MOVING TOWARD A MORE INTEGRATIVE APPROACH TO JUSTICE REFORM

POLICY REPORT

"Behind the Cycle" is a project of the Open Society Institute – Washington Office

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The Open Society Institute works to build vibrant and tolerant democracies whose governments are accountable to their citizens. To achieve its mission, OSI seeks to shape public policies that assure greater fairness in political, legal, and economic systems and safeguard fundamental rights. On a local level, OSI implements a range of initiatives to advance justice, education, public health, and independent media. OSI places a high priority on protecting and improving the lives of marginalized people and communities.

FORWARD – NKECHI TAIFA, SENIOR POLICY ANALYST
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> "I don't want to prosecute a child at all for a series of society's mistakes. The Barrera's HMO wouldn't cover their baby's condition, forcing them to work two jobs. So they had to find affordable daycare for Elias which, as we both know, is nonexistent. So they put him in Ms. Strada's illegal daycare, an 82 year old woman looking after 15 children whose great-grandson was using Elias as a drug runner … This boy should not be put away." Assistant District Attorney Alexandra Cabot.
>
> "Nobody in Sing Sing had a great childhood, Ms. Cabot" – Charlie Phillips

From the series, Law and Order SVU – "Baby Killer"

Seven-year-old Elias' story perfectly illustrates why the "Behind the Cycle" project came into being. The episode portrays a panoply of societal issues which, if left unaddressed, contribute to one's initial entry into the criminal justice system. Disparities in education, health care, housing, child welfare, and economic opportunity help to thrust disproportionate numbers of people of color and the poor into a criminal justice system through which they continuously cycle. It is imperative that researchers, advocates, and policymakers look behind this cycle and consciously connect the dots between unaddressed social conditions and entry into the criminal justice system, and work toward a more integrative system of justice reform.

My primary work as an advocate over the past twenty years has focused on issues that arise once a person has already become involved in the criminal justice system – issues related to arrest, trial, sentencing, and re-entry. But this work, although critical, has done little to prevent the heavy flow of people of color and the poor into the system. In essence, my work has placed band-aids on wounds which have metaphorically slowed the flow of blood, but not addressed their underlying causes. I have been rooted in advocacy silos which tackle effects much more than causes. However, if we are to save youth such as Elias from "inevitable" entry into the criminal justice system, it is imperative that we move beyond band-aid approaches. We must address the underlying social context if we are to break the cycle of incarceration before it begins. And this can only occur through a strategic multi-disciplinary collaboration that cuts across the disciplinary silos to which we have become accustomed.

Our purpose is simple: to bring together advocates who work "behind the cycle" and those who work "within the cycle" – the social justice and criminal justice reform communities

– to dialogue and identify strategies to abate the disproportionate numbers entering and cycling through the criminal justice system. This policy report is a first step towards that goal. I am grateful to the author, Catherine Beane, who has the uncanny ability to finish the sentences I start and to bring to fruition the vision I see. Her notable multidisciplinary research and expert facilitation of strategic discussions and personal interviews have been invaluable to increasing our understanding of what is needed to advance an interdisciplinary approach to justice reform.

Our intent is not to reinvent the wheel, but to identify linkages that nudge the political will towards policy decisions that invest in pre-entry interventions instead of building more jails and prisons. Catherine's investigation has revealed that advocates, researchers, direct service providers, and academics from across the disciplinary spectrum are hungry for the opportunity to "cross-pollinate" on these issues. We aim to help provide that space and, using the "Behind the Cycle" data and findings as a backdrop, identify appropriate opportunities for interdisciplinary collaboration, research, and advocacy.

When the idea for the "Behind the Cycle" project was first broached, comments ranged from "that's a great idea," to "you've got to be kidding … its too huge!" But if we do not identify and address the myriad of underlying facts that lead to destructive behavior because the task seems too big or too hard, we will most surely pay the price later through increased victimization.

As we move forward, nothing is set in stone except the desire for strong, interdisciplinary collaboration. We believe this report's recommendations will, if implemented, seed and energize a new movement to promote more effective approaches to criminal justice concerns and abate the disproportionate numbers of the poor and people of color cycling through the system. With a consensus for strong, interdisciplinary collaboration, we hope to work with you as we move forward with outreach, bringing new faces and voices to the table and identifying opportunities for collaboration.

There are countless Elias' across the country – children and young adults living in communities plagued by concentrated poverty, inadequate education and health care systems, and limited economic opportunity. We must commit to work toward effective multi-disciplinary collaborations which will help redirect the lives of those impacted by societal stresses. They deserve the opportunity to avoid falling into the cycle of incarceration – and it is our responsibility to use all strategies at our disposal to close the pipeline through which they enter.

TABLE OF CONTENTS

EXECUTIVE SUMMARY

A defining characteristic of America's criminal justice system is its disproportionate impact on the poor and people of color, particularly young men of color. Profound connections exist between what has been called a "cycle of incarceration" and such unaddressed social conditions as education, economic opportunity, housing, poverty, race, and health. This cycle of incarceration is fueled by criminal justice policies that emphasize incarceration over the kinds of human service interventions that address the individual, family, school, and environmental risk factors for delinquent or criminal behavior.

This report posits that in order to make real progress in breaking the cycle of incarceration, advocates, researchers, service providers, and academics need to break out of their disciplinary silos, share information, and develop collaborative approaches to abate the disproportionate numbers of the poor and people of color entering into and cycling through the criminal justice system. This report presents a vision of an integrative approach to justice reform – an approach that utilizes multi-disciplinary collaboration to share perspectives on the issues that fuel the cycle of incarceration, to promote public investments in effective intervention strategies, and to advance public safety by decreasing the likelihood that a person will engage in risky or criminal behavior, instead of building more prisons and jails. A more integrative approach to policymaking and resource allocation would help to ensure that the limited pool of available public resources are used most effectively to address the issues of poverty, race, economic opportunity, education, family, and housing inherent in the cycle of incarceration.

After framing the issues this project seeks to address and describing the methodology utilized (Chapter 1), this report sets forth a detailed description of America's cycle of incarceration, examining the roles of race and concentrated poverty in that cycle (Chapter 2), and the risk and protective factors that impact the likelihood that a person will engage in criminal conduct (Chapters 3 and 4). This report next sets forth conceptual approaches that have been developed to understand the cycle of incarceration and its impact on communities, as well as strategies that have been utilized successfully to build policymaker support for effective crime prevention strategies – investing in human service interventions and other programs rather than building more prisons and jails (Chapter 4). This report then discusses opportunities for moving toward a more integrative approach to justice reform, and the challenges that are implicit in collaborating

across disciplines (Chapter 5). Finally, this report evaluates potential next steps and makes recommendations for moving toward a more integrative approach to justice reform (Chapter 6). These recommendations are to:

- Establish an ongoing, interdisciplinary "Behind the Cycle" working group to further refine the ideas set forth in this report.
- Continue interdisciplinary outreach to expand participation in the working group.
- Circulate report and solicit endorsements for the concept of moving toward a more integrative approach to justice reform from organizations across multiple disciplines.
- Identify policy issues for interdisciplinary collaboration, research, and advocacy.
- Promote the utilization of integrative approaches to justice reform issues.
    - Convene a multi-disciplinary gathering in December of 2008 to promote the integrative approach to justice reform.
    - Disseminate information about integrative approaches to policy advocacy and integrative approaches to policy making.
- Advocate for the appointment of a National Advisor to the President on Integrative Justice Reform.
- Convene a National Blue Ribbon Commission on Poverty and the Cycle of Incarceration.
- Develop funding strategies to support integrative approaches to justice reform.

At this moment in time, there is a unique opportunity to address issues that fuel America's cycle of incarceration – issues such as poverty, racial disparities, lack of economic opportunity, inadequate education, health disparities, family and child welfare, and inadequate housing. This is a moment of significant challenge, and the stakes have never been higher. Implementation of the recommendations proposed in this report provides a means of seeding and energizing a new movement to promote more effective approaches to criminal justice issues, to address significant budgetary challenges, and to respond to the significant social policy and human service needs that exist in communities across America. Ultimately, implementation of these recommendations provides a means of abating the disproportionate numbers of the poor and people of color cycling through the criminal justice system.

I. INTRODUCTION

America's criminal justice system is marked by what has been described as a "cycle of incarceration" – a clearly discernible pattern of disproportionate numbers of the poor and people of color, particularly young men of color, entering into and cycling through the criminal justice system. All too often, one's life opportunities after incarceration are so limited that recidivism is the inevitable outcome. This cycle of incarceration is deeply embedded in communities across America plagued by concentrated poverty, inadequate education, substance abuse, racial tension, unemployment, insufficient housing, and poor health outcomes**.** As one commentator has remarked, "[T]he national approach to solving social and economic problems in low-income communities of color in the United States has essentially become one of massive investment in a criminal justice apparatus that imposes punishment at record levels while draining resources from community-strengthening investments."[1]

A wealth of social science research supports what many intuitively grasp: profound connections exist between unaddressed social conditions and this cycle of incarceration. Crime has been described as "the outcome of the interaction of a constellation of factors"[2] – interrelated factors that cross the artificial boundaries of issue area, academic discipline, agency jurisdiction, and governmental structure. Crime is not the result of a single event or circumstance, nor can it be prevented by an isolated policy change or a singularly-focused intervention devoid of the broader, interrelated context.

Despite this, many advocates, researchers, academics, and direct service providers operate in disciplinary silos when it comes to criminal justice. Some rarely discuss issues with peers outside their own areas of training and expertise, others are not aware of the connections between their issues and criminal justice, and still others simply are not comfortable with the language and culture of lawyers and the criminal justice system. Even when it occurs to us to break out of our silos, we simply do not know how to do it: we lack the institutional mechanisms to support information sharing and interdisciplinary collaboration, and we lack models of success to guide us in creating them. Institutional inertia keeps us doing things the same way we have always done them instead of charting a different course. We frequently are forced to compete with each other for limited resources, which in turn creates a dynamic that further inhibits information

sharing and collaboration. And at times, our roles and responsibilities with regard to the criminal justice system conflict in ways that impede consensus and trust.

In some areas, however, the seeds are being sewn for a different, more integrative approach to justice issues. Criminal justice advocates have focused significant attention over the past several years on the issue of reentry, partnering with community based organizations, religious institutions, mental health providers, employment counselors, substance abuse treatment programs, law enforcement professionals, formerly incarcerated persons, and housing experts to support people as they leave prison and reenter society. As a result of these cross-disciplinary efforts, there is a growing consensus among policymakers that funding programs to support people as they reenter society is an effective crime prevention strategy that generates community, financial, and public safety benefits. Similarly, the use of "wrap around services" has helped to integrate the efforts of youth-serving agencies to support children and adolescents who have had contact with child welfare and juvenile justice systems – children and adolescents who are at significant risk for delinquent conduct and continued court involvement. And specialty courts and "holistic advocacy" on behalf of defendants charged with criminal conduct are gaining traction in addressing the underlying issues that lead to criminal activity.

While focusing on reentry is critical to breaking the cycle of incarceration, many agree that we have, in some respects, given up too much ground. As one advocate interviewed for this project noted, "If criminal justice is a 30-chapter book, reentry is somewhere around chapter 26. If we start the conversation at reentry, we're losing an opportunity to effect change much earlier in the cycle of incarceration. We lose the opportunity to break the cycle even before it's begun."

This perspective, coupled with the progress that has been made on reentry, suggests that the time is ripe to begin a new level of inquiry and strategy. Can the reentry analysis be taken a step further back along the entry continuum, to identify policy solutions and programmatic interventions that cut across disciplinary silos and to prevent initial entry into the criminal justice system? Is there an interdisciplinary strategy that could build policymaker support for investing in collaborative, pre-entry interventions and programs instead of investing in more "bricks and mortar" in which to house a rapidly growing prison population? Is there an integrative approach to justice reform that could ultimately decrease the number of the poor and people of color (particularly young men of color) entering into and cycling through America's criminal justice system?

"Behind the Cycle" – a project of the Open Society Institute – Washington Office – is an effort to answer these questions. Through intensive research that included interviews, focus groups, and a literature review, this project tested three underlying assumptions: first, that the intuitive connections between unaddressed social issues and the cycle of incarceration could be supported by social science research; second, that advocates, direct service providers, and researchers in other disciplines were likely to be exploring many of the same issues explored in the criminal justice arena, although likely utilizing different language and approaches; and finally, that creating an opportunity for interdisciplinary dialogue, information-sharing, and problem-solving would aid in identifying opportunities for cross-disciplinary collaboration. This report presents the results of this inquiry through a multi-disciplinary analysis of the interrelated social policy issues that fuel initial entry into the criminal justice system, and by setting forth recommendations for moving toward a more integrative approach to justice reform.

Project Background & Methodology

An initial strategy session was hosted by the Open Society Institute – Washington Office on January 24, 2007, with the goal of bringing together advocates who work behind the cycle (social justice communities) with those who work within the cycle (criminal justice reform communities) to begin a joint dialogue that discusses the salient issues, and begins to identify strategies to abate the disproportionate numbers of people of color and the poor entering and cycling through the criminal justice system. More than fifty advocates and interested persons participated in this session.

Several underlying themes emerged from the discussion. First, if we address the underlying social issues that contribute to a person's initial entry into the criminal justice system, progress can be made in breaking the cycle of incarceration and in creating a more integrative approach to justice reform. Second, the stakes are high: if we as a society do not address these underlying issues, we will continue to spend an increasing percentage of government budgets building more prisons and jails in which to warehouse people, instead of investing limited government resources in programs and services that develop contributing members of society. Third, public education is critical to generating the public and political will to invest in programs and policies that will break the cycle of incarceration. Fourth, it is important to understand the profile of the incarcerated population, i.e., the cycle of poverty that includes inadequate housing, limited

access to health care, mental health and special education issues, vulnerability of the family structure, and the impact of racial discrimination. Relatedly, it is critical that the social and historical phenomena of slavery provide a contextual backdrop and inform the discussion as a whole. And finally, it is important to evaluate the connections (causative factors, appropriate remedies, advocacy strategies, and effective messages) between reentry advocacy efforts and potential "Behind the Cycle" advocacy efforts.

While this initial strategy session included people from the education, health care, civil rights, and housing arenas, participants predominantly represented criminal justice organizations. Many of the meeting's participants are actively involved in on-going reentry efforts, either providing direct services to people as they transition from prisons and jails back to the community, conducting research on reentry initiatives, or advocating for policy changes to support reentry initiatives. As a result, much of the discussion centered on reentry instead of what might be called "pre-entry" issues, and the discussion did not achieve the desired level of cross-disciplinary perspective. The experience crystallized the importance in moving forward of identifying who, outside of the criminal justice reform community, is already thinking about and working on "Behind the Cycle" issues.

With this background in mind, the Open Society Institute – Washington Office asked Beane Consulting to undertake a research project intended to achieve four specific goals: to identify organizations and individuals from various disciplines who are already engaged in efforts to address the panoply of social issues that contribute to entry into the cycle of incarceration; to identify reports and studies relevant to these efforts; to create an opportunity for interdisciplinary dialogue to identify strategies and opportunities to abate the disproportionate numbers of people of color and the poor entering and cycling through the criminal justice system; and to draft a report that describes the project and evaluates potential strategies and opportunities that are identified.

Between May 1 and July 23, 2007, Beane Consulting conducted interviews with more than forty researchers, advocates, direct service providers, and academics in the fields of education, health care, housing, employment, criminal justice, civil rights, poverty law, youth development, and child welfare.[3] Beane Consulting also reviewed more than 100 reports, articles, and research papers from these different issue areas. The results of this research phase of the project were summarized in a Preliminary Research Memorandum.

On July 30, 2007, the Open Society Institute – Washington Office convened a meeting of thirty educators, lawyers, policy advocates, researchers, academics, and human service providers from the fields of education, health care, mental health, criminal justice, housing, economic opportunity, child welfare, and poverty law. These participants represented national advocacy organizations, foundations, universities, and direct service providers.[4] The purpose of this meeting was three-fold: first, to present and discuss the results of the research phase of the project; second, to identify potential opportunities for interdisciplinary collaboration to abate the disproportionate number of people of color and the poor entering and cycling through America's criminal justice system; and third, to identify potential next steps for the project.

Research Results

As reflected in the following pages, we have learned much through this project. After framing the issues this project seeks to address and describing the methodology utilized (Chapter 1), this report sets forth a detailed description of America's cycle of incarceration, examining the roles of race and concentrated poverty in that cycle (Chapter 2), and the risk and protective factors that impact the likelihood that a person will engage in criminal conduct (Chapters 3 and 4). This report next sets forth conceptual approaches that have been developed to understand the cycle of incarceration and its impact on communities, as well as strategies that have been utilized successfully to build policymaker support for smart and effective crime prevention strategies – investing in human service interventions and other programs rather than building more prisons and jails (Chapter 4). This report then discusses opportunities for moving toward a more integrative approach to justice reform, and the challenges that are implicit in collaborating across disciplines (Chapter 5). Finally, this report evaluates potential next steps and makes recommendations for moving toward a more integrative approach to justice reform (Chapter 6).

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[1] Mauer, Marc. "Keeping America Open," commemorating the 10th Anniversary of the Open Society Institute's U.S. Programs, at p. 84 (2006).

[2] Raphael, Dennis, Ph.D. *Making the Links: What Do Health Promotion, Crime Prevention, and Social Development Have in Common? Summary of Presentation to The Atlantic Summer Institute on Health and Safe Communities.* UPEI. August, 2004 (at p. 3). *See also* Center for the Study and Prevention of Violence, *Blueprint for Violence Prevention,* Office of Juvenile Justice & Delinquency Prevention (July 2004) at p. 15 ("poor family functioning, parenting practices, and family interaction styles have been demonstrated as consistent risk factors for substance abuse, delinquency, and criminal behavior").

[3] Interviews included one-on-one interviews (in person and via telephone), and one focus group. A list of people participating in the interviews and focus group, along with their organizational affiliation, is included at Appendix A.

[4] A list of people participating in this strategy session, along with their organizational affiliation, is included at Appendix B.

II. AMERICA'S CYCLE OF INCARCERATION: WHAT IT LOOKS LIKE, WHO IT IMPACTS & WHAT FUELS IT

America relies on incarceration as the primary means of dealing with crime and other social problems. "America's prisons and jails now house some 2.2 million inmates – roughly seven times the figure of the early 1970s. And Americans are investing vast resources to keep the system running: The cost to maintain American correctional institutions is some $60 billion a year."[5] Policymakers have increasingly shifted toward incarceration as the primary strategy for addressing crime, even in the face of growing evidence that the overuse of incarceration has created diminishing public safety returns. As has been noted, "[t]he exponential increase in the use of incarceration has had modest success at best in producing public safety," while negatively impacting families and communities.[6] Rather than merely reflecting society, America's prisons have themselves become a force in shaping society.

This chapter paints a clear picture of a growing prison industry marked by entrenched racial disparity, mass institutionalization of young men of color, and pockets of concentrated poverty throughout the country that fuel the cycle of incarceration. Indeed, criminal justice expert Marc Mauer's observations regarding criminal justice policies in America seem particularly instructive: "The question remains whether alternative models of responding to disorder and producing justice can gain priority over 'get tough' policies. In a broad sense, this will involve a reconsideration of the appropriateness of using the criminal justice system as a means of addressing problems that would be better served by focusing attention on poverty, racism, and other economic ills."[7]

America's Choice to Incarcerate: Increasing Government Expenditures with Decreasing Returns on Investment

Statistics regarding incarceration in the United States are staggering, demonstrating a rapid increase in the sheer numbers of people incarcerated in America's jails and prisons, and an increasing percentage of state budgets consumed by corrections costs to the detriment of other programs and state commitments. With 5% of the world's population, the United States has 25% of the world's population of incarcerated people. Currently, the United States incarcerates some 750 prisoners per 100,000 citizens – a rate several times higher than European countries, and

higher than the rates in formerly repressive states like South Africa and Russia.[8] Consider the following:

- The number of people in prisons and jails increased from 330,000 in 1972 to 2.1 million in 2005.[9]

- Between 1970 and 2000, the general population increased by less than 40%, but the number of people in prison rose by more than 500%.[10]

- Probation and parole populations have skyrocketed from 1.8 million to 5 million.[11]

- Between 1982 and 2003, national spending on criminal justice increased from $36 billion to $186 billion, with over $61 billion allocated to local, state, and federal corrections. Corrections spending grew by more than 570%, faster than any other aspect of the criminal justice system.[12]

- Growth in incarceration rates is not expected to dissipate: based on national and state estimates and trends, it is expected that state and federal prison populations will increase by 192,000 over the next five years.[13]

- The estimated 192,000 new prisoners could cost as much as $27.5 billion over the next five years.[14]

- Drug offenders represent the "most substantial growth in incarceration in recent decades," from 40,000 in 1980 to 450,000.[15]

In addition to these statistics regarding adult incarceration rates, one advocate interviewed for this project noted that more than 100,000 children enter the juvenile justice system each year as "status offenders" – runaways, truants, or deemed otherwise "incorrigible" by judicial systems.

The rapid expansion of the sheer numbers of people incarcerated in the United States is attributable to a "dizzying array of influences" that impact how many people are incarcerated at any given time. These include such policy-level decisions as moving from indeterminate to determinate sentencing, abolition of parole and adoption of truth-in-sentencing requirements, passage of three-strikes laws, and the establishment of sentencing guidelines.[16] The numbers and rates of growth are also impacted by the discretion judges, prosecutors and corrections officials exercise in individual cases, and larger forces at work in society.

One might expect that incarcerating more people would have a positive effect on public safety: there is a common expectation that "crime rates will decline as the number of people in prison increases, and crime will increase if incarceration rates fall."[17] Some posit, however, that

"other social and economic factors, such as poverty rates and education levels, have a greater impact on crime than imprisonment rates," and "the general consensus among criminologists is that crime rates are a product of a complex set of factors, including but not limited to imprisonment."[18] While "major studies of the relationship between incarceration and crime show[] disparate findings, with different estimates of whether the relationship exists, what the relationship may be, and even whether incarceration rates at some point may actually increase crime," there appears to be a consensus in the research that increased incarceration rates have some effect on reducing crime, accounting for perhaps 25% of the drop in crime during the 1990s, and that "continued growth in incarceration will prevent considerably fewer, if any, crimes than past increases did and will cost taxpayers substantially more to achieve."[19] This "tipping point of 'diminishing returns' from our investment in prisons," is attributable to the expansion of incarceration by states, which now imprison people with shorter criminal records than in the past, such that "[i]ncreasing the proportion of convicted criminals sent to prison . . has produced diminishing marginal returns in crime reductions. This does not mean an absence of returns – just that the benefit to public safety of each additional prisoner consistently decreases."[20]

The choice to incarcerate and the resulting rapid growth in prison populations has significant implications for other state spending priorities. Prisons are the fourth-largest state budget item, behind health, education and transportation,[21] and increased allocations of limited state dollars on prisons will necessarily mean fewer available dollars for other social programs and priorities. The "diminishing returns" of incarceration, particularly people convicted of "lower-rate" offenses, further exacerbates the tension between the financial impact of criminal justice policy choices and other state spending priorities. One criminal justice researcher has noted that as prison systems expand, an increased number of people convicted of lower rate offenses are drawn into the system and an equal amount of resources are spent per person, but the state receives less return on its incarceration investment in terms of declining crime rates.[22] Criminal justice policy choices that impact incarceration trends also have negative impacts on families and communities, and contribute to increased recidivism and future criminality.[23]

Entrenched Racial Disparities and Mass Institutionalization of Young Men of Color

Understanding the impact of race on the criminal justice system is critical to understanding the cycle of incarceration. The statistics overwhelmingly support the proposition that "[t]he American prison and jail system is defined by an entrenched racial disparity in the population of incarcerated people,"[24] and there has been "mass institutionalization" of young men of color. Consider the following:

- African Americans are incarcerated at nearly six (5.6) times the rate of whites.[25]
- One in three (32%) black males can expect to serve time in prison at some point in their lives; Hispanic males have a 17% chance; and white males have a 6% chance.[26]
- High school dropout rates have increased for young men of color and college enrollment levels have declined, while incarceration rates have grown.[27]
- In 2000, African Americans were 13% of the resident population, but represented 44% of all convicted federal offenders.[28]
- In 2005, one in eight (12%) black males aged 25-29 was in prison or jail, as were 1 in 26 (3.9%) Hispanic males and 1 in 59 (1.7%) white males in the same age group.[29]

The most recent statistics show a continued impact on African American males in particular,[30] and a growing proportion of the Hispanic population entering prisons and jails over the past decade.[31] Indeed, "black men in their early 30's [are] more likely to have been in prison than to have graduated from college," and "some 9 percent of all black children now have a father in jail."[32]

State policies to divert youthful offenders to adult criminal systems, the abandonment of rehabilitation and treatment for drug users in favor of criminal sanctions, and the imposition of zero-tolerance policies to exclude youth with problems from school, "have had a cumulative and hardening effect of limiting life options for young men of color."[33] While complex, other "factors contributing to the dramatic increase in the number of African Americans in prison and jail" include: the war on drugs, which has caused a dramatic surge in the number of incarcerated persons, and which has disproportionately affected communities of color;[34] harsher punishment of crack cocaine offenders than powder cocaine offenders; school zone drug laws; three strikes and habitual offender policies; inadequate defense resources; racial profiling; and zero tolerance policies.

This racial backdrop reaffirms that any discussion of the causes of America's cycle of incarceration must recognize and grapple with a racial context that increases the likelihood that

certain populations will have more contact with the criminal justice system than others. It's not enough to talk only about the risk factors for criminal behavior. We must also acknowledge and understand the disparate impact that criminal justice policies are having on communities of color. And yet, as several advocates noted during interviews, race is precisely the issue that many (both in the general public and among policymakers) are both uncomfortable discussing and unwilling to acknowledge. Some expressed the opinion that especially in the context of the criminal justice system, "we are better off talking about fairness in mainstream audiences. More people understand it's not fair." But this begs the question raised by one advocate, "if race is a glaring thing, how do we address it without talking about it?"

Concentrated Poverty: Exacting Multiple Costs on Individuals and Communities, Including Higher Crime Rates

One advocate interviewed for this project observed that "we end up with band-aid solutions because the real problem is poverty, and we're not willing to deal with poverty." In 2007, the United States Government Accountability Office issued a report in which it examined "what the economic research tells us about the relationship between poverty and adverse social conditions, such as poor health outcomes, crime, and labor force attachments."[35] In presenting its report, the GAO noted that in 2005,

- Poverty rates vary by geographic location and setting: poverty rates for urban areas were double those in suburbs, and were highest in the South.
- African-American and Hispanics have significantly higher rates of poverty than whites: in 2005, 24.9% of African Americans, and 22% of Hispanics lived in poverty, compared to 8.3% of whites.
- 12.3 million children (17.1% of children under the age of 18) lived in poverty.
- In 2002, poverty was more common among children under age 5 than any other age group.[36]
- Children of color were at least three times more likely to be in poverty than those who were white: 3.7 million, or 34.2% of children who were African American, and 4 million, or 27.7% of, children who were Hispanic, compared to 4 million, or 9.5% of children who were white.[37]

The GAO found that "evidence suggests a link between poverty and crime."[38] The report notes that economic theory predicts such a finding (low wages and unemployment makes crime more attractive), and that some empirical research supports this finding as well.[39] Statistics from the public defense arena support the conclusion that there is a link between poverty and crime: conservative estimates suggest that more than 80% of all defendants processed through the criminal justice system qualify for court appointed counsel, and are by definition indigent.

Another report has noted, "researchers have identified not just poverty, but *concentrated* poverty, as a significant contributor to crime rates due to the socioeconomic disadvantages it brings."[40] More than 3.5 million poor people live in neighborhoods affected by concentrated poverty, defined as poverty rates of 40 % and higher.[41] While demographic changes between 1990 and 2000 resulted in a decrease in the number of poor households living in areas of concentrated poverty, the declines varied by geographic region, and also varied within and among metropolitan areas. Essentially, "the pockets of concentrated poverty were redistributed to new neighborhoods."[42] Rather than appearing by accident, such pockets of concentrated poverty "emerged in part due to decades of policies that confined poor households, especially poor black ones, to these economically isolated areas. The federal government concentrated public housing in segregated inner-city neighborhoods, subsidized metropolitan sprawl, and failed to create affordable housing for low-income families and minorities in rapidly developing suburbs, cutting them off from decent housing, educational, and economic opportunities."[43]

There is clearly a connection between concentrated poverty and race. "Housing patterns in the U.S. often result in low-income African Americans living in concentrated poverty, but poor whites and other groups are rarely found in such situations."[44] While one-tenth of the country's poor people lived in these areas, the rates are higher among poor minorities: 15 % of poor minorities live in areas of concentrated poverty, including 19 % of poor African Americans.[45] "Nearly every major American city still contains a collection of extremely poor, racially segregated neighborhoods. In cities as diverse as Cleveland, New York, Atlanta, and Los Angeles, more than 30 percent of poor blacks live in areas of severe social and economic distress."[46]

The effects of concentrated poverty in human terms are profound, exacting "multiple costs on individuals and society."[47] Higher crime rates, especially violent crime rates, are typical for high-poverty, inner-city neighborhoods.[48] Other costs include limited job opportunities;

inadequate educational opportunities; reduced private-sector investment; increased prices for goods and services; and "heavy burdens on local governments that induce out-migration of middle-class households."[49]

Concentrated poverty also contributes to poor physical and mental health. People living in areas of concentrated poverty experience negative health outcomes at higher rates, and the incidence of depression, asthma, diabetes, and heart ailments have been linked to living in distressed neighborhoods.[50] High rates of negative health outcomes are attributable to a number of factors, including the stress of being poor and marginalized; living in an area with dilapidated housing and high crime; and a "supply of health care that is far inferior to that which most suburban residents take for granted."[51]

A growing body of social science research confirms that concentrated poverty cuts off mainstream social and economic opportunities for families and children living in distressed neighborhoods.[52] While environmental effects do not entirely outweigh family characteristics and individual outcomes, living in conditions of extreme, concentrated poverty makes it all the more difficult for people to make even modest progress.[53] The inevitable results are significant limitations on life chances, and diminished quality of life.[54]

A Force that Shapes Society

Sociologists are increasingly viewing prisons "with their poor, black and uneducated populations … not just as a reflection of society, but [as] a force that shapes it."[55] Over the past decade, there has been growing interest in America's criminal justice and prison policies among social science researchers and academicians. As one commentator has observed, "in the last decade, discussion of incarceration has moved to the center of the field, in the work of respected scholars at top institutions who are interested in a broad understanding of American inequality."[56]

Sociologists who have begun to focus on this area have made significant observations with regard to race and poverty as they relate to the criminal justice system. With regard to race, sociologist Bruce Western has found that 30% of black males born in the late 1960s who did not attend college served time in prison, and "[f]or high school dropouts, the figure is a startling 59 percent."[57] Research also suggests that patterns of mass incarceration "render invisible a substantial portion of American poverty."[58] For instance, Western has found that while the

government reports unemployment levels for black male high school dropouts in 2000 at 33 %, these statistics do not provide an accurate assessment of unemployment in this population because government surveys exclude prisoners. Including prisoners in the assessment, the unemployment level for black male high school dropouts at the height of the technology boom in 2000 was actually 65 %.[59]

According to Western, "prisons have grown into potent 'engines of inequality,' … [which] actively widen the gap between the poor – especially poor black men – and everyone else."[60] Prisons essentially stigmatize men who have limited education and job skills, making it harder for them to find jobs; slashing their wages when they do find jobs; and branding them as bad future spouses.[61] "The effects of imprisonment ripple out from prisoners, breaking up families and further impoverishing neighborhoods, creating the conditions for more crime down the road."[62]

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[5] Shea, Christopher. "Life Sentence." Boston Globe, September 23, 2007. *See also*, Mauer, Marc, and King, Ryan S. "Uneven Justice: State Rates of Incarceration By Race and Ethnicity." The Sentencing Project, July 2007. (noting a 500% rise in the jail and prison populations since the early 1970s).

[6] Mauer & King. "Uneven Justice" at p. 1.

[7] Mauer, *Keeping America Open*, *supra* note. 1 at p. 84.

[8] Shea, "Life Sentence," *supra* note 5.

[9] Mauer, Marc. 2005. *Incarceration and Crime: A Complex Relationship.* Washington, DC, The Sentencing Project.

[10] *Id.*

[11] *Public Safety, Public Spending: Forecasting America's Prison Population 2007 – 2011*, Pew Public Safety Performance Project (2007) at p. 1.

[12] *Id.* at p. 2.

[13] *Id.* at p. 9.

[14] *Id* at p. 18.

[15] Mauer, *Incarceration and Crime*, *supra* note 9 at p. 6.

[16] Pew, *Public Safety, Public Spending supra* note 11 at p. 3.

[17] *Id.* at p. 23.

[18] *Id*.

[19] *Id.* at p. 24 (citing a recent review conducted by the Vera Institute of Justice).

[20] *Id.* at p. 23

[21] *Id.* at p. 25.

[22] Mauer, *Incarceration and Crime*, *supra* note 9 at p. 6. *See also,* Pew, *Public Safety, Public Spending, supra* note 11 at p. 24 ("the benefit to public safety of each additional prisoner consistently decreases").

[23] Mauer, *Incarceration and Crime, supra* note 9 at p. 6.

[24] Mauer and King, *Uneven Justice, supra* note 5 at p. 4.

[25] *Id.* at p. 3.

[26] *Facts About Prisons and Prisoners,* The Sentencing Project. *See also,* Mauer, Marc, and King, Ryan, *Schools and Prisons: Fifty Years After Brown v. Board of Education,* at p. 5.

[27] Dellums Commission, *A Way Out: Creating Partners for Our Nation's Prosperity by Expanding Life Paths of Young Men of Color,* Joint Center for Political and Economic Studies Health Policy Institute (2005) at p. 3.
[28] "African Americans and the Correctional System" from "Joint Center DataBank" available online at http://www.jointcenter.org/DB/factsheet/correctionalsys.htm.
[29] *Facts About Prisons and Prisoners, supra* note 26.
[30] Mauer & King, *Uneven Justice, supra* note 5 at p. 4.
[31] *Id.* at p. 2.
[32] Shea, "Life Sentence," *supra* note 5.
[33] Dellums Commission, *A Way Out*, at p. vii.
[34] *Id.* (Three-fourths of all persons imprisoned for drug offenses are black or Latino, and while blacks constitute 13.3% of monthly drug users, they represent 32.5% of persons arrested for drug offenses).
[35] GAO, *Poverty in America: Economic Research Shows Adverse Impacts on Health Status and Other Social Conditions As Well As the Economic Growth Rate*, 2007, at p. 1.
[36] Snyder and Sickmund, *Juvenile Offenders and Victims: 2006 National Report* at page 7.
[37] GAO, *Poverty in America, supra* note 35 at p. 5 – 6.
[38] *Id.* at p. 16.
[39] *Id.*
[40] Mauer and King, *Schools and Prisons*, *supra* note 26 at p. 2-3.
[41] Drew, Rachel Bogardus. "The Truth About Concentrated Poverty." National Housing Institute (2006).
[42] *Id*.
[43] The Brookings Institution. "Katrina's Window: Confronting Concentrated Poverty Across America." October 2005.
[44] Mauer and King, *Schools and Prisons*, *supra* note 26 at p. 2-3.
[45] Drew, "The Truth About Concentrated Poverty," *supra* note 41.
[46] "Katrina's Window," *supra* note 43.
[47] *Id.*
[48] *Id. See also* Turner, Margery Austin, and Rawlings, Lynette A. "Overcoming Concentrated Poverty and Isolation." The Urban Institute (2005).
[49] "Katrina's Window," *supra* note 43. *See also* Turner and Rawlings, "Overcoming Concentrated Poverty and Isolation," *supra* note 48.
[50] "Katrina's Window," *supra* note 43.
[51] *Id.*
[52] *See* Turner and Rawlings, "Overcoming Concentrated Poverty and Isolation," *supra* note 48, and "Katrina's Window," *supra* note 43.
[53] "Katrina's Window," *supra* note 43.
[54] *See* Turner and Rawlings, "Overcoming Concentrated Poverty and Isolation," *supra* note 48, and "Katrina's Window," *supra* note 43.
[55] Shea, "Life Sentence," *supra* note 5.
[56] *Id.*
[57] *Id.*
[58] *Id.*
[59] *Id.*
[60] *Id.*
[61] *Id.*
[62] *Id.*

III. UNDERSTANDING RISK FACTORS FOR DELINQUENT BEHAVIOR & CRIMINAL CONDUCT

The previous chapter makes clear that those whom America incarcerates are disproportionately black, brown, male, and poor. But what else do we know about incarcerated populations? What other characteristics do they have in common? How do these characteristics contribute to the cycle of incarceration? And what might those common characteristics tell us about where to invest public resources to break the cycle of incarceration and prevent initial entry into the criminal justice system? This chapter addresses these questions by describing individual, family, school, and community risk factors for delinquent and criminal behavior. This chapter lays the groundwork for a subsequent discussion of the need for a more integrative approach to justice reform, an approach that utilizes multi-disciplinary collaboration to promote intervention strategies that advance public safety by decreasing the likelihood that a person will engage in risky or criminal behavior.

The Risk Factor Paradigm: Multiple Factors Operating Across Multiple Domains

Answering the question "What causes crime?" is not as easy as one might think. Many different factors contribute to crime: individual factors such as antisocial behavior, emotional development, and cognitive impairment; family factors such as child maltreatment or abuse, family structure, and parenting practices; school factors such as deficiencies in educational systems, truancy, and the school to prison pipeline; and community factors such as poverty, unemployment, and the availability of stable housing. While these various factors can increase the risk of criminal conduct, they do not invariably result in it, a distinction that challenges common understanding of what it means for an event or condition to "cause" an effect such as crime.[63] Furthermore, statistical associations between particular risk factors and crime "never provide any guarantee that the factor in question *causes* crime."[64] In short, there is "no single factor or set of factors which causes an individual to become involved in crime," and it is difficult to identify specific and proximate causal links between these various factors and the incidence of crime .[65]

Because of these difficulties, the criminal justice field has borrowed a "risk factor paradigm" approach from the public health arena as a means of better understanding the causes of criminal

conduct and of tailoring intervention strategies to prevent criminal behavior.[66] In the medical community, doctors inquire about a patient's medical history, family history, diet and weight in order to identify whether a patient has any risk factors for such diseases as cancer or heart attack, and then suggest interventions to prevent disease based upon the different variables that may be present in the patient's risk assessment.[67] Similarly, in the criminal justice arena, researchers focus on identifying factors in the various domains of a person's life (individual, family, school, community) that increase the likelihood that a person will engage in risky or criminal behavior.[68] With these risk factors identified, one can then identify appropriate intervention strategies to promote the development of corresponding protective factors that might decrease the risk of crime.

The risk-factor and associated typology paradigm described in the literature and utilized in public policy circles is not without its critics. Some research supports the idea that while most young people will grow out of the behavior that initiates their involvement with the juvenile justice system without further incident or intervention, a core group of juveniles continue to engage in the behavior into adulthood. There is debate in academic circles about whether so-called "career criminals" or "life-course persistent offenders" can be distinguished from other people with criminal records, and the extent to which "adult criminal trajectories" can be predicted from childhood based on a risk factor analysis.[69] While there is disagreement as to the accuracy of these various predictive models, and whether people desist from further criminal activity over time, there seems to be significant consensus with regard to key underlying assumptions of this report: there are common characteristics shared by those who enter and cycle through the criminal justice system; individual characteristics and childhood experiences interact with family, school, community, and other factors to impact the "criminal trajectory" of a person; and identifying these characteristics can help us to understand who is at risk for getting drawn into the cycle of incarceration.

In applying this approach, researchers have found that a person's risk of engaging in such behavior increases with the number of risk factors he or she has, and with the number of domains impacted.[70] Evidence suggests "problem behaviors associated with risk factors tend to cluster" (i.e., delinquency and violence cluster with such other problems as drug abuse, teen pregnancy and school misbehavior).[71] Risk factors for crime are thus "cumulative in their effect."[72] While a full recitation of all risk factors and the nuances of their inter-connectedness with each other is

beyond the scope of this report, a basic understanding of factors that increase the likelihood of criminal conduct by an individual or of crime occurring in a particular community or environment is important if we are to identify points of intervention that could break the cycle of incarceration by preventing initial entry into the criminal justice system.[73] This report's focus on preventing initial entry into the criminal justice system necessarily requires a discussion of the factors that lead to both adult criminal offenses as well as juvenile delinquent conduct. Because of this connection, this report draws upon research involving both populations (adult offenders and juvenile delinquents) in discussing risk factors.

Individual Risk Factors:

Research suggests that individual risk factors for criminal behavior range from such characteristics as age and gender, to physiologically-based issues such as cognitive dysfunction and "intellectual deficits," and to behaviors such as substance abuse, aggression, and emotional disorders. In addition to the information presented in Chapter 2 regarding race and poverty (America disproportionately incarcerates people who are black, brown and poor) it is clear that males are more likely to commit crime than females, and young adults (age 18 – 34) represent the largest portion of offenders.[74] Although there is on-going debate as to whether one can accurately isolate the factors that distinguish those who outgrow delinquent behavior as juveniles and those who persist with such behavior into adulthood, research also links early onset of delinquent behavior (before age 13) with "a greater risk of becoming serious, violent, and chronic juvenile offenders."[75] Those adult offenders who persist in criminal behavior generally begin their contact with the criminal justice system as adolescents, and thus understanding "factors which precipitate juvenile involvement are helpful in understanding adult crime."[76]

Early onset of aggression and antisocial behavioral problems are considered to be among the best predictors of later delinquency.[77] Such behaviors are often associated with inattention-hyperactivity, neurocognitive risk (e.g., poor reading, language, and problem-solving skills), difficult temperament, and poor parenting. These behaviors "compromise healthy development and increase the risk for significant impediments to later wellness – impediments such as violence, delinquency, dropping out of school, depression, and drug abuse."[78] Other individual personality and behavioral factors that increase the risk of criminal conduct include failure to

consider the consequences of one's behavior, and lack of self-control, critical reasoning, and judgment.[79]

Research suggests that cognitive dysfunction, so-called "intellectual deficits," and emotional disabilities are characteristic of those caught in the cycle of incarceration. Several forms of mental and emotional disabilities disproportionately affect juvenile justice and convicted adult populations. Researchers estimate that 32 – 43% of incarcerated youths suffer from such disabilities as emotional and/or behavioral disorders, learning disabilities, mental retardation, and ADHD, and that "an additional and substantial portion of delinquent youths and criminal adults [have] more global intellectual deficits." Among those with more "global intellectual deficits," research suggests "intellectual disadvantages may be concentrated in the area of verbal I.Q.….. [suggesting] a specific and pervasive deficit in language that may affect the child's receptive listening and reading, problem solving, expressive speech and writing, and memory for verbal material."[80] Furthermore, "[b]asic cognitive deficiencies may also be associated with impaired social cognitive processes, such as failure to attend to appropriate social cues (e.g., adults' instructions, peers' social initiations)."[81] In addition, researchers have found that poor academic performance (low grades and low rates of advancement) and poor school-related behavior (conduct problems, absenteeism, suspensions, expulsions, and dropouts) are characteristic of incarcerated youths, and are linked to violence as adolescents and adults.[82] Research strongly suggests that one's environment can markedly influence I.Q., that prior knowledge of words and concepts acquired through schooling, parenting, or other environmental factors influences one's verbal I.Q. score, and that interventions at every age from infancy to college can reduce racial gaps in both I.Q. and academic achievement – all suggesting that while "intellectual deficits" have been noted as a significant individual risk factor for delinquent or criminal conduct, such deficits are closely tied to the family, educational, and environmental risk factors described later in this chapter, and that appropriate interventions could address this significant risk factor for delinquent or criminal conduct.[83]

Both mental health problems and substance abuse are prevalent among prison and jail populations. In a recent 2005 survey, more than half of all people in prisons and jails either exhibited symptoms of a mental disorder or had a recent history of mental health problems, including a clinical diagnosis and treatment.[84] Three-quarters of those who had mental health problems also met criteria for substance dependence or abuse.[85] With regard to substance abuse,

"[d]rug abuse among correctional populations is a pervasive problem affecting between 60% and 80% of offenders under supervision."[86] A recent report found that a third of people held in state correctional facilities committed their current offense while under the influence of drugs; over half used drugs in the month preceding the current offense, and more than two-thirds used drugs regularly at some point in their lives; among federal prisoners, 26% reported using drugs at the time of the offense, and 50% reported using drugs in the month prior to the offense.[87] Many family precursors to substance abuse are identical to the precursors to involvement in crime.[88] As one advocate interviewed for this project noted, "Society is massively failing to address the mental health needs of millions, and the criminal justice system has become a substitute mental health provider."

Prenatal and perinatal complications may be connected to later delinquent or criminal behavior.[89] Such complications in pregnancy and delivery can lead to health problems that negatively influence development.[90] Some research suggests a link between prenatal exposure to cigarette smoke (from mothers who smoked during pregnancy) and conduct disorders and other problem behaviors.[91] In addition, prenatal exposure to drugs, and birth symptoms typically associated with babies born to teenage mothers (poor nutrition, low birth weight and premature delivery) have been associated with delinquency before age 18 and violent delinquency.[92] Other research suggests "mild neuropsychological deficits present at birth can snowball into serious behavior problems by affecting an infant's temperament," which, in turn, "can affect children's control of behaviors such as language, aggression, oppositional behavior, attention and hyperactivity."[93]

Family Risk Factors

"Poor family functioning, parenting practices, and family interaction styles have been demonstrated as consistent risk factors for substance abuse, delinquency, and criminal behavior."[94] Inadequate parenting practices include high levels of parent-child conflict, low levels of positive parent-child involvement, and poor monitoring and supervision of children.[95] Family dynamics and parental/caregiver involvement "are significantly correlated with an individual's propensity to engage in violent behavior," and a lack of parental involvement "increases the risk for violence, particularly among males."[96] "Severe or inconsistent family discipline practices can also contribute to delinquency and violent behavior."[97] It is not

uncommon for the parents of children at risk for delinquent or criminal conduct to suffer from antisocial personality disorder, substance abuse, or depression.[98] Parents suffering from such psychopathologies show the kinds of deficiencies in their parenting skills that increase the risk of delinquent or criminal conduct for their children.[99]

Research suggests that the structure and size of a family can impact the likelihood that a person will become criminally involved. Children from single-mother households are at higher risk for poor behavioral outcomes, as well as children from families with four or more siblings by the age of 10.[100] Adolescents in father-absent households have an elevated risk of incarceration.[101] Some studies have looked in particular at the impact that parental incarceration has on children.[102] An estimated 2.3 million children have parents who are incarcerated in federal, state, or local jails, and fathers account for 90% of incarcerated parents.[103] While research on this issue is far from complete, "[the] literature suggests that parental separation due to imprisonment can have profound consequences for children," including "intergenerational patterns of criminal behavior."[104] One recent survey found that 46% of jail inmates had a family member who had been incarcerated.[105]

Child abuse and neglect are significant family-level risk factors for future criminal behavior, and "commonly occur with other family risk factors associated with early-onset offending."[106] Abused and neglected children offend more frequently and begin doing so at earlier ages than other children.[107] Being abused or neglected as a child increases the likelihood of arrest as a juvenile by 59%, as an adult by 28%, and for a violent crime by 30%.[108] "Focusing specifically on the relationship between physical abuse and children's aggression, one study suggests that 20 percent of abused children become delinquent before reaching adulthood. … [and] one study that compared children without a history of abuse or neglect with children who had been abused or neglected found that the latter group accrued more juvenile and adult arrests by the age of 25."[109] "[T]here is also increasing evidence that childhood victimization has the potential to affect multiple domains of functioning… [including] mental health problems, such as posttraumatic stress disorder, suicide attempts, and alcohol problems in women; social and behavioral problems, including running away, prostitution, and lower rates of employment; and cognitive and intellectual functioning, including lower reading ability and IQ scores in young adulthood."[110] Research has also made clear not only that "experiencing violence as a child leads to increased risk of being arrested for violent crime," but also that "childhood neglect and

emotional maltreatment are associated with violence as well."[111] In discussing the nexus between child abuse and neglect and criminal conduct, one expert interviewed for this project noted that there are significant racial disparities in the child welfare and child protection intervention process, specifically with regard to the extent to which abuse and neglect cases are reported and substantiated, and the children are removed from homes. He noted further that there is little documentation as to why this disparity exists, but that it is likely attributable to some of the same underlying causes as the disproportionate representation of communities of color in the criminal and juvenile justice systems discussed in Chapter 2.

Relatedly, domestic violence within a family is a risk factor for delinquent or criminal behavior. "Each year, approximately 3.3 million children witness physical and verbal spouse abuse. Witnessing domestic violence has been linked to increased child behavior problems, especially for boys and younger children."[112] When domestic violence co-occurs with child abuse, alcohol abuse and incarceration in male batterers, and maternal psychological distress, there is an even greater impact on children.[113]

School Risk Factors

Repeatedly during interviews, advocates and researchers from multiple disciplines identified deficiencies in educational systems, destructive school discipline policies, truancy, and the seeming inability of schools to identify and service disadvantaged youth who are in need of special educational services, as being directly related to the cycle of incarceration.[114] Certainly, there are strong correlations between educational failure and the cycle of incarceration. As one report notes, "individuals with *low attainment* and *poor quality education* – these often overlap – can expect to face inferior employment prospects, low wages, poor health, and greater involvement in the criminal justice system."[115] Another report finds "[c]hildren with lower academic performance are more likely to offend, more likely to offend frequently, more likely to commit more serious offenses, and more likely to persist in crime."[116] In addition to poor academic performance, researchers have identified failure to develop strong bonds to school[117] and truancy[118] as risk factors for delinquent conduct.

Surveys of people in prisons and jails have consistently shown that incarcerated people "have less educational attainment than the general population in the United States."[119] In the late 1990s, sixty-eight percent of people in state prisons did not have a high school diploma, and only

12.7% of the incarcerated population had completed high school compared with 48.4% of the general population.[120] By one estimate, 70% of those incarcerated in state and federal prisons are functionally illiterate or read below the eighth grade level.[121] Although dropout rates have fallen over the last 30 years, nearly half a million youth quit high school in 2000.[122]

As was noted by several education researchers and civil rights advocates, the use of school suspensions and expulsions "has increased dramatically over the past 25 years."[123] Such school suspensions and expulsions precipitate dropping out of school – a "significant link in what is now called 'the school to prison pipeline.'"[124] "Under-resourced urban schools that are ill equipped to address the needs of impoverished students, zero tolerance and other punitive disciplinary policies, 'high stakes testing,' and racism" are all components of the pipeline.[125] Advocates noted in particular that racism appears evident in the school to prison pipeline: school expulsions and suspensions disproportionately impact students of color, resulting in increased risk of involvement in the juvenile and adult criminal justice system.[126] Several advocates noted that given the presence of metal detectors, uniformed officers, and various methods of drug detection on campuses, schools are themselves increasingly turning into prisons. One description that was heard repeatedly during interviews is that schools have "criminalized normal adolescent behavior" and are treating school discipline issues as criminal issues.

Educational failure is directly related to other risk factors for criminal behavior, and has significant implications in other domains of a person's life. In one recent report of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), researchers linked educational failure, difficulty finding employment, and law-violating behavior. Specifically, they noted that "[i]f, 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."[127]

As this brief section demonstrates, there is considerable evidence that educational failure is a significant risk factor for delinquent or criminal behavior. The reasons why students fail in school are more complex. At the level of the individual student, research suggests some do more poorly in school because of specific cognitive deficits or emotional/behavioral issues. But there are also considerable failures at the policy/systems level: deficient school environments, inadequate funding, and exclusionary policies such as those outlined above all contribute to

educational failure. One expert interviewed for this project noted that educational access is a significant issue for the half a million children in foster care. Another education expert interviewed for this project noted, "Schools frequently lack sufficient resources to adequately and effectively support a child with transition issues and support needs, as well as the technical skill and staffing sophistication to do it." And because measurements of intelligence (particularly verbal I.Q. scores) rely heavily on a variety of verbal tasks involving such things as general word and vocabulary knowledge and reading comprehension skills, the "intellectual deficits" that are characteristic of incarcerated youth and adults are likely to influenced by the inferior schools and poor parenting practices described above rather than the result of an inability to learn.

Community Risk Factors

The environment in which a person lives can influence the likelihood of criminal conduct or delinquency.[128] "Although researchers debate the interaction between environmental and personal factors, most agree that 'living in a neighborhood where there are high levels of poverty and crime increases the risk of involvement in serious crime for all children growing up there.'"[129] Community factors that contribute to the risk of delinquent or criminal conduct include poverty, unemployment, inadequate living conditions, such as substandard housing and homelessness, and environmental exposure to such chemicals as lead.

As discussed more fully in Chapter 2, high-poverty neighborhoods exact "multiple costs on individuals and society," and are plagued by higher crime rates, especially violent crime rates.[130] Neighborhoods with concentrated poverty "are more likely to be physically deteriorated and to have more crime and street violence, greater availability of illegal drugs, and more negative peer influences and adult role models."[131] These same neighborhoods also have fewer social supports, less effective social networks, and fewer high-quality public and private services such as health care providers, child care centers, and community centers.[132] These characteristics can have significant negative consequences "for the cognitive functioning, socialization, physical health, emotional functioning, and academic achievement of children and adolescents."[133] "The cumulative effect of socioeconomic status on families, neighborhoods, schools, and health care guarantees that poor and low-income adolescents arrive at young adulthood in worse health,

engaging in riskier and more dangerous behaviors, and with lower educational attainment and more limited career prospects than their more affluent counterparts."[134]

Unemployment is a significant community factor that impacts the likelihood that a person will become criminally involved,[135] as well as the likelihood that crime will occur in a particular neighborhood or community. People who are incarcerated report extended periods of unemployment and of earning low wages more often than the general population.[136] Researchers have found links between employment status, wages, and crime rates, and also between the economic health of a community and incarceration rates.[137] "Poverty, unemployment, and income inequality have all consistently been found to render areas crime-prone."[138]

Inadequate living conditions, such as poor housing and unstable living situations, also impact the likelihood of criminal behavior occurring.[139] Substandard housing has been linked with higher rates of violent crime, "particularly where exposure to lead hazards is more likely to occur."[140] The sequence of events by which substandard housing has become the norm in high-poverty areas is predictable. Rents tend to outpace the relatively low incomes of people who live in high poverty areas.[141] Although high for the residents, rental prices are inadequate to cover the maintenance and operating costs landlords must pay on their properties.[142] Unable to pay for maintenance and repair costs, the rental properties deteriorate, frequently into near-uninhabitable conditions, further discouraging others from investing in bringing services to the area or in neighborhood improvements.[143] The result is a vicious cycle in which tenants skimp on food, clothing, healthcare, and other expenditures in order to pay a significant portion of their meager incomes to live in neglected buildings in destabilized areas.[144]

Inadequate living conditions also include homelessness. "According to survey research on the correctional population, approximately 26 percent of people in jail reported that they were homeless in the year prior to their incarceration, and 19.5 percent of state prisoners reported being homeless."[145] "[W]ith an estimated 3 million people living without a home every year, [the United States] continues to struggle with the policy challenges of chronic homelessness, the lack of affordable housing, and the exclusion of certain people from federal housing subsidies."[146]

Exposure to certain chemicals has also been linked to criminal behavior. It has long been known that exposure to even low levels of lead can cause brain damage that decreases intelligence and can increase impulsive and aggressive behavior.[147] Recently, attention has

focused on the extent to which the rise and fall of lead-exposure rates due to the use of leaded gasoline in cars through the late 1970s and early 1980s (the main source of lead in the air and water) may be linked to violent crime rates in the 1980s and 1990s.[148] Recent studies have also shown that "exposure to lead, associated with older, deteriorated, and lower-quality housing, can result in increased delinquency, violence, and crime."[149]

The Cascading Effect of Disordered Neighborhoods on Other Risk Factors

The various community risk factors described above are indicative of what has been called "neighborhood disorder," that is, "the presence of community-level stressors such as poverty, unemployment or underemployment, signs of neighborhood decay, limited resources, abandoned buildings, substandard housing, and high crime rates."[150] Neighborhood disorder is something that can be seen (e.g., public drinking, prostitution, or illegal drug traffic), that can be experienced by residents (e.g., crime against a person), and that can induce a person living in the neighborhood to join or participate in delinquent or criminal behavior.[151]

The factors that lead to disordered neighborhoods are, in fact, the same factors that may lead to delinquent behavior.[152] It is theorized that adolescents exposed to disordered neighborhoods are at increased risk of themselves becoming involved in criminal or delinquent behavior because they have an increased opportunity to interact with and be influenced by negative role models and peers involved in delinquent conduct. It is further theorized that disordered neighborhoods have weakened social controls that decrease the ability of residents to come together for common goals, and that simply overwhelm potential mediating variables.

Unfortunately, as is evident from Chapter 2's discussion of concentrated poverty, disordered neighborhoods limit access to social and economic opportunities. They also limit access to and the effectiveness of critical social and human services that could help to address individual, family, and school risk factors – services such as mental health clinics, substance abuse treatment programs, high-quality health care services, community centers, and educational support services. One person interviewed for this project observed that many community health programs have shut down, and that existing mental health and substance abuse clinics lack the resources to respond to the full scale of need that exists. The resulting high demand for bed space pressures such programs to institute "one strike and you're out" policies which are not realistic for the population utilizing the services. Lack of resources, coupled with neighborhood

disorder that discourages new investments in areas of concentrated poverty, combine to diminish the effectiveness and availability of social service interventions.

In the end, a vicious cycle is created in which disordered neighborhoods and other risk factors mutually and negatively reinforce risk factors at all levels. Disordered neighborhoods reinforce individual, family, and school risk factors that increase the likelihood of criminal or delinquent conduct, which in turn reinforce disordered neighborhoods. Moreover, the disordered neighborhoods in which human and social services are most needed discourage the investment of resources and are themselves a barrier to effectively addressing the individual, family, and school risk factors described in this chapter.

The cascading effect of disordered neighborhoods on other risk factors seems to be overwhelming. Indeed, many interviewed for this project shared the sentiment of one advocate who said, "Yes, we need to be talking about this, but it's a massive undertaking. Where do you even begin to put these pieces together?" As another person interviewed put it, "What is it, *exactly,* that we're trying to do? And how do we define something that can be done that is real and practical and achievable?"

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[63] "Crime and Justice Bulletin," NSW Bureau of Crime Statistics and Research. No. 54 (February 2001).

[64] *Id.*

[65] *Id.*

[66] *See, e.g.,* Shader, Michael. "Risk Factors for Delinquency: An Overview," U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (describing a "recent movement" toward a public health model, "the basic idea of which is to 'identify the key risk factors for offending and tool prevention methods designed to counteract them.'").

[67] "Crime and Justice Bulletin," *supra* note 63.

[68] *Id.*

[69] *See, e.g.,* Sampson, Robert J., and John H. Laub. "Life-Course Desisters? Trajectories of Crime Among Delinquent Boys Followed to Age 70," *Criminology*, Vol. 41, No. 3 (2003) (describing shifts in the field of criminology from "individual correlates of crime," to the "career criminal debate," to "typological accounts of crime," to the "age-invariance thesis").

[70] "Crime and Justice Bulletin," *supra* note 63 *See also* Shader, "Risk Factors for Delinquency: An Overview," *supra* note 66 ("the presence of several risk factors often increases a youth's chance of offending"). *See also,* "Community Guide to Helping America's Youth: Introduction to Risk Factors and Protective Factors." Available on-line at http://guide.helpingamericasyouth.gov/programtool-factors.cfm *(*"Exposure to risk factors in the relative absence of protective factors dramatically increases the likelihood that a young person will engage in problem behaviors," and "the greater the number of risk factors, the greater the likelihood that youth will engage in delinquent or other risky behavior."). *See also,* Wasserman, et. al. "Risk and Protective Factors of Child Delinquency." U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (April 2003). ("Most professionals agree that no single risk factor leads a young child to delinquency. Rather, the likelihood of early juvenile offending increases as the number of risk factors and risk factor domains increases.").

[71] "Community Guide to Helping America's Youth," *supra* note 70.

[72] "Crime and Justice Bulletin," *supra* note 63. *See also* Shader, "Risk Factors for Delinquency," *supra* note 66 (noting a "multiplicative effect when several risk factors are present").

[73] *See, e.g.,* Shader, "Risk Factors for Delinquency," *supra* note 66 ("The study of risk factors, therefore, is critical to the enhancement of prevention programs that frequently have limited staffing and funding. Identifying which risk factors may cause delinquency for particular sets of youth at specific stages of their development may help programs target their efforts in a more efficient and cost-effective manner.").

[74] "Background Information on Crime Prevention Through Social Development and Population Health Approach: Crime Prevention through Social Development," available on-line at http://www.upei.ca/SI/BackgroundInformation_Resource_Section.pdf. *See also* "Criminal Offenders Statistics," Bureau of Justice Statistics available online at http://www.ojp.usdoj.gov/bjs/crimoff.htm#lifetime ("an estimated 57% of inmates were under age 35 in 2001").

[75] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[76] "Crime and Justice Bulletin," *supra* note 63.

[77] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70. (noting, however, that "more studies are needed to determine whether emotional characteristics in childhood are causes of or simply correlates of later antisocial behavior").

[78] OJJDP, *Blueprint for Violence Prevention*, *supra* note 2 at page 15. *See also,* Shader, "Risk Factors for Delinquency," *supra* note 66 (quoting Tremblay and LeMarquand "the best social behavior characteristic to predict delinquent behavior before age 13 appears to be aggression").

[79] "Background Information on Crime Prevention," *supra* note 74.

[80] Juvenile Justice Educational Enhancement Program, *2005 Annual Report to the Florida Department of Education,* at p. 100. *See also,* Shader, "Risk Factors for Delinquency," *supra* note 66 ("Low verbal IQ and delayed language development have both been linked to delinquency; these links remain even after controlling for race and class."), *and* Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[81] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[82] *2005 Annual Report to the Florida Department of Education, supra* note 80, at p. 101. *See also,* Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70, *and* "Risk and Protective Factors for Youth Violence." National Youth Violence Prevention Resource Center. Available online at http://www.safeyouth.org/scripts/facts/risk.asp ("Poor academic achievement and school failure are other individual-level factors that contribute to risk for violence.").

[83] *See, e.g.,* Nisbett, Richard E., "All Brains Are the Same Color," *New York Times*, (December 9, 2007).

[84] James, Doris J., and Laren E. Glaze, "Mental Health Problems of Prison and Jail Inmates," Bureau of Justice Statistics Special Report (Revised 2006).

[85] *Id.*

[86] "Drug Treatment in the Criminal Justice System," ONDCP Drug Policy Information Clearinghouse Fact Sheet (March 2001).

[87] Mumola, Christopher J., and Jennifer C. Karberg, "Drug Use and Dependence, State and Federal Prisoners, 2004," Bureau of Justice Statistics (revised January, 2007).

[88] "Crime and Justice Bulletin," *supra* note 63.

[89] Shader, "Risk Factors for Delinquency," *supra* note 66.

[90] *Id*.

[91] *Id*. *See also,* OJJDP *Blueprint for Violence Prevention, supra* note 2, at p. 16.

[92] OJJDP *Blueprint for Violence Prevention, supra* note 2, at p. 16.

[93] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[94] OJJDP *Blueprint for Violence Prevention, supra* note 2, at page 15.

[95] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70 (noting that these inadequate parenting practices "are among the most powerful predictors of early antisocial behavior.")

[96] "Risk and Protective Factors for Youth Violence," *supra* note 83.

[97] *Id*.

[98] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70. *See also,* "Criminal Offenders Statistics," *supra* note 74 ("thirty-one percent of jail inmates had grown up with a parent or guardian who abused alcohol or drugs").

[99] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[100] *Id.*

[101] Harper, Cynthia, and Sara S. McLanahan. "Father Absence and Youth Incarceration." Journal of Research on Adolescence, 14(3), 369 – 397 (2004) (noting that father-absence frequently co-occurs with other socioeconomic difficulties such as teen motherhood, low education, racial disparities, and frequent residential moves, and that these other difficulties contribute to but do not fully explain the higher risks of incarceration).

[102] *See, e.g.,* Parke, Ross D., and K. Alison Clarke-Stewart, "Effects of Parental Incarceration on Young Children" (December 2001), *and* Travis, Jeremy, Elizabeth Cincotta McBride, and Amy L. Solomon, "Families Left Behind: The Hidden Costs of Incarceration and Reentry," Urban Institute Justice Policy Center (October 2003, revised June 2005).

[103] Parke and Clarke-Stewart, "Effects of Parental Incarceration on Young Children," *supra* note 102.

[104] Travis, et al, "Families Left Behind," *supra* note 102.

[105] "Criminal Offenders Statistics," *supra* note 74.

[106] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[107] *Id.*

[108] OJJDP *Blueprint for Violence Prevention, supra* note 2, at p. 16.

[109] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[110] Widom, Cathy Spatz. "Understanding Child Maltreatment and Juvenile Delinquency: The Research."

[111] *Id.*

[112] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[113] *Id.*

[114] *See also, Background information on Crime prevention*, *supra* note 74 (listing "truancy, deficient school environments, and exclusionary policies" as risk factors for crime).

[115] Levin, et. al, *The Public Returns to Public Educational Investments in African American Males*, April 2007, at p. 2.

[116] "Crime and Justice Bulletin," *supra* note 63.

[117] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[118] "Crime and Justice Bulletin," *supra* note 63

[119] *Education and Public Safety,* Justice Policy Institute (2007).

[120] *Id.* citing Harlow, Caroline W. *Education and Correctional Populations* Bureau of Justice Statistics (2003).

[121] *Adult Illiteracy: Its Cost to Us All*, Arkansas Literacy Councils (2005) at p. 2.

[122] Snyder and Sickmund, *Juvenile Offenders and Victims, supra* note 36, at p. 14.

[123] Weissman, Marsha, et. al., *School Yard or Prison Yard: Improving Outcomes for Marginalized Youth*, (2005) at p. ii.

[124] *Id.* at p. 1.

[125] *Id.* at p. ii. *See also,* Shader, "Risk Factors for Delinquency," *supra* note 66 (school policies regarding grade retention, suspension and expulsion, and school tracking of juvenile delinquency "disproportionately affect minorities" and "have negative consequences for at-risk youth").

[126] Mauer, *Schools and Prisons, supra* note 26, at p. 5. ("According to the Department of Education, 35% o African American children in grades 7-12 had been suspended or expelled at some point in their school careers, compared to rates of 20% for Hispanics and 15% for whites.")

[127] Snyder and Sickmund, *Juvenile Offenders and Victims: 2006 National Report.*, *supra* note 36, at p. 14.

[128] Shader, "Risk Factors for Delinquency," *supra* note 66.

[129] *Id*.

[130] "Katrina's Window," *supra* note 43.

[131] Escarce, Jose J. "Socioeconomic Status and the Fates of Adolescents." Health Services Research (2003).

[132] *Id*.

[133] *Id.*

[134] *Id.*

[135] *See, e.g.,* Raphael, *Making the Links*, *supra* note 2, at p. 3. *See also, Background information on Crime prevention*, *supra* note 74.

[136] "Employment, Wages and Public Safety," Justice Policy Institute (2007).

[137] *Id*.

[138] "Crime and Justice Bulletin," *supra* note 63.

[139] "Background information on Crime prevention," *supra* note 74.

[140] "Housing and Public Safety," Justice Policy Institute (2007).

[141] Drew, "The Truth About Concentrated Poverty," *supra* note 41.

[142] *Id*.

[143] *Id.* ("From a housing perspective, high poverty areas are more likely to have deteriorating and/or abandoned properties, which discourage investment in the area. This leads to a downward spiral for the neighborhood, from which it is costly and difficult to recover.").

[144] *Id.*

[145] "Housing and Public Safety," *supra* note 140.

[146] *Id.*

[147] *See, e.g.,* OJJDP *Blueprint for Violence Prevention, supra* note 2, at p. 16. (listing exposure to lead and resulting high lead blood levels as a risk factor for crime), and Hoffman, Jascha. "Criminal Element." The New York Times, Oct. 21, 2007.

[148] Hoffman, "Criminal Element," *supra* note 147.

[149] "Housing and Public Safety," *supra* note 140.

[150] Calvert, Wilma J. "Neighborhood disorder, individual protective factors, and the risk of adolescent delinquency," available online at http://findarticles.com/p/articles/mi_m0MJT/is_6_13/ai_95915532.

[151] *See, e.g., id.*

[152] *Id.*.

IV. DECREASING THE RISK OF DELINQUENT BEHAVIOR & CRIMINAL CONDUCT: INTERVENING EARLY TO PROMOTE PROTECTIVE FACTORS AND BUILD RESILIENCE

Understanding the risk factors for criminal or delinquent behavior is only half the story. Research has made clear that criminal or delinquent conduct, and violent behavior in particular, is the result of multiple risk factors operating across multiple domains *in the absence of protective factors*.[153] Just as the individual, family, school, and community factors discussed in Chapter 3 increase the risk that a person will engage in risky or criminal behavior, the existence of certain key protective factors promotes resilience and decreases the likelihood that a person will engage in criminal or delinquent conduct. Intervening early and addressing the multiple sources of risk in a person's life are key steps in preventing delinquent and criminal conduct.

After discussing protective factors that may help to break the cycle of incarceration and specific interventions that have been shown to promote protective factors, this chapter briefly describes various conceptual models for approaching justice reform issues, such as the youth development, social development, and health promotion approaches. This chapter then describes strategies and messages that have been utilized successfully to persuade policymakers to re-think their "tough on crime" approach to criminal justice issues. The resulting understanding of protective factors, policy approaches, successful strategies, and persuasive messages provides additional insight to inform the development of an integrative approach to justice reform – an approach that utilizes multi-disciplinary collaboration to promote public investments in effective intervention strategies to advance public safety by decreasing the likelihood that a person will engage in risky or criminal behavior, instead of building more prisons and jails.

The Impact of Protective Factors on the Risk Factor Paradigm: The Other Half of the Equation

As discussed more fully in Chapter 3, considerable work has been done to identify the circumstances that may increase a young person's likelihood of engaging in risky behaviors ("risk factors"). Studies also suggest the existence of certain "protective factors" that may create resiliency, promote healthy behaviors, and decrease the chance that a person will engage in risky

behaviors.[154] While fewer studies have been done on this aspect of the risk factor paradigm, researchers believe protective factors operate in three ways: as a buffer to risk factors, cushioning against negative effects; as an interruption of the process through which risk factors operate; and/or as a prevention of an initial occurrence of a risk factor.[155] "Many of the risk factors that make it likely that youth *will* engage in risky behaviors are the opposite of the protective factors that make it likely that a teen *will not* engage in such behaviors."[156]

In order to be successful, interventions intended to promote protective factors and build resilience need to account for co-occurring risk factors and address the multiple sources of risk a child or young adult may have in his or her life.[157] Interventions should also occur as early as possible: critical emotional and behavioral developments occur in the very early years of a person's life, and "[b]y intervening early, young children will be less likely to succumb to the accumulating risks that arise later in childhood and adolescence and less likely to incur the negative social and personal consequences of several years of disruptive and delinquent behaviors."[158] "[T]he focus on risk factors that appear at a young age is the key to preventing child delinquency and its escalation into chronic criminality."[159]

Individual-Level Protective Factors

At the level of the individual person, research suggests three types of protective factors that can promote resilience in the face of adversity and buffer a child from risk and stress: positive individual attributes, such as easy temperaments, high self-esteem, intelligence, and independence; a supportive family environment, such as a supportive parent who can help to buffer the adverse effects of poverty, divorce, or incarceration; and supportive people outside the family, such as from the school system, peer groups, or churches.[160] Research also suggests additional individual-level traits and characteristics that are protective factors: a sense of purpose and belief in a positive future; a commitment to education and learning; the ability to feel a sense of control over one's environment; the ability to be adaptable and flexible; the ability to have empathy and caring for others; the ability to solve problems, plan for the future, and be resourceful in seeking sources of support; and conflict resolution and critical thinking skills.[161]

Based on this understanding, effective interventions at the individual level should attempt to instill or reinforce these individual attributes, and to provide a supportive person in the life of a

person at increased risk for criminal or delinquent conduct. "One of the most powerful protective factors emerging from resiliency studies is the presence of caring, supportive relationships."[162] With regard to mental health and substance abuse, evidence–based practices such as multi-systemic therapy, which requires site readiness, highly trained professionals, and strict fidelity to program design, show significant positive outcomes. Research suggests that because the impulse control needed to avoid trouble is learned very early in life (during the preschool years), "it is more important to focus on the preschool years, when clearly much of the development of impulse control is taking place."[163]

Family-Level Protective Factors & Interventions

At the family level, factors that protect youth against delinquency include good relationships with parents; bonding or attachment to one's family; opportunities and reward for prosocial family involvement; having a stable family; and high family expectations.[164] "Family members, especially parents or primary caregivers, can play a significant role in helping protect youth from violence by emphasizing the importance of education and offering support and affection."[165] Positive communication and in-depth conversations between parents and children build resilience.[166] "[T]he existence of a non-kin support network which offers access to a variety of adult viewpoints and experiences" similarly helps to build resilience.[167]

Parenting practices that include the setting of clear boundaries for behavior, the enforcement of structure and rules within the household, and the imposition of reasonable discipline when rules are violated are important protective factors.[168] Some research has found that home visits by nurses to unmarried pregnant women living in households with low socioeconomic status from pregnancy through the second year after a child's birth can have a positive effect with regard to child abuse and neglect, and future delinquent or criminal conduct by the child.[169] Additionally, "focused, family-based approaches … have helped reduce the risk of poor family management practices and physically abusive behavior, which can contribute to antisocial behaviors in children."[170] As one expert for this project noted, "One of the most powerful ways to reduce crime and incarceration is to have effective child abuse detection, prevention, and intervention efforts in place."

School-Level Protective Factors & Interventions

In the education arena, important protective factors include school motivation; positive attitude toward school; student bonding and connectedness (attachment to teachers, belief, commitment); academic achievement, particularly reading ability and mathematics skills; opportunities and rewards for prosocial school involvement; high-quality schools; clear standards and rules; high expectations of students; and the presence and involvement of caring, supportive adults.[171] Ample evidence suggests a number of interventions that can engage at-risk youth in schools and help to prevent drop outs, key strategies for protecting against risk and building resilience in young people. These interventions include such things as high quality early education, small classrooms and individualized learning, strengthened curricula, recruiting qualified teachers to high-need areas, strong leadership at the principal level, effective youth development activities, and providing training and support for teachers to appropriately respond to children who present challenging behaviors. With regard to reducing aggressive behavior in the classroom, research has found that several types of school programs show promise.[172] Additionally, schools have developed a number of efforts to "promote norms against aggressive, violent, and other antisocial behaviors," including the development of social competence curriculums, conflict resolution and violence prevention curriculums, bullying prevention programs, multicomponent classroom programs to improve academic achievement and reduce antisocial behaviors, after-school recreation programs, and mentoring programs.[173]

There is evidence that "increased investments in quality education can have a positive public safety benefit."[174] Specifically, increasing graduation rates can produce significant public safety benefits. One report has documented that increasing average years of schooling completed by one year reduces violent crime by almost 30%, motor vehicle theft by 20%, arson by 13%, and burglary and larceny by about 6%; and that increasing high school completion rates by 1% for all men ages 20 – 60 would save as much as $1.4 billion per year in reduced costs from crime incurred by victims and society at-large.[175] Another more recent report documented that increasing male high school graduation rates by 5% would produce an annual savings of $5 billion in crime-related expenses; and when coupled with annual earnings of those who graduated, the United States would receive $7.7 billion in benefits.[176] Research has also documented links between higher graduation rates and lower violent crime rates, and bigger decreases in violent crime rates when states make bigger investments in higher education.[177]

In the school to prison pipeline context, each of the recommendations[178] to prevent the use of out-of-school suspensions listed below was echoed by education researchers and civil rights advocates interviewed for this project: curtailment of the use of out-of-school suspensions; better training of staff on issues that form the context of the lives of urban youth***;*** behavioral management techniques that more effectively address negative behaviors that arise as a result of dire family and community conditions; and developing a deeper understanding of the consequences of school suspensions, particularly for African American young men. One advocate noted that progress is being made by pulling together local stakeholders from corrections, the courts, families, school districts, the juvenile justice system, and other youth and family-serving agencies, to discuss the issues and identify best practices and action steps they can take.

Community-Level Protective Factors and Interventions

Protective factors at the community level include economically sustainable and stable communities; a safe and health-promoting environment; supportive law enforcement presence; positive social norms; the availability of neighborhood resources; opportunities and rewards for prosocial community involvement; high community expectations; and neighborhood and social cohesion.[179] In addition, "a strong community infrastructure has been identified as a protective factor against youth violence in the resiliency literature."[180] Strong neighborhoods and communities open doors to opportunity for young people "to participate in activities where they have choices, decision-making power, and shared responsibility," experiences which "help them to develop new skills, increase self-confidence, and offer a chance to make a difference."[181]

Housing and employment are important aspects of building strong, stable, and economically sustainable communities. The provision of supportive or affordable housing has been shown to be a cost-effective public investment, lowering corrections and jail expenditures and freeing up other funds for other public safety investments.[182] "States that spent more on housing experienced lower incarceration rates than states that spent less."[183] A number of approaches are being evaluated to address this issue. One approach provides means and opportunities for people to improve their housing and neighborhood conditions by relocating to less poverty-concentrated areas, while another works within the community to interrupt the cycle of abandonment and neglect by reinvesting in the community in ways that will improve the housing stock and create

jobs. Both increased employment and increased wages are also associated with public safety benefits.[184]

Challenges to Effective Intervention

A number of significant challenges exist to implementing effective interventions that promote protective factors and build resilience. A number of advocates interviewed for this project observed, "We lack any identifiable systemic urban policy, which means that we are perpetually wedded to small programs that work, but we don't have enough resources to respond to the full scale of need and demand." Because many policymakers prefer "tough on crime" approaches to crime that prioritize incarceration after a crime has occurred, limited public resources are available to fund the kinds of social service interventions which, over time, would prevent crime. Advocates and researchers interviewed for this project noted that insufficient money to fund interventions to scale is only one aspect of the resource issues: all too often, there are not enough skilled and trained professionals to meet the demand that exists. Supporting this contention, one researcher has noted, "The study of risk factors, therefore, is critical to the enhancement of prevention programs that frequently have limited staffing and funding. Identifying which risk factors may cause delinquency for particular sets of youth at specific stages of their development may help programs target their efforts in a more efficient and cost-effective manner."[185]

Several interventions also require significant "buy-in" from local stakeholders, which can be challenging to secure. In the mental health arena, advocates noted that community mental health clinics have shut down, leaving few alternatives in their wake; existing treatment programs are all-too-often inadequate and ineffective, and few of them will accept Medicaid. And one of the biggest challenges in the education context remains: at the front end, there is an utter failure of those working in the educational system to identify learning deficits in students; and even when a deficit is identified, there are inadequate resources to provide appropriate services for that student. Still another challenge articulated by those interviewed for this project is poor communication and collaboration between child-protection, juvenile justice, and family and youth-serving agencies.

One question to keep in mind when thinking about potential interventions is whether a risk factor can be easily changed. For instance, while socioeconomic status is associated with

increased levels of delinquency and may be very hard to change, other risk factors may be more amenable to change, such as poor parenting, which may be addressed by teaching parenting skills and providing family support services.[186]

Shifting the 'Tough on Crime' Paradigm

Overall, "a variety of research demonstrates that investment in drug treatment, interventions with at-risk families, and school completion programs are more cost-effective than expanded incarceration as crime control measures."[187] Indeed, "the combined approach of prevention for juveniles and treatment for adults continues to exhibit the most significant cost savings and remains a viable alternative to incarceration for many adults."[188] Despite this, as discussed more extensively in Chapter 2, policymakers continue to invest a significant portion of limited public resources in expanding incarceration and corrections costs, instead of interventions that would prevent initial entry into the criminal justice system.

Significant challenges hinder efforts to shift the policy-making paradigm from short-term "tough on crime" strategies to long-term investments in public and community safety. The most obvious challenge is the fear of many policymakers that they will be viewed by their voting constituencies as "soft on crime." Another challenge, articulated by one advocate interviewed for this project, is that "we've so expanded the criminalization of behavior that we are asking the criminal justice system to do things for which it isn't well suited."

Furthermore, it has been suggested that policymakers lack sufficient data to guide their decisions regarding where to invest public resources to prevent delinquency, a common point of initial entry into the cycle of incarceration, because there are too few adequately designed and evaluated experimental interventions.[189] One report by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention noted that "the lack of interventions targeting antisocial behaviors in young children is particularly conspicuous," and that "focusing on children's early years is essential to better understand the socialization failures that lead to juvenile delinquency and, eventually, criminal behavior in adulthood."[190] Understanding which programs work requires adequate evaluation, a need that "evidence-based practices" and other research-driven policy analyses are attempting to address.

Conceptual Models and Strategies for Approaching Crime Reduction and Justice Reform

The links between social policy issues extend far beyond questions of causation to broader questions about how we conceptualize issues and social conditions, and our strategies for and relative success in addressing them. Research for this report revealed different conceptual models for understanding crime and achieving justice – related approaches that provide the building blocks for developing an interdisciplinary campaign to persuade policymakers to prioritize human service interventions to address the underlying risk factors for crime over so-called "tough-on-crime" expansions of incarceration. These approaches include the following:

Positive Youth Development Approach

Positive youth development is a policy approach that focuses on providing the services and opportunities young people need to develop a sense of competence, usefulness, belonging, and empowerment.[191] This approach promotes "the social, emotional, physical, moral, cognitive, and spiritual development of young people through meeting their needs for safety, love, belonging, respect, identity, power, challenge, mastery, and meaning."[192] The youth development approach emphasizes the preparation of young people to succeed and contribute as adolescents and as adults – an emphasis that sometimes involves risk reduction and problem avoidance while not focusing solely on preventing risky behavior.[193] Studies across multiple disciplines have identified caring relationships, high expectation messages, and opportunities for participation and contribution as three critical components of efforts to develop resilience in youth, "broadly defined as the ability to rebound from adversity and achieve healthy development and successful learning."[194] This approach advocates that "[p]ositive youth development in the face of environmental threat, stress, and risk … should be available in all environments in a young person's world: home, school, community, and peer groups."[195]

The "First Focus" campaign of the America's Promise Alliance provides an example of how the youth development approach can be utilized. The America's Promise Alliance is a national multi-sector collaborative dedicated to the well-being of children and youth, and uses the youth development approach in framing its efforts to improve outcomes for at risk-children and youth.[196] The campaign seeks to ensure that more young people experience "The Five Promises" – those developmental resources and wrap-around supports that young people need for success in life.[197] The America's Promise Alliance defines the Five Promises as *caring adults* (ongoing,

secure relationships with parents as well as formal and informal relationships with other caring adults); *safe places* (families, schools, neighborhoods, and communities that are physically and emotionally safe, and in which young people are actively and constructively engaged); *a healthy start* (healthy bodies, minds, and habits, with access to health care, good nutrition and exercise, healthy skills and knowledge, and role models of physical and psychological health); *an effective education* (quality learning environments, challenging expectations, and consistent guidance and mentoring to stimulate the intellectual development, motivation, and skills that equip young people for successful work and lifelong learning); and *opportunities to help others* (providing young people with the chance to make a difference in their families, at schools, and in communities, thereby instilling in them a sense of responsibility and a sense of possibility).[198] Noting that young people who receive at least four of the Five Promises are more likely to succeed academically, socially, and civically, and are more likely to avoid violence, contribute to their communities, and achieve high grades in school, the America's Promise Alliance utilizes an array of action strategies in their efforts to deliver the Five Promises and to improve outcomes for at-risk youth.

Health Promotion Approach[199]

The health promotion approach recognizes there is a broad range of social, economic and physical environment factors that interact and contribute to overall health, many of which fall outside the health care sector. These "determinants of health" include income, education and literacy, social support networks, employment and working conditions, social environments, physical, personal health practices and coping, biology and genetics, gender, culture, healthy child development, health services. This approach advocates that "[t]he way to proceed is to develop communication between various sectors concerned with community health and crime prevention and educate citizens about the consequences of policy decisions and poverty upon community health and safety."[200]

In 2005, the Dellums Commission utilized this approach when it focused on the social determinants of health to analyze and address life options and health issues facing young men of color in America. The Commission explained that the social determinants of health for young men of color and their communities are "poverty, exclusion and discrimination, poor housing and inferior schools, disparate treatment by the justice system, environmental toxicity, and

inadequate access to health care" that citizens living in communities of color experience.[201] The Commission's report specifically noted the cumulative, detrimental impact of criminal justice policies in limiting life options for young men of color. Applying a health promotion approach allowed the Commission to more fully understand the wide array of issues facing young men of color, and to formulate policy recommendations for education, child welfare, economic, justice, and health care systems – the underlying social conditions which interact to diminish life options and outcomes for young men of color.[202]

Social Development Approach

The social development approach is a proactive approach that aims to prevent crime by addressing the social and economic risk factors that lead to crime, such as: family stress, neglect, poverty, physical and sexual abuse, alcohol and drug abuse, poor living conditions, early childhood experiences, unemployment, and low education/illiteracy.[203] This approach provides a comprehensive approach to crime prevention, working with, but also making connections beyond, the traditional criminal justice sector (police, courts, and corrections). It recognizes the important role that policies, programs and services such as social housing, education, health, income security and social services play in preventing crime. This approach works with individuals, families and communities to provide them with the tools, knowledge and support they need to deal with root causes of crime at a local level.

The Government of Canada utilizes a "Crime Prevention through Social Development (CPSD)" approach in its National Crime Prevention Strategy.[204] While still utilizing "situational crime prevention" strategies that seek to reduce the availability and attractiveness of opportunities for criminal activity, the Canadian government also utilizes CPSD to address the root causes of crime and victimization that are amenable to change.[205] CPSD seeks to "foster protective factors," and to "make connections beyond the traditional criminal justice sphere, by recognizing the important role that policies programs, and services such as housing, education, health, income security, and social services play in preventing crime."[206] Between 1998 and 2004, Canada's National Crime Prevention Strategy supported over 4,000 projects in over 800 communities. The 2004 "Mid-Term Evaluation" of the National Crime Prevention Strategy indicated that although there were some implementation and coordination challenges, most involved in the project believed the Strategy would achieve its objectives.[207]

There is considerable overlap between the health promotion and social development approaches, each of which illuminates the connections between criminal justice, public health, and other socioeconomic issues. As one commentator discussing the linkages between illness, crime, and unhealthy communities has observed, "all share similar determinants, reflect a failure of some kind or another, are subject to different interpretations and approaches as to cause and intervention, and are subject to public policy decisions that determine the quality of various social determinants of health and wellbeing. Finally, the quality of these determinants does not appear to be improving."[208] This same commentator notes that while the healthcare field is focused on disease, and criminology focuses on crime, certain factors are the same: "society fails in one way or another to support human and social development."[209] Such observations about health and crime could just as easily be made about education, housing, employment, mental health, substance abuse, and economic development.

"Justice Reinvestment"

"The goal of Justice Reinvestment is to redirect some portion of the [billions of dollars] America now spends on prisons to rebuilding the human resources and physical infrastructure – the schools, healthcare facilities, parks, and public spaces – of neighborhoods devastated by high levels of incarceration."[210] A fundamental premise of justice reinvestment is that millions of dollars are spent each year to incarcerate a relatively small number of people from certain communities and neighborhood, almost of all of whom will return after a period of incarceration. "When they return – disproportionately to low-income neighborhoods of color – they will find neighborhoods weakened by their absence and burdened by their return."[211] The "justice reinvestment" approach questions whether the millions of dollars spent on prisons actually create safer neighborhoods. This approach advocates that reallocating some portion of the dollars currently spent on corrections and the justice system to refinance education, housing, healthcare, and jobs is a more effective strategy for increasing community safety.

The Council of State Governments has applied the "justice reinvestment" concept in an initiative aimed at increasing public safety, reducing spending on corrections, and improving conditions in the neighborhoods to which most people released from prison return.[212] The project seeks to quantify and reinvest savings in "high-stakes" communities to which most people released from prison return, and where taxpayer-funded programs are disproportionately

focused.[213] Working closely with state policymakers, the project "advance[s] fiscally-sound, data driven criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer." Specifically, the project provides technical assistance to analyze prison population and spending; to provide policy options to generate savings and increased public safety; to quantify savings and reinvest in select high-stakes communities; and to measure the impact and enhance accountability. The project is currently working with eight states to implement justice reinvestment strategies.

Framing the Issue as an Opportunity Issue[214]

One advocate noted, "With all the poverty issues, lack of options and lack of opportunities is a really basic part of the problem." Framing issues in terms of opportunity is an approach utilized by The Opportunity Agenda, which "works to ensure that the United States lives up to its promise as the land of opportunity for every person who lives here." The Opportunity Agenda defines and measures opportunity along six dimensions of opportunity: *mobility* (the opportunity to advance and participate fully in the economic, political, and cultural life of the nation), *equality* (full access to the benefits, responsibilities and burdens of society regardless of race, gender, national origin or socioeconomic status), *voice* (the ability of all to participate, debate, and have real ownership in the public dialogue), *redemption* (the chance for rehabilitation and redemption), *security* (access to the level of education, economic well being, health care, and other protections necessary to human dignity), and *community* (shared responsibility for each other). The organization utilizes an integrated strategy of communications, research, and advocacy to work with social justice organizations and leaders to connect with core American values and build support for greater opportunity in America.

Decreasing Costs and Increasing Fiscal Accountability

Some are beginning to utilize economic assessments to evaluate whether specific programs produce a cost savings to taxpayers by comparing the costs of particular interventions aimed at reducing crime with the estimated costs of crime. For example, in 2006, the Washington State Institute for Public Policy was called upon by the Washington State Legislature to identify alternative "evidence-based" options that could reduce the future need for prison beds, save money for state and local taxpayers, and contribute to lower crime rates.[215] In its evaluation, the

Institute found that some evidence-based programs can reduce crime, but others cannot, and that several of the successful programs produce favorable returns on investment. Similarly, in 2004, the Institute researched whether there is credible scientific evidence that for each dollar a legislature spends on "research-based" prevention or early intervention programs for youth, more than a dollar's worth of benefits will be generated, and if so, what policy options offer taxpayers the best return on their dollar?[216] There, again, the Institute found that some programs could provide taxpayers a good return on their investment, providing policymakers with practical guidance on how to invest limited public resources in order to have the greatest impact on crime.

In the education context, a strong argument can now be advanced that increasing investments in education for black males at risk of dropping out of high school not only saves taxpayer dollars, but generates them as well. "Although they constitute less than 20% of the overall population, dropouts make up over 50% of the state inmate population . . . [and] disadvantaged groups – particularly black males – are disproportionately represented in the prison system."[217] We know that higher educational attainment reduces crime by juveniles and adults – either because behaviorally, it influences criminal predispositions, or because financially, it reduces the pressure to commit crime and raises the opportunity cost.[218] We also know that greater educational attainment raises income levels, improves health status, lowers rates of morality, and reduces reliance on public assistance payments and subsidies.[219] In evaluating educational investments to raise high school graduation rates, one recent study evaluated the costs and effectiveness of five leading interventions that have been shown to increase high school graduation rates. By comparing the costs of these interventions with the economic benefits of high school graduation (higher tax revenues, and lower government spending on health, crime, and welfare), researchers found that each new high school graduate would yield a public benefit of $209,000 in higher government revenues and lower government spending, for an overall investment of $82,000 per new graduate. The net economic benefit to the public purse is therefore $127,000 per student, and the benefits are 2.5 times greater than the costs.[220]

In a separate report, these same researchers note that African American males experience the poorest educational outcomes, in terms of test scores, high school graduation, post-secondary attendance, and college graduation.[221] Focusing in on this demographic group, the researchers undertook a comprehensive assessment of the public returns of investments for improving the educational attainments of black males, specifically, educational interventions which would

increase high school graduation rates. As in their previous report, the researchers found that "for each additional black male high school graduate the net public benefit in present value at age 20 is between $136,400 and $197,600. Taking the median intervention, the net present value is $166,000 which is over ten times the cost of delivering the intervention to one single student … [and] the net public benefit would range from $3.27 billion to $4.74 billion."[222] Such results "suggest that increased investments in education for black males at risk of dropping out of high school should be an economic priority."[223] The authors of this report note that the high public returns for financing educational improvements pose a quandary: "Over half the public benefits accrue to the federal government, but it pays less than 10% of the cost of K-12 schooling. Thus, the incentive structure for reaping the benefits is not well-aligned with the tax system."[224]

Another approach to the economic argument, suggested during interviews for this project, is that the criminal justice system hurts shareholder returns and American economic competitiveness. Such an argument would require one to make economic connections between a criminal conviction and access to employment and financing to purchase goods. Some data already exists that could be helpful: research suggests that poverty can negatively affect economic growth;[225] in addition, a recent report by the Center for American Progress suggest that the costs to the U.S. associated with childhood poverty total about $500 billion per year, or the equivalent of nearly 4 % of GDP.[226] However, additional data is needed to support such an argument.

Promoting Public Safety

A close correlate of the economic arguments described above is the public safety argument. In order to address policymaker concerns about being viewed as "soft on crime," many advocates who are concerned about the impact of criminal justice policies on the poor and communities of color focus their communications efforts on persuading policymakers that human service programs and interventions promote public safety. As one advocate participating in the interdisciplinary discussion session noted, "the only way to sell the message is to frame it as public safety and crime prevention. We can easily make the argument that 30 years of mass imprisonment hasn't worked. Multiple factors contribute to the decreases that have been seen in crime rates. But when we 'warehouse' people, they come out worse than they went in. Warehousing doesn't protect the public. Prisons aren't working, and there's evidence to support

the argument that the current criminal justice system is a failure, and to 'sell' investments in social services, housing, and education as a crime prevention strategy."

Many organizations frame their criminal justice research and advocacy in terms of increasing public safety and fighting crime. For example, the Justice Policy Institute recently released a series of reports on employment, housing, and education, which linked improvements in each of these social policy areas with positive public safety outcomes.[227] Fight Crime: Invest in Kids takes this approach a step further by using its network of 3,000 police chiefs, sheriffs, prosecutors, and victims of violence to advocate for investments in children to prevent them from becoming involved in the criminal justice system. The specific programs they support as proven to decrease the likelihood of criminal involvement include Head Start, Early Head Start, quality child care, home visitation to support at-risk mothers, after-school programs to keep kids off the streets in the prime time for juvenile crime, and programs to help troubled teens get back on track.[228]

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[153] *See, e.g.,* "Risk and Protective Factors for Youth Violence," *supra* note 83, *and* Parke and Clarke-Stewart, "Effects of Parental Incarceration on Young Children," *supra* note 102 (risk and resilience theory recognizes that successful adaptation in the face of stressful life events is "a function of two things: the form and frequency of the risks and the protective or resilience factors that buffer the child from adverse events").

[154] "Risk and Protective Factors for Youth Violence," *supra* note 83.

[155] "Community Guide to Helping America's Youth," *supra* note 70.

[156] *Id.*

[157] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[158] *Id.*

[159] *Id.*

[160] *See, e.g.,* Parke and Clarke-Stewart, "Effects of Parental Incarceration on Young Children," *supra* note 102.

[161] "Risk and Protective Factors for Youth Violence," *supra* note 83.

[162] *Id.*

[163] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[164] "Community Guide to Helping America's Youth," *supra* note 70.

[165] "Risk and Protective Factors for Youth Violence," *supra* note 83..

[166] *Id*.

[167] *Id.*.

[168] *Id.*

[169] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.

[170] *Id.*

[171] "Community Guide to Helping America's Youth," *supra* note 70.

[172] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70 (specifically noting the "Good Behavior Game," and the Seattle Social Development Project).

[173] *Id.*

[174] "Education and Public Safety," *supra* note 119, at p. 1.
[175] *Id.*, citing Lochner, Lance, and Enrico Moretti "The effect of education on crime: Evidence from prison inmates, arrests, and self-reports," *American Economic Review* vol. 94(1) (2004).
[176] *Id.,* citing Lochner and Moretti "The effect of education on crime," *supra* note 175, *and* Alliance for Excellent Education, "Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings," Washington, DC (2006).
[177] *Id.* at p. 5 – 8.
[178] Weissman, Marsha, et. al., "School Yard or Prison Yard," *supra* note 123, at p. iii.
[179] "Community Guide to Helping America's Youth," *supra* note 70.
[180] "Risk and Protective Factors for Youth Violence," *supra* note 83.
[181] *Id*.
[182] "Housing and Public Safety," *supra* note 140.
[183] *Id.*
[184] "Employment, Wages and Public Safety," Justice Policy Institute (2007).
[185] Shader, "Risk Factors for Delinquency," *supra* note 66.
[186] *Id*.
[187] Mauer, *Incarceration and Crime, supra* note 9, at p. 8.
[188] *Id.* at p. 8.
[189] Wasserman, et. al. "Risk and Protective Factors of Child Delinquency," *supra* note 70.
[190] *Id.*
[191] "Positive Youth Development: What is Positive Youth Development?" National Clearinghouse on Families & Youth, available online at http://ncfy.acf.hhs.gov/publications/ydfactsh.htm.
[192] "Resilience & Youth Development," WestEd Healthy Kids Survey, available online at http://www.wested.org/cs.chks/print/docs/hks_res_matter.html.
[193] "Positive Youth Development," *supra* note 191.
[194] "Resilience & Youth Development," *supra* note 192.
[195] *Id*.
[196] *See generally,* information available online at http://www.americaspromise.org.
[197] *Id.*
[198] *Id.*
[199] "Background information on Crime prevention," supra note 74.
[200] Raphael, *Making the Links, supra* note 2, at p. 6.
[201] Dellums Commission, *A Way Out*, *supra* note 27, at p. 2.
[202] *Id.*.
[203] "Background information on Crime prevention," supra note 74.
[204] "Factsheet: Crime Prevention Through Social Development" available online at http://ww4.ps-sp.gc.ca/en/library/publications/fact_sheets/cpsd/index.html.
[205] *Id.*
[206] *Id.*
[207] *See,* "Executive Summary National Strategy on Community Safety and Crime Prevention: Report on the Mid-Term Evaluation," available online at http://justice-canada.ca/en/ps/eval/reports/96/strategy/p_00.html. .
[208] Raphael, *Making the Links, supra* note 2, at p. 1.
[209] *Id.* at p. 3.
[210] Tucker, Susan B. and Eric Cadora, "Ideas for an Open Society: Justice Reinvestment," (November 2003) at p. 2.
[211] *Id.*
[212] *See* information available online at http://www.justicereinvestment.org.
[213] *Id.*

[214] *See* information available online at http://www.opportunityagenda.org.

[215] Aos, Steve, et. al. "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates" 2006. Washington State Institute for Public Policy.

[216] Aos, Steve, et. al. "Benefits and Costs of Prevention and Early Intervention Programs for Youth," Washington State Institute for Public Policy (2004).

[217] Levin, Henry, et. al. "The Costs and Benefits of an Excellent Education for All of America's Children," January 2007, at p. 13.

[218] Levin, et. al, "Costs and Benefits of an Excellent Education," *supra* note 217, at p. 13.

[219] *Id.* at pp. 6. 9, and 14.

[220] *Id.* at p. 1.

[221] Levin, et. al, "The Public Returns to Public Educational Investments in African American Males," April 2007, at p. 2.

[222] *Id.* at p. 13-14.

[223] *Id.* at p. 1.

[224] *Id*. at p. 15.

[225] GAO, "Poverty in America," *supra* note 35.

[226] Holzer et. al, *The Economic Costs of Poverty in the United States: Subsequent Effects of Children Growing Up Poor,* Institute for Research on Poverty (2007).

[227] Reports available online at http://www.justicepolicy.org.

[228] *See* information available online at http://www.fightcrime.org.

V. INTEGRATIVE APPROACHES TO JUSTICE REFORM: THE OPPORTUNITIES & THE CHALLENGES

Many people interviewed for this project have agreed with the observation of one civil rights advocate that "there are readily apparent links between criminal justice and other issue areas" – links that must be explored if we are to make progress on the larger issues of poverty and race that are inherent in the cycle of incarceration. One capital defense attorney sees these links in the work she does every day: "Doing death penalty work, looking at the school and court records of my clients replete with reports of child abuse, parental abandonment, emotional and learning disabilities, and substance abuse, you get a clear sense of how everything goes wrong. You look at the lives of my capital clients, and it's not a shock, it's so obvious that things would go horribly wrong in their lives, leading to the capital crime with which they are charged."

"Behind the Cycle" was intended to create space for conversation across disciplines about these links – space for people who work in different areas of expertise to think about the issues that contribute to a person's initial entry into the criminal justice system, to understand how the cycle of incarceration begins, and to identify whether there is an integrative approach to justice reform that could ultimately decrease the number of the poor and people of color (particularly young men of color) entering into and cycling through America's criminal justice system. What we have found in the process is that advocates, researchers, direct service providers, and academics from across the disciplinary spectrum are hungry for this opportunity. Consider a few of the many voices we have heard:

> *"I've been working on criminal justice policy issues for years. I want to see a change in how we approach these issues – not just a piece-meal approach to putting out fires, but a more integrated, cohesive strategy to these interrelated issues areas"*

> *"Success is dependent upon broadening the conversation. The response to the problems is always more criminal justice. We need to create a political, public environment that can generate a broader understanding of what we need to do. I want to know how to get a winning strategy."*

> *"Even advocates don't see all the links. In our own discussion, we're from different disciplines and we don't see all the connections, or we don't prioritize them as highly as other fires that are burning. We need to break down our advocacy silos. All of these issues need translating – people need to understand the impact of incarceration."*

"We need a framework. We need to start thinking about a new frame on the issues."

"By some definitions, insanity means that you keep doing the same thing but expecting a different result. But to change the outputs, you have to change the inputs. We've got to do things differently."

Mixed with the overall enthusiasm of those interviewed for this project, there has also been some skepticism. Many acknowledge that this undertaking is big: "How do you even begin to get your arms around the topic?" "It sounds so huge!" "Yes, we need to be talking about this, but it's a massive undertaking – where do you even begin to put these pieces together?" Other recurring questions include, "What is it, *exactly*, that we're trying to do?" "How do we define something that can be done that is real and practical and achievable?" and, "It all makes sense – so why is it so hard?"

Some have noted that there are multiple levels of potential action and collaboration: in individual cases, in specific communities, and at a national policy level. Some have questioned whether there could ever be a "master strategy" that neatly sews all the pieces and all the levels of intervention together. And some have observed that fundamental questions raised by this project are not new: "This is something society has been struggling with for forty years – trying to figure out what sorts of things we can do to improve public safety through investing in people and their circumstances. Part of the difficulty we face now is that federal efforts in the 1960s to 'ramp up' and build housing projects turned out not to be effective. Some negativity rolls over from that."

Still others expressed concern about some of the challenges to working from an interdisciplinary perspective. One juvenile justice advocate noted that some past efforts to bring youth development and child welfare advocates into juvenile justice reform campaigns were not successful, and commented, "If you really want to look at prevention and keeping kids out of the criminal justice system, we must figure out a way to get people from the various issue areas to sit at the table and see they have a common cause." One child welfare advocate noted that a cultural history of isolation and mistrust among various youth and family-serving agencies sometimes interferes with his organization's efforts to integrate systems in a jurisdiction to share information and identify all the treatment and service needs of the child. One criminal justice advocate who regularly collaborates with law enforcement representatives on juvenile justice

issues noted, "With rare exception, criminal justice isn't at the table with others on children's issues."

In a completely unrelated context, a civil rights advocate echoed these sentiments, noting that efforts to bring local stakeholders together around "school to prison pipeline" issues involved changing cultural norms and expectations. Building trust across disciplines and changing cultural norms and expectations is, simply put, hard work. This is made all the more difficult because all-too-often, our agencies and organizations are forced to compete with each other for the limited funding that is available to support our work. Limited resources also inhibit our ability to implement effective strategies, either collaboratively or separately.

Despite the expressed concerns, there appears to be widespread consensus that collectively, "we have to change the inputs." If we are ever to move beyond "band-aid" approaches to deeply-entrenched, frequently unaddressed, and interrelated policy issues, we must come out of our "silos" to share information, discuss the problems that we see, and move toward a more integrative approach to justice reform.

The Integrative Approach: Collaborating Across Disciplines to Break the Cycle of Incarceration

As envisioned at the start of this program, an "integrative approach to justice reform" means drawing together advocates, researchers, direct service providers, and academics from a wide range of disciplines and social policy areas to share varied perspectives on the issues that fuel America's cycle of incarceration, and to identify potential collaborative strategies to abate the disproportionate numbers of the poor and people of color entering into and cycling through the criminal justice system. The discussion of the interdisciplinary group that gathered on July 30, 2007, added much to this initial vision. Through the group's discussion, it became clear that this kind of approach is integrative on multiple levels, with regard to:

- who is involved in the conversation,
- how issues are described and understood,
- how policy decisions are made,
- what impact policies and programs have across multiple domains and disciplines,
- how the effectiveness of policies and programs is measured,

- what social policy research is undertaken and how it can be used to advocate for particular policies and programs,
- which policy arguments and communications strategies are used to support advocacy efforts, and
- how funding is provided to support pre-entry initiatives.

The interdisciplinary discussion also suggested that there are specific needs that must be addressed if we are to turn this vision of an integrative approach to justice reform into reality.

These needs include:

Overcoming "piecemeal" approaches.

Many efforts to address criminal justice issues have been described as "piecemeal," with issues addressed one step at a time within the confines of a particular discipline. By virtue of our academic training and expertise in particular issue areas, different disciplines (law, public health, housing, psychology, education, etc.) have different ways of talking about and understanding otherwise related issues, and organizations have developed programmatic, policy, and research agendas that are in line with their respective training and expertise. The "siloed" nature of our disciplines inhibits interdisciplinary communication about issues for which a common cause actually exists.

Further reinforcing the piecemeal approach is that, all too often, we must compete with each other for a larger share of a limited pool of resources to support our work. The rapid increase in state corrections spending that is expected to continue exacerbates this tension, as the pool of public dollars available to support our work shrinks in direct proportion to the increases in corrections spending. Moreover, with few exceptions, the public and private funding that supports justice reform efforts reinforces the piecemeal approach: rather than supporting integrative approaches, foundations and government funders tend to support specific, single-issue projects and initiatives. The fragmented jurisdiction that results from the local-state-federal construction of government in the United States also contributes to this piecemeal approach.

On the other hand, addressing justice reform issues requires expertise from several disciplines – expertise that has been developed precisely because advocates, researchers, service

providers, and academics focus almost single-mindedly on particular issues. The key to overcoming the negative aspects of the piecemeal approach is to pull together experts from the various disciplines to share their expertise and more fully inform the collective understanding of what fuels the cycle of incarceration. This integrative understanding of the issues will enable more creative, holistic problem-solving and advocacy. Such an understanding also has the potential to inform how we deploy our limited resources, enabling us to utilize the strengths of our disciplines in intentionally complementary ways to achieve particular policy objectives as we address the issues that fuel the cycle of incarceration.

Getting our colleagues on board.

Throughout this project, it has been clear that for each person interviewed, for each discipline explored, and for each organization represented, there were many other researchers, advocates, direct service providers, and academics who could be contacted and drawn into this effort. The consensus of the interdisciplinary discussion group was that reaching out to these other colleagues is an important means of broadening not only who is at the discussion table, but also of expanding our collective understanding of issues and strategies, and of building support across disciplines for collaboration with unlikely allies.

In reaching out to colleagues, it will be important to *clearly articulate the benefits of an integrative approach to justice reform* – to articulate why others from different disciplines should break down the walls of their disciplinary silos, and what each will get from moving toward this integrative approach. In discussing this need, one participant noted, "There are a number of different systems, so talking to those people in the systems means not only getting those players into the room, but talking to those players as it relates to their system, such as the interest a children's organization should have in pre-entry efforts to break the cycle of incarceration." This requires that we continue to develop a common language and understanding of the issues that can be conveyed to others. A convening or symposium as part of a larger strategy could provide an opportunity for this kind of outreach.

Identifying a theme around which different disciplines can rally.

Another point of consensus among participants in the interdisciplinary discussion was that this effort needs a "theme" – a statement about the goals of an integrative approach to justice

reform, and how we can work towards collective goals without threatening or undermining existing domains of expertise and individual organizational agendas. Such a theme could help to persuade others to join our common cause, as well as serve as an organizing principle for identifying and approaching the specific issues to be addressed by a broad and diverse group. A number of possible themes emerged from those participating in the interdisciplinary discussion and interviewed on this project, themes that included the concepts of opportunity, poverty, race, child wellbeing, and resilience.

There was extensive discussion about what we mean by "justice," a concept which could include a range of ideas, such as: eliminating disparities in systems; reaching American ideals; producing stronger individuals and healthy families; improving access to services; creating safer communities; providing equal access to opportunity and to a healthy life; creating productive, competitive communities; and providing access to high quality service. Those participating in the interdisciplinary strategy session identified most strongly with *defining the concept of justice in terms of "healthy communities."* The consensus of the group appeared to be that such an approach could entail creating a paradigm for evaluating and measuring communities based upon their ability to address individual, family, school, and community factors that increase the risk of criminal behavior. It also could entail defining healthy communities as those that promote resilience, produce strong individuals, provide access to high quality education and health services, and ultimately provide an equal opportunity for a healthy life. Defining justice in this way would have the added benefit of allowing other disciplines to see themselves in this effort.

Participants in the interdisciplinary session also described a service delivery vision for healthy communities in which needed health and human services are accessible, are provided in the community, and are adequately resourced to respond to the true scope of need that exists. They spoke of a vision of *thriving, sustainable communities and families* over generations, where the criminal justice system is the system of last resort instead of the system of first resort. Borrowing language from the "health promotions" approach described in Chapter 4, the discussion raised questions as to what conditions must exist to create strong, healthy communities in which resilience becomes the norm; what supports and services would help to create the conditions to promote healthy communities and resilient individuals; and how we could encourage communities and policymakers to invest in the creation of these conditions. The idea of developing a "safer society count" was suggested – something akin to the Annie E. Casey

Foundation's "Kids Count" initiative that would focus instead on incarceration measures or indices of "thriving, sustainable communities."

Contextualizing statistics about race, poverty, and incarceration.

Participants in the interdisciplinary session grappled at length with the statistics and numbers cited in Chapter 2 of this report. While some found the numbers alone to be significant, others suggested that policymakers and members of the general public "don't care about the numbers," only about the perceptions that flow from the numbers. Observations about the statistics included: "the numbers don't affect the public's feeling of safety," "people don't understand the magnitude of the numbers," "they need to be translated into layman's terms," "we need to find a way of discussing the numbers so people outside the criminal justice system understand what they mean," "people need to understand the economic impact," and "we need to tell the stories behind the numbers – we need to do a better job of personalizing them."

There was strong consensus that in order to be meaningful, the numbers need to be contextualized. This will certainly require "putting a face to the numbers" by communicating narratives along with the statistics. This could also include developing tools to make the numbers more comprehensible, such as creating memorable visual images to demonstrate disproportionate incarceration rates or the budgetary tradeoffs required by increased corrections spending. Mapping the incarceration consequences and fiscal implications of under-performing schools could provide another means of contextualizing the statistics.

Particularly when communicating with policymakers, it is important to think in terms of multiple systems and building partnerships. As one person interviewed for this project noted, "we are constantly thinking about multiple systems and their interface, and how to get better outcomes generally. We always frame things as what saves money and increases public safety. In the reentry and mental health arenas, we are constantly looking for outcome measures that span multiple systems, so a policymaker sitting above can see if different systems are working together, to open up access to health services, employment, etc. We are also looking for to partner with folks from other disciplines (ie, child welfare, neighborhood/economic development) who don't think about criminal justice, and for different points of entry into other systems." The clear consensus of the interdisciplinary discussion group was that choosing both

the right message and the right messenger are important parts of any potential communications strategy, and will need further consideration moving forward.

Promoting evidence-based practices and research-based advocacy.

In light of the anticipated surge in corrections spending detailed in Chapter 2 of this report, participants in the interdisciplinary strategy session shared the perspective that a significant shift in policy-making paradigms is needed, from one that emphasizes increased spending on incarceration and corrections costs, to one that emphasizes increased public investments in pre-entry initiatives. In order to build support for such a shift, there is a significant need to align research efforts with policy objectives and communications strategies. This will involve utilizing research to objectively evaluate the success and cost effectiveness of pre-entry programs and interventions in relation to criminal justice outcomes and incarceration rates. Such data could then be used to strengthen arguments to persuade policymakers that investing on the front end to address the needs of people at risk for contact with the criminal justice system will ultimately save taxpayer dollars, promote community safety, and decrease the need for increased spending on corrections.

Some of this alignment is already happening. For instance, the education studies discussed in Chapter 4 demonstrate cost-savings and public safety benefits of increasing graduation rates. Similarly, the Washington State Institute for Public Policy has examined "evidence-based" options to decrease the need for future prison beds, and has evaluated which prevention programs offer the best return on investment. Documenting such "evidence-based practices" enables policymakers and advocates alike to identify which programs and interventions are effective in decreasing the risk of criminal conduct, and which programs can be replicated in other environments. This can also assist in the considerable task which one participant in the interdisciplinary discussion described as, "persuading a constant majority of Americans to see their own self-interest in this vision of the community interest." While practical questions remain about how to coordinate research and advocacy across disciplines, the consensus of the participants in the interdisciplinary session was that evidence-based practices and research-based advocacy were critical to shifting the policymaking paradigm, and ultimately breaking the cycle of incarceration.

Highlighting models of success.

Participants in the interdisciplinary session also agreed with the observation that "we need to find some way to highlight what works." Indeed, having models of successful collaboration, or examples of an integrated approach to justice reform in action, can be critical for persuading others not only of the need for such an approach, but also that such an approach can be undertaken at a very practical level. During the course of discussion, participants noted that initiatives at the local level (i.e., community-based initiatives in mayors' offices) could be a good source for identifying a successful transformation of an "at risk" community into a healthy community.

There are, in fact, a number of ways in which integrative approaches are being utilized – models that provide some insight and guidance as to the practicality of moving toward a more integrated approach to justice reform. For instance, part of the success of recent efforts to support people as they leave prison and reenter communities is that criminal justice advocates partnered with churches, social service providers, employment counselors, housing experts, substance abuse programs, and others. This collaboration deepened the understanding of reentry issues, and the resulting broader perspective enabled all partners to identify more effective solutions and to develop more effective strategies and support programs. The collaboration also enabled those working for policy changes to advocate from a broader base of support.

The Council of State Government's "Reentry Policy Council" exemplifies the multi-systems thinking and cross-disciplinary partnership building inherent in integrative approaches to justice reform. The Reentry Policy Council brought together more than 100 stakeholders from varied disciplines, issue areas, and levels of involvement (from direct service providers to national policy advocates). This multi-year process culminated in the issuance of a lengthy report in which the Council published an exhaustive series of policy statements and recommendations for implementing the policies across a range of systems and organizations.

In the child welfare arena, integrative approaches to issues have taken shape in a number of ways. For example, one child welfare advocate pointed out that a legislative initiative in Pennsylvania requires needs based budgeting plans by a mandated set of multi-disciplinary service agencies – in effect, mandating the integration of needs assessment to eliminate redundancies and improve the delivery of child welfare services. This same advocate also noted that Louisiana, California, and Virginia require the involvement of multi-disciplinary teams to

work together to identify service and treatment needs of children entering various state systems. Beyond state legislative initiatives, a variety of county-level projects are underway in such cities as Seattle and Los Angeles, which attempt to integrate the systems of various youth-serving agencies in an effort to ensure that the entire spectrum of needs of at risk youth are addressed.

In the educational equity/school to prison pipeline context, the Advancement Project and the NAACP Legal Defense Fund partnered to host a series of public hearings on increasingly harsh school discipline policies and practices in Florida's public schools. According to one advocate involved in the effort, the project "created an opportunity for local stakeholders in different communities to identify problems and best practices. They were able to identify for themselves the gaps that exist, such as why sensible alternatives like truancy prevention, in-school suspension, or peer mediation were not being chosen." Whereas the child welfare examples above demonstrate how legislative mandates can be used to integrate services, this Florida project demonstrates what can happen when local stakeholders are called to the same table to discuss an issue from a multi-disciplinary perspective.

The National Indigent Defense Collaboration (NIDC) is an example of effective, collaborative coordination among national organizations to overcome piecemeal approaches in deploying varied expertise and resources to tackle a public policy issue. Established in 2000, the NIDC is a group of 10 national organizations, each of which works on some aspect of indigent defense reform. The NIDC's mission is to ensure that there is a high quality, well-funded, indigent defense system in every jurisdiction in the United States, and that these systems are able to maintain quality and appropriate funding as conditions and needs change. By regularly sharing information about developments in the field, NIDC organizations have been able to identify opportunities to deploy their respective litigation, research, communications, training, and leadership development resources on targeted indigent defense reform efforts. This allows each organization to maximize the impact of their individual resources and efforts. In part because of this information sharing and collaboration, the NIDC organizations have achieved remarkable progress transforming the delivery of public defense services in such states as Montana, Louisiana, and Virginia.

This list of examples is by no means exhaustive. But each illuminates a different aspect of what an integrative approach to justice reform could look like in practice – be it a legislative mandate for integration of services; an opportunity for community-level problem solving across

disciplines and service areas; or information-sharing among organizations to identify opportunities for collaboration on policy initiatives.

Developing a long-term vision and a sustainable strategy.

Another clear point of consensus was that the interdisciplinary discussion group should continue as an entity moving forward, and in order to move forward effectively, a long-term vision of where this effort will go and a sustainable strategy for getting there must be developed. In developing this vision and strategy, the group identified a number of questions that still need to be answered: What is it we seek to achieve through an integrative approach to justice reform? If we are to move toward an interdisciplinary approach, what is it that we will do? What is our goal? How will we do this? What are the mechanisms and strategies we will use? What role might community-oriented communications play in that strategy? What are the barriers we expect to encounter? What are the outcomes we seek to achieve? What are the principles or policies that should guide our efforts? Are there "guiding principles" that can be established to inform others at different levels (local/state/federal) who wish to move toward a more integrative approach to justice reform? How will we measure our success? And how will we address the practical limitations that current funding strategies and organizational priorities may place on our effort?

VI. MOVING FORWARD: RECOMMENDATIONS & CONCLUSION

In order to make real progress in breaking the cycle of incarceration, advocates, researchers, service providers, and academics need to break out of their disciplinary silos; share information and approaches; develop collaborative strategies that support mutually beneficial agendas; and sometimes, support each other on issues outside their normal field of expertise. With incarceration rates climbing at alarming rates, and corrections costs eating up larger and larger shares of limited public resources, we can no longer afford to remain comfortably in our disciplinary silos, spending limited resources of time, energy, and money "reinventing the wheel" because we do not know that our colleagues in other disciplines are already working on the same issues, or because we do not see the connections between our work and the work of our colleagues in other disciplines. It is more important than ever that we move in the direction some are already charting towards an integrative approach to justice reform. This direction marks a significant departure from cultural norms and expectations that only allow access to human services once a person has gotten into trouble – from cultural norms and expectations that reinforce reactive systems instead of the proactive, pre-entry initiatives that we know make a difference in decreasing the risk of criminal behavior.

The vision for an integrative approach to justice reform is not about shifting organizational agendas to work on the exact same issues, or foregoing the development of expertise in particular disciplines. Rather, it is about sharing information and perspectives so that we can better understand various factors that contribute to the cycle of incarceration. It is about utilizing multi-disciplinary collaboration to promote intervention strategies that advance public safety by decreasing the likelihood that a person will engage in risky or criminal behavior. It is also about developing a more integrative, interdisciplinary approach to policymaking and resource allocation so that the limited pool of available public resources are used most effectively to address the issues of poverty, race, economic opportunity, education, family, and housing inherent in the cycle of incarceration.

There is much we can learn from our colleagues in different disciplines. And there are ways that we can be effective allies – resounding voices on issues that impact the people who are using our services, and on issues that impact the availability of funding for our programs. Moving toward a more integrative approach to justice reform offers the opportunity many are seeking to

develop the kind of cohesive strategy that seems so elusive in this era of escalating incarceration and corrections spending at the expense of human service interventions and investments in people – the kind of strategy that could make a significant difference in breaking the cycle of incarceration for the disproportionate numbers of the poor and people of color (particularly young men of color) entering into America's criminal justice system. The following are proposed recommendations for moving toward such an approach.

Recommendations

1. **Establish an ongoing, interdisciplinary "Behind the Cycle" working group to further refine the ideas set forth in this report.** As detailed above, participants in the interdisciplinary discussion expressed considerable interest in continuing to explore what it means to move toward a more integrative approach to justice reform, and how such an approach could be promoted among their colleagues. In light of the multiple ways in which justice reform efforts can be viewed as integrative, a significant question remains as to what, concretely, such an effort might look like. Beane Consulting recommends that the Open Society Institute establish an ongoing, interdisciplinary working group comprised of advocates, researchers, direct services providers, and academics from a range of disciplines (law, education, housing, psychology, public health, mental health, substance abuse, employment, etc.), and host a series of meetings of this group in 2008. The purpose of these meetings would be to explore these various issues and questions, and specifically to develop a long-term vision and sustainable strategy for the working group. The group would also contribute to the implementation of other recommendations in this report, notably, identifying policy areas for interdisciplinary collaboration, research, and advocacy; planning a conference multi-disciplinary conference in December of 2008; developing strategies to promote the integrative approach to justice reform; and continuing outreach to expand participation in the working group.

2. **Continue interdisciplinary outreach to expand participation in the working group.** For each person, discipline, and organization contacted during the research phase of this project, many more were suggested as potential contributors to this effort. Beane Consulting recommends continued interdisciplinary outreach to identify additional participants in the

working group, and to continue to expand the diversity of voices and disciplines exploring what it means to move toward a more integrative approach to justice reform. Specific constituencies for outreach efforts could include faith communities and religious institutions, organizations concerned about the growing presence of women and girls in the justice system, and law enforcement organizations, including judges and prosecutors. Such outreach will also be an important means of persuading advocates, researchers, direct service providers, and academics of the significant impact that an integrative approach to justice reform can have in breaking the cycle of incarceration.

3. **Circulate report and solicit endorsements for the concept of moving toward a more integrative approach to justice reform from organizations across multiple disciplines.** As was suggested during the interdisciplinary discussion, producing a report that reflects consensus ideas that all who participated in the discussion support could be a powerful tool for persuading advocates, researchers, service providers, and academics across a range of disciplines to join the effort to break the cycle of incarceration by utilizing an integrative approach to justice reform. Beane Consulting recommends that this report be shared with the participants in the interdisciplinary discussion, requesting their endorsement of the report's recommendations, and that they post a link to the report on their websites. This same endorsement request could be made as part of the continued interdisciplinary outreach described in Recommendation 2. In addition to promoting an integrative approach to justice issues, circulation of the report would have the added benefit of sharing information about the race and poverty dimensions of the cycle of incarceration with advocates, researchers, service providers, and academics outside of the criminal justice arena, who may not be familiar with this information; similarly, circulation of the report would deepen the understanding of those already steeped in criminal justice policy about the economic, housing, employment, educational, psychological, developmental, and other dimensions that contribute to the cycle of incarceration.

4. **Identify policy issues for interdisciplinary collaboration, research, and advocacy.** Beane Consulting recommends identification of appropriate opportunities for interdisciplinary collaboration, research, and advocacy.

a. **Research.** With respect to research, this will entail identification by the working group of any gaps that may exist in the research, and recommendations regarding how to fill those gaps. Areas of potential collaborative research may include documenting the cost-effectiveness and/or crime prevention impact of particular pre-entry programs and interventions; identifying those strategies and interventions which promote resilience by increasing protective factors; further developing the concept of a "safer society count" (akin to the Annie E. Casey Foundation's "Kids Count," but instead focusing on incarceration measures or indices of thriving, sustainable communities); or evaluating programs and interventions utilizing an "evidence-based practices" approach. Another area ripe for collaborative research may be examining the impact public policy or direct service initiatives have across a range of disciplines, linking the outcomes and demonstrating the connections that exist across the disciplinary spectrum. For instance, an integrative approach to research may be an effective means of determining what specific, measurable benefits in public safety, child welfare, healthcare, housing, neighborhood distress, etc, would be achieved if we increase spending in early childhood education or on programs that increase graduation rates. Measuring positive benefits across a range of disciplines (not just within the criminal justice system) could provide a springboard for broader-based, multi-disciplinary policy advocacy.

b. **Integrative Advocacy and Integrative Policymaking.** An integrative approach to justice reform implicates, at a minimum, two aspects of advocacy. The first is *promoting an integrative approach to policy advocacy*: collaborating across disciplines to advocate for policies that will invest resources in programs and strategies that promote protective factors and resilience at individual and community levels. The second is *advocating for an integrative approach to policymaking itself:* urging policymakers to take a new approach to policymaking, assessing the impact policy and budget decisions will have on other policies and programs before enacting criminal justice measures. This will require a shift in the current policymaking paradigm away from its "tough on

crime" focus on incarceration and corrections, to address the "root causes" of crime described at length in Chapters 3 and 4. In this regard, one potential policy ripe for interdisciplinary collaboration and advocacy is requiring legislative proposals to include a "community impact statement," which would articulate the impact proposed policies will have on incarceration rates and corrections spending, and the impact increased corrections spending will have on other human services funded by the state. Both integrative advocacy and integrative policymaking are critical if we are to break the cycle of incarceration for the disproportionate numbers of the poor and people of color entering the criminal justice system.

5. **Promote the utilization of integrative approaches to justice reform issues.** The Behind the Cycle" project has created an important opportunity for interdisciplinary dialogue, information sharing, and problem solving. As several people interviewed for this project pointed out, many recognize the need for interdisciplinary communication and action, yet few have taken the initiative to begin such an effort. Beane Consulting recommends that the Open Society Institute continue to play a lead role in promoting the utilization of integrative approaches to justice reform issues. In order to accomplish this, Beane Consulting recommends that the Open Society Institute:

a. **Convene a multi-disciplinary gathering in the Fall of 2008 to promote the integrative approach to justice reform.** Such a convening affords a variety of opportunities to the Open Society Institute, including but not limited to:
    i. Drawing together a multidisciplinary group to learn about and advance the work of the "Behind the Cycle" working group;
    ii. Providing a forum for participants to determine how to operationalize integrative approaches to justice reform in specific jurisdictions; and,
    iii. Gaining additional insight as to the issues which are ripe for interdisciplinary collaboration, research and advocacy.

b. **Disseminate information about integrative approaches to policy advocacy and integrative approaches to policy making**. In addition to convening a multi-disciplinary gathering, dissemination of information about integrative approaches could be accomplished by producing integrative advocacy or policymaking "toolkits," publication of articles, or presentations of this report and the working group's efforts at national conferences.

6. Advocate for the appointment of a National Advisor to the President on Integrative Justice Reform. As discussed in Chapter 2 of this report, race and poverty play pivotal roles in America's cycle of incarceration. In the face of a growing prison industry, the nation can no longer afford (in terms of economics or of public safety) to ignore the devastating personal and community effects of concentrated poverty, the entrenched racial disparity of the current system, or the mass institutionalization of young men of color that is occurring. As several candidates in the 2008 presidential campaign have noted, poverty is an issue that must be front and center in domestic policy discussions. And as this report clearly establishes, poverty plays a significant role in the cycle of incarceration, increasing the risk that a person will engage in delinquent or criminal conduct.

Beane Consulting recommends the coordination of an interdisciplinary campaign to advocate for the appointment of a National Advisor to the President on Integrative Justice Reform – an advisor to the President on key pre-entry policies that need to be addressed to abate the disproportionate impact of criminal justice policies on the poor and people of color, particularly young men of color. Housed within the White House, the National Advisor should model an integrative approach to justice reform, and should be tasked with coordinating policy and programmatic efforts across the federal agencies aimed at breaking the cycle of incarceration; proposing interdisciplinary, cross-agency projects and policies to address the risk factors for crime; encouraging integrative analysis of and responses to justice issues at policy, research, and programmatic levels; and decreasing the government's reliance on incarceration as the primary response to public safety concerns. The National Advisor would provide critical national leadership to promote integrative policies and approaches that decrease the likelihood young people will engage in criminal behavior—leadership that will promote integrative approaches at all levels of government and policymaking.

7. Convene a National Blue Ribbon Commission on Poverty and the Cycle of Incarceration. Historically, blue ribbon commissions have played an important role in investigating issues of national importance, in sounding the alarm regarding the critical nature of the issues, and in setting policy agendas to respond. Beane Consulting recommends the convening of a National Blue Ribbon Commission on Poverty and the Cycle of Incarceration in 2009. The purpose of this Commission would be to expand upon this report and the work of the Behind the Cycle working group, and to advise the new, incoming president on key pre-entry policies that need to be addressed to abate the disproportionate impact of criminal justice policies on the poor and people of color, particularly young men of color. The work of such a Commission would also serve to inform the agenda of the proposed National Advisor to the President on Integrative Justice Reform.

8. Develop funding strategies to support integrative approaches to justice reform. One of the challenges identified during the interdisciplinary discussion was that current funding streams for advocates, researchers, service providers, and academics do not always support integrative approaches – and in some cases, inhibit such approaches. Beane Consulting recommends the convening of a meeting of federal, state, and private funders to discuss the potential benefits of integrative approaches to justice reform, and to identify funding strategies that could better support such approaches.

Conclusion

At this moment in time, there is a unique opportunity to address the issues of poverty, race, economic opportunity, education, health, family, and housing that fuel America's cycle of incarceration. This is a moment of significant challenge – but also a moment of significant opportunity. The stakes have never been higher, both with regard to the devastating impact that America's criminal justice policies have on the poor and communities of color, and with regard to the budgetary implications of continued utilization of incarceration as our primary means of addressing crime. The progress policymakers, advocates, and service providers have made working together to address reentry policy issues suggests an openness to rethinking the effectiveness of "tough on crime" approaches to public safety that have led to historically high

incarceration rates. And the "Behind the Cycle" project has tapped an energy and interest across the disciplinary spectrum in moving toward a more integrative approach to justice reform. Implementation of the recommendations proposed in this report provides a means of seeding and energizing a new movement to promote more effective approaches to criminal justice issues, to address significant budgetary challenges, and to respond to the significant social policy and human service needs that exist in communities across America. Ultimately, implementation of these recommendations provides a means of abating the disproportionate numbers of the poor and people of color cycling through the criminal justice system.

APPENDIX A. INDIVIDUALS INTERVIEWED

Interviews for the "Behind the Cycle" project were conducted between May 1 and July 23, 2007, with the following people:

Tom Angell	Students for Sensible Drug Policy
June Beittel	Jubilee Jobs;
John Bouman	Sargent Shriver National Center on Poverty Law
Sarah Bryer	National Juvenile Justice Network
Robin Chaitt	Center for American Progress
Howard Davidson	ABA Task Force on Youth at Risk and ABA Center on Children and the Law
Monique Dixon	The Advancement Project
Terry Flood	Jubilee Jobs
Adam Gelb	Pew Public Safety Performance Project
Kara Gotsch	The Sentencing Project;
Mark Greenberg	Center for American Progress
David Harris	Charles Hamilton Houston Institute for Race & Justice
Damon Hewitt	NAACP Legal Defense Fund
Alan Jenkins	The Opportunity Agenda
Robert Johnson	ABA Criminal Justice Section, and Anoka County (Minnesota) Attorney
Ryan King,	The Sentencing Project
Keyona King-Tsikata	American Psychological Association
Kirsten Levingston	Brennan Center for Justice
Marc Mauer	The Sentencing Project
Jesselyn McCurdy	ACLU Washington Legislative Office;
Wayne McKenzie	Vera Institute for Justice
Rachel McLean,	Council of State Governments
Charles Ogletree	Charles Hamilton Houston Institute for Race & Justice
Amanda Petteruti	Justice Policy Institute
Wayne Promisel	Child Welfare League of America
Miriam Rollin	Fight Crime: Invest in Kids!
Joe Scantlebury	Bill & Melinda Gates Foundation
Eric Sterling	Criminal Justice Policy Foundation;
Christina Swarns	NAACP Legal Defense Fund
Mike Thompson	Council of State Governments
John Tuell	Child Welfare League of America
Melissa Wade	National Debate Project and Emory University;
Jacqueline Walker	National Prison Project;
Nastassia Walsh	Justice Policy Institute
David Whettstone	Consultant;
Natasha Williams	Community Voices
Judith Winston	former General Counsel for the U.S. Department of Education, and Executive Director of the President's Commission on Race

Howard Wooldridge	Law Enforcement Against Prohibition
Gina Wood	Joint Center Health Policy Institute
Jason Ziedenberg	Justice Policy Institute

APPENDIX B. PARTICIPANTS IN JULY 30TH INTERDISCIPLINARY DISCUSSION

The following individuals participated in the Interdisciplinary Discussion and Strategy Session hosted by the Open Society Institute – Washington, D.C., on July 30, 2007:

John Bouman	Sargent Shriver National Center on Poverty Law
Robin Chaitt	Center for American Progress
Therron Cook	Congressional Black Caucus Foundation
Howard Davidson	ABA Task Force on Youth at Risk and ABA Center on Children and the Law
Monique Dixon	The Advancement Project
Alexa Eggleston	Legal Action Center
Terry Flood	Jubilee Jobs
Adam Gelb	Pew Public Safety Performance Project
Brian Gilmore	Fair Housing Clinic, Howard University
Kara Gotsch	The Sentencing Project;
Jack Hanna	ABA Criminal Justice Section
Damon Hewitt	NAACP Legal Defense Fund
Jake Horowitz	Pew Charitable Trusts
Keyona King-Tsikata	American Psychological Association
Kirsten Levingston	Brennan Center for Justice
Marc Mauer	The Sentencing Project
Jesselyn McCurdy	ACLU Washington Legislative Office;
Don Parker	Jubilee Jobs
Amanda Petteruti	Justice Policy Institute
Wayne Promisel	Child Welfare League of America
James Roland	National Debate Project and Emory University
Eric Sterling	Criminal Justice Policy Foundation;
Bob Stroup	NAACP Legal Defense Fund
Nkechi Taifa	Open Society Institute – Washington Office
John Tuell	Child Welfare League of America
Vicki Turetsky	Center for Law and Social Policy
Nastassia Walsh	Justice Policy Institute
Gina Wood	Joint Center Health Policy Institute

APPENDIX C. RISK AND PROTECTIVE FACTORS FOR RISKY OR DELINQUENT BEHAVIORS BY YOUTH

Information in this chart comes from "Community Guide to Helping America's Youth: Introduction to Risk Factors and Protective Factors." Available on-line at http://guide.helpingamericasyouth.gov/programtool-factors.cfm.

Category	Risk Factor	Protective Factor
Individual	Anti-social behavior and alienation, delinquent beliefs, general delinquency involvement, drug dealing	Positive/resilient temperament
	Gun possession, illegal gun ownership/carrying	Religiosity, valuing involvement in organized religious activities
	Teen parenthood	Social competencies and problem-solving skills
	Favorable attitudes toward drug use, early onset of AOD use, alcohol/drug use	Perception of social support from adults and peers
	Early onset of aggression/violence	Healthy sense of self
	Intellectual and/or development disabilities	Positive expectations, optimism for the future
	Victimization and exposure to violence	High expectations
	Poor refusal skills	
	Life stressors	
	Early sexual involvement	
	Mental disorder/mental health problem	
Family	Family history of problem behavior, parent criminality	Good relationships with parents, bonding or attachment to family
	Family management problems, poor parental supervision/monitoring	Opportunities and reward for prosocial family involvement
	Poor family attachment/bonding	Having a stable family
	Child victimization and maltreatment	High family expectations
	Pattern of high family conflict	
	Family violence	
	Having a young mother	
	Broken home	
	Sibling antisocial behavior	
	Family transitions	
	Parental use of physical	

	punishment, harsh and/or erratic discipline practices	
	Low parent education level, illiteracy	
	Maternal depression	
School	Low academic achievement	School motivation, positive attitude toward school
	Negative attitude toward school, low bonding, low school attachment/commitment to school	Student bonding and connections (attachment to teachers, belief, commitment)
	Truancy/frequent absences	Academic achievement, reading ability and mathematical skills
	Suspension	Opportunities and rewards for prosocial school involvement
	Dropping out of school	High-quality schools, clear standards and rules
	Inadequate school climate, poorly organized and functioning schools, negative labeling by teachers	High expectations of students
	Identified as learning disabled	Presence and involvement of caring, supportive adults
	Frequent school transitions	
Peer	Gang involvement, membership	Involvement with positive peer group activities and norms
	Peer ATOD use	Good relationship with peers
	Association with delinquent, aggressive peers	Parental approval of friends
	Peer rejection	
Community	Availability/use of alcohol, tobacco and other drugs in neighborhood	Economically sustainable, stable communities
	Availability of firearms	Safe and health-promoting environment, supportive law enforcement presence
	High-crime neighborhood	Positive social norms
	Community instability	Opportunities and rewards for prosocial community involvement, availability of neighborhood resources
	Low community attachment	High community expectations
	Economic deprivation, poverty, residence in a disadvantaged neighborhood	Neighborhood/social cohesion
	Neighborhood youth in trouble	
	Feeling unsafe in the neighborhood	

	Social and physical disorder, disorganized neighborhood	