equity and prevention have never been greater.

This memo begins with background information, followed by a set of recommendations. More detailed action steps and information can be made available upon request.

Background

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

- 5.5% of high school students feel too unsafe to go to school, 18% report carrying a weapon, 35.5% were in a physical fight, 12% report having been forced to have sex and 14.5% report having seriously considered attempting suicide.¹
- More than 720,000 young people ages 10 to 24 were treated in emergency departments for injuries sustained from violence in 2006.²
- Homicide is the second leading cause of death among youth between the ages of 10 and 24³ and for each such homicide; there are approximately 1,000 nonfatal violent assaults.⁴
- The consequences of violence for victims and those exposed are severe, including serious physical injuries, post traumatic stress syndrome, depression, anxiety, substance abuse, and other longer term health problems associated with the bio-psycho-social effects of such exposure.⁵
- 1 in 3 African American males and 1 in 6 Latino males will enter the criminal justice system if we don't take action.⁶

* **Prevention Institute** is a nonprofit, national center dedicated to improving community health and well-being by building momentum for effective primary prevention. Primary prevention means taking action to build resilience and prevent problems *before* they occur. The Institute's strong commitment to quality prevention is characterized by community participation and promotion of equitable health outcomes among all social and economic groups. Since its founding in 1997, Prevention Institute has focused on injury and violence prevention, traffic safety, nutrition and physical activity promotion, youth development, community health, and health equity. This Institute runs a national violence prevention initiative, **UNITY [Urban Networks to Increase Thriving Youth]**, funded by the Centers for Disease Control and Prevention and The California Wellness Foundation. Through tools, training, consultation, and information about the problem and solutions, UNITY supports the largest US cities in advancing more effective, sustainable efforts to prevent violence that affects young people. While this memo emphasizes some core concepts of and lessons from the UNITY initiative, it has not been endorsed by UNITY representatives and does not imply an endorsement by our partners or funders.

Preventing violence before it occurs: Directions for improving outcomes for young people, our cities, and our economic recovery and growth

pg. 1

Violence is costly to individuals, families, communities, businesses, and government, and preventing violence can contribute to economic recovery and growth

- Medical and lost productivity costs associated with violence range from more than \$70 billion⁷ to \$158 billion a year.⁸ Criminal justice costs account for more. For example, criminal justice costs related to gang violence in Los Angeles County alone total \$1.15B annually.⁹
- Violence is a factor in the development of chronic diseases¹⁰ which account for a majority of premature US deaths, lost productivity and the majority and fastest growing percentage of our healthcare spending¹¹
- Violence inhibits economic recovery and growth in cities around the country.¹² Youth violence affects communities by increasing the cost of health care, reducing productivity, decreasing property values, disrupting social services,¹³ and can deter tourism, business relocation, and other investments.

Leaders are calling for action

- Mayors, police chiefs, school superintendents and public health directors have stated that violence is a serious issue and responses are inadequate¹⁴
- The US Conference of Mayors declared youth violence to be a public health crisis. They called for cities to work with a broad range of stakeholders to develop a sustained multi-faceted approach focused on *prevention* and for the federal government to support investments in youth development throughout US cities.¹⁵
- Enforcement, suppression, and intervention efforts alone do not address the underlying reasons violence occurs and therefore cannot prevent violence before it occurs. Police chiefs and other enforcement leaders are increasingly saying, *we can not arrest our way of this problem.*

Violence is preventable

- Cities with more coordination, communication, and attention to preventing violence have achieved lower violence rates.^{16 17 18}
- Violence is a learned behavior that can be unlearned or not learned in the first place; it is preventable.¹⁹
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We need a national commitment to and action on *preventing violence before it occurs* in order to:

- **Support and complement enforcement and suppression,**
- **Improve outcomes for young people, families and communities, and**
- **Strengthen our economic recovery and growth.**

Recommendations on Taking Action to Prevent Violence *Before* it Occurs

1. **Employ people from highly impacted neighborhoods in rebuilding our infrastructure as part of our economic stimulus priorities.** Leaders throughout the nation are turning to the green economy as a way to revitalize and rebuild our dwindling economy. Investing money in local, sustainable and high-skill jobs that focus on renewable energy and energy efficiency will move us toward energy independence. The labor shortage in this new green economy provides a key opportunity to invest in the development of a new workforce from highly impacted neighborhoods that can contribute to the green economy and build new pathways out of poverty. Reducing poverty in inner-cities has been noted as an important strategy to prevent violence.²²

2. **Engage young people in rebuilding our communities.** Institute youth corps programs in highly impacted communities to employ local youth in rebuilding local infrastructure. Expand existing service corps programs to support physical and social infrastructure development.
3. **Invest in street outreach programs with a proven track record in reducing violence and contributing to economic development, such as CeaseFire Chicago.**²³ Such an investment will not only reduce the immediate risk of death and injury but also contributes to local jobs and builds community capacity to change norms about the use of violence.
4. **Support cities in developing, implementing, and evaluating effective and sustainable approaches to preventing community and gang violence, such as the *UNITY RoadMap (Urban Networks to Increase Thriving Youth through Violence Prevention)*.**²⁴ Specifically invest \$14M in a pilot program to support at least 10 cities in implementing the *UNITY RoadMap*, including supporting coordinated prevention services and programs in highly impacted neighborhoods. The resources would include administration through NCIPC, training and technical assistance to cities, convening costs to bring city representatives together, evaluation, and money for cities (initially \$1M/city) for staffing and for programming in specific highly-impacted neighborhoods. Further, this pilot network will provide cities with the opportunity to mentor each other in reducing and preventing violence. Based on successes, expand support to additional cities.
5. **Invest in prevention programs and strategies in impacted neighborhoods that will reduce the risk of violence and foster resilience in young people, families, and communities.** Prevention programs and strategies have a demonstrated track record in reducing violence. Investments should be made in specific neighborhoods highly impacted by violence and the programs and strategies should be coordinated and at a level of saturation to achieve outcomes, modeled after such successful initiatives as the Harlem Children’s Zone.²⁵ City representatives²⁶ and proposed federal legislation such as the Youth PROMISE Act and the Gang Abatement and Prevention Act, have identified a combination of positive early care and education; positive social and emotional development; parenting skills; mentoring; quality after school programming; youth centers; youth development programs; youth leadership; providing youth in high crime communities with nonviolent and constructive activities; fostering social connections in neighborhoods; quality housing; quality education (including universal school-based violence and bullying prevention); economic development with an eye to investment in highly impacted neighborhoods and for those at risk for violence; health and mental health services; substance abuse counseling and services; family support services, including child protection and safety services; conflict resolution; street outreach; bystander empowerment; targeted gang prevention, intervention and exit services; alternative penalties for first-time offenders; and successful reentry support.
6. **Reduce the lethality of violence.** Adopt law enforcement recommendations on surveillance and the control of illegal weapons and policies that allow law enforcement to share data across jurisdictions on weapons that have been used in illegal activities.²⁷
7. **Support CDC’s development of a national agenda to address violence, including the prevention of youth violence in large cities.** The National Center for Injury Prevention (NCIPC) at CDC has initiated this process to develop a national strategy that builds on existing initiatives, such as UNITY. For success in implementation, it is critical that a mandate for prevention be validated at the highest levels of government and that multiple stakeholders and agencies are involved in planning and implementation of various components. Having a multiagency prevention

strategy will support locales in achieving results. Key partners to include in the development of national agenda also include the Substance Abuse and Mental Health Services Administration (SAMHSA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Department of Education. The agenda should include supporting a comprehensive approach to youth violence that includes at least an equitable distribution of prevention, intervention and suppression/enforcement strategies and resources.

8. **Increase the authority and capacity of governmental agencies and departments to address violence prevention.** The focus should encourage partnerships between agencies including health and human services, including CDC, education, and justice.
9. **Establish a national youth commission or cabinet.** Young people, including formerly incarcerated youth, can inform national priorities and actions in support of prevention outcomes
10. **Enhance public health's capacity and infrastructure at the federal, state, and local levels to address the ongoing public health crisis of violence.** Establish an HHS appropriations line item for youth violence to go to the National Center for Injury Prevention and Control at the US Centers for Disease Prevention and Control to support states and local public health departments in building infrastructure, capacity and systems to develop adequate data and surveillance systems and to support development of coordinated prevention planning, program implementation, and evaluation efforts in the most needed locales, including incentives and opportunities to participate in city-wide efforts. Public health departments and staff should receive training about their role in preventing violence and training on preventing violence should be instituted in all public health graduate school curriculums. In addition, standards for violence prevention should be developed and integrated into appropriate credentialing and certification programs for the nation's public health system.
11. **Synthesize emerging research and practice models.** Request that the Surgeon General issue an updated report addressing the need for comprehensive, population-based violence prevention and commission the Institute of Medicine to research the relationship between preventing violence and chronic disease prevention
12. **Establish a visionary research agenda.** Research should address risk and protective/resilience factors, targeted prevention interventions, and how to effectively mobilize comprehensive community efforts to promote positive youth development and prevent violence. It should be grounded in community practice and change, establishing emerging models for what is most effective in communities and for youth and include attention to translational research that adapts the evidence base to real life situations and diverse communities. Further research should explore the linkages between violence affecting youth and other forms of violence, including intimate partner violence, child abuse, sexual abuse and exploitation and suicide.

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