

Integrative Solutions to Interrelated Issues: A Multidisciplinary Look Behind the Cycle of Incarceration

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I. INTRODUCTION

Over two million people are currently incarcerated in U.S. prisons and jails.¹ This number is not only staggering but unprecedented—both in the United States and among industrialized nations across the world. Over the past thirty years, policymakers have increasingly shifted toward incarceration as the primary strategy for addressing crime in America, despite the fiscal demands this places on limited public resources, and despite growing evidence that such massive incarceration has resulted in diminished public safety returns. This “lock ’em up,” “tough on crime” approach has evolved in a broader social context permeated by poverty, rampant unemployment, poor housing, inadequate education, harmful health outcomes, and diminished life opportunities—interrelated social issues that fuel a cycle of incarceration, particularly among the poor and communities of color. Skewed policies that emphasize punishment over prevention and devalue investments in people exacerbate the devastating impact of incarceration on individuals and communities. And because all too often one’s life opportunities after imprisonment are abysmally limited, recidivism becomes inevitable.

The most effective way to confront these root causes of crime and stop the cycle of incarceration before it begins is through an integrative approach to justice—a multidisciplinary approach that recognizes the relationship among inadequately addressed social issues and crime, and that uses evidence-based strategies to respond to those issues. Criminal conduct often stems from the complex interaction of risk factors that implicate the con-

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¹ JUSTICE POLICY INST., EMPLOYMENT, WAGES AND PUBLIC SAFETY 1 (2007).

cerns of multiple academic disciplines and government institutions. Just as the factors that contribute to crime are interrelated, so too are the solutions: Crime cannot be effectively prevented by an isolated policy change or a singularly-focused intervention devoid of an understanding of the broader context. An integrative approach to justice reform implicitly recognizes this complexity and calls for a comprehensive criminal justice strategy that addresses the underlying, interrelated social issues that fuel the cycle of incarceration.

Multidisciplinary collaboration is a critical component of such a strategy. In order to make the kind of sweeping progress in plugging the prison pipeline that is needed, advocates, researchers, academics, and direct service providers must break out of disciplinary silos, embrace the connections in their work, and develop collaborative strategies that support mutually beneficial agendas. This approach does not require shifting organizational priorities or forgoing the development of expertise in particular disciplines. Rather, it utilizes a multidisciplinary lens to maximize the collective impact of organizational efforts and expertise. This multidisciplinary lens also promotes effective strategies that support human service interventions and investments in people, instead of policy choices that escalate spending of limited resources on incarceration and corrections systems.

This Article exposes the need for an integrative, multidisciplinary approach by outlining the risk factors for, and protective factors against, criminal conduct, and by demonstrating that these factors are rooted in an array of interrelated economic and social issues. An integrative approach requires cohesive strategies and a national framework, such as the National Crime Prevention Strategy used by the government of Canada and summarized below, which would allow policymakers to better understand the causes of crime and to craft and invest in effective policy and programmatic responses. It also requires innovative legislation, such as the proposed Youth PROMISE Act, highlighted in this Article, which is designed to provide communities with the resources necessary to help young people escape the cycle of incarceration. Finally, this distinctive approach to crime policy cannot be achieved without strong presidential leadership, and this Article therefore calls for the president to appoint a national advisor on prevention and integrative justice to provide coordination, expertise, and guidance on prevention policies and integrative justice.

II. UNDERSTANDING THE “CAUSES” OF CRIME: RISK FACTORS FOR DELINQUENT BEHAVIOR AND CRIMINAL CONDUCT ROOTED IN INTERRELATED ECONOMIC AND SOCIAL ISSUES

Many different factors contribute to criminal conduct. As detailed more fully below, these include 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 unavailability of stable housing. While these factors can increase the risk of criminal conduct, they do not invariably result in it; indeed, there is “no single factor or set of factors which causes an individual to become involved in crime.”²

Researchers have borrowed a “risk factor analysis” commonly used in the public health arena to better understand the causes of delinquent and criminal conduct, and to tailor appropriate intervention and prevention strategies.³ In applying this analysis, researchers have found that risk factors for crime are cumulative in their effect,⁴ and that a person’s likelihood of engaging in criminal or delinquent behavior increases along with the number of risk factors he or she has and with the number of domains (e.g., individual, school, family, community) impacted.⁵ While a full recitation of all risk factors and the nuances of their interconnectedness is beyond the scope of this article, a basic understanding of factors that increase the likelihood of criminal conduct is important if we are to identify points of intervention along the “cradle to prison pipeline.”⁶ The analysis of individual, family, school, and community risk factors that follows paints a clear picture of the interrelated economic and social issues that contribute to crime and that necessitate an integrative, multi-disciplinary response.

The story of Jamal and Hope, two teens living in the fictitious community of Urbanville, provides a case study for better understanding the risk and protective factors that impact the likelihood of becoming involved in crime:

Sixteen-year-old Jamal resides in a housing project with his sister, mother, and grandmother. Jamal is large for his age. His grades

² Don Weatherburn, *What Causes Crime?* 54 CRIME AND JUST. BULL. 8 (2001).

³ See, e.g., MICHAEL SHADER, U.S. DEP’T OF JUSTICE, RISK FACTORS FOR DELINQUENCY: AN OVERVIEW 1 (2004), available at <http://www.ncjrs.gov/pdffiles1/ojjdp/frd030127.pdf> (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”).

⁴ See, e.g., *id.* at 1 (noting a “multiplicative effect when several risk factors are present”).

⁵ See, e.g., *id.* at 1 (“[T]he presence of several risk factors often increases a youth’s chance of offending.”); GAIL A. WASSERMAN ET AL., U.S. DEP’T OF JUSTICE, RISK AND PROTECTIVE FACTORS OF CHILD DELINQUENCY 1–2 (2003) (“Most professionals agree that no single risk factor leads a young child to delinquency. Rather, the likelihood of juvenile offending increases as the number of risk factors and risk factor domains increases.”); FindYouthInfo.gov, *Risk and Protective Factors*, <http://guide.helpingamericasyouth.gov/programtool-factors.cfm> (last visited Mar. 18, 2009) (“Risk factors function in a cumulative fashion; that is, the greater the number of risk factors, the greater the likelihood that youth will engage in delinquent or other risky behavior.”).

⁶ “Cradle to prison pipeline” is a phrase coined by the Children’s Defense Fund, a private, nonprofit organization that works on behalf of children in America. See, e.g., CHILDREN’S DEFENSE FUND, AMERICA’S CRADLE TO PRISON PIPELINE (2007), available at <http://www.childrensdefense.org/child-research-data-publications/data/cradle-prison-pipeline-report-2007-full-highres.html>

are low, and he reads at the third grade level. Jamal misbehaves in school and is frequently truant. He is very excited, however, because his father will soon be released from prison. Jamal's fourteen-year-old sister, Hope, gets good grades in school, but she is often quiet and withdrawn. Jamal and Hope's mother works two jobs and rarely sees them because of her work schedule. Jamal and Hope are being raised by their grandmother, who has chronic health ailments. She is grateful for the assistance of her new neighbor, Mr. Joe, who does odd jobs around the house and helps her with errands. Ever since Mr. Joe moved into the housing project, Hope's schoolwork has dramatically deteriorated, and she has started a pattern of running away from home.⁷

As the following discussion illuminates, Jamal and Hope face multiple individual, family, school, and community risk factors for juvenile justice system involvement rooted in issues of poverty, economic opportunity, family dynamics, and access to appropriate educational, health care, and social services. As the next section will make equally clear, key protective factors can decrease the likelihood that they will participate in risky behavior.

A. Individual Risk Factors

Jamal is overweight and has been teased since elementary school. As a result, he harbors a negative self-image. Jamal is aggressive and "acts out" to redirect attention away from poor academic skills. His learning deficiencies may be the result of lead ingestion as a child, when he delighted in chewing on paint chips that constantly flaked from his bedroom walls. His sister, Hope, is depressed. She knows that her grandmother relies on the help of Mr. Joe, but he has made too many inappropriate overtures to her. She feels helpless and does not know what to do.

Research suggests that individual risk factors for unlawful behavior range from characteristics such as age and gender to behaviors such as substance abuse, aggression, and emotional disorders.⁸ Males are more likely to commit crimes than females, and young adults (ages eighteen through thirty-

⁷ This scenario is based on a hypothetical story introduced by Harvard Law Professor Charles Ogletree as part of his moderation of a roundtable discussion at a summit convened shortly after the historic 2008 presidential election of Barack Obama. See Audio tape: Moderation of Roundtable Discussion at Behind the Cycle: A National Summit to Advance an Integrative Approach to Justice Reform (Dec. 5, 2008), available at http://www.cspanarchives.org/library/index.php?main_page=product_video_info&products_id=282728-1. For a summary of the summit, see Nkechi Taifa, "Behind the Cycle" Summit: Advancing Integrative Approaches to Justice Reform, IV-08 NILE REP. 3 (2008).

⁸ E.g., ATLANTIC SUMMER INST. ON HEALTHY AND SAFE COMMUNITIES UNIV. OF PRINCE EDWARD ISLAND, BACKGROUND INFORMATION ON CRIME PREVENTION THROUGH SOCIAL DEVELOPMENT AND POPULATION HEALTH APPROACH 2 (2007), http://www.upei.ca/~asihsc/BackgroundInformation_Resource_Section.pdf.

four) represent the largest portion of offenders.⁹ Although there is ongoing debate as to whether one can accurately isolate the factors that influence who will outgrow delinquent behavior as juveniles and who will persist with such behavior into adulthood, research links early onset of delinquent behavior (before age thirteen) with “a greater risk of becoming serious, violent, and chronic juvenile offenders.”¹⁰ Those adult offenders who persist in criminal behavior generally begin their contact with the criminal justice system as adolescents; thus, understanding “factors which precipitate juvenile involvement [is] helpful in understanding adult crime.”¹¹

Early onset aggression and antisocial behavior are considered among the best predictors of later delinquency.¹² Such behaviors are often associated with inattention-hyperactivity, neurocognitive risk (such as 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.”¹³ 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.¹⁴

Researchers estimate that thirty-two to forty-three percent of incarcerated youths suffer from such disabilities as emotional and behavioral disorders, learning disabilities, mental retardation, and ADHD, and that “an additional and substantial proportion of delinquent youths and criminal adults . . . have more global intellectual deficits.”¹⁵ A 2005 survey revealed that more than half of all people then in prison or jail exhibited symptoms of a mental disorder or had a recent history of mental health problems, including a clinical diagnosis or treatment.¹⁶ Three-quarters of those who had mental health problems also met criteria for substance dependence or

⁹ *Id.* at 4. See also Bureau of Justice Statistics, Criminal Offenders Statistics, <http://ojp.usdoj.gov/bjs/crimoff.htm#lifetime> (last visited Mar. 20, 2009) (“An estimated 57% of inmates were under age 35 in 2001.”).

¹⁰ WASSERMAN ET AL., *supra* note 4, at 1.

¹¹ Weatherburn, *supra* note 2, at 3.

¹² See WASSERMAN ET AL., *supra* note 4, at 3 (“More studies are needed to determine whether emotional characteristics in childhood are causes of or simply correlates of later antisocial behavior.”).

¹³ SHARON MIHALIC ET AL., U.S. DEP’T OF JUSTICE, BLUEPRINTS FOR VIOLENCE PREVENTION 15 (2004); see also SHADER, *supra* note 4, at 5 (“[T]he best social behavior characteristic to predict delinquent behavior before age 13 appears to be aggression.” (citing Richard E. Tremblay & David LeMarquand, *Individual Risk and Protective Factors*, in CHILD DELINQUENTS: DEVELOPMENT, INTERVENTION, AND SERVICE NEEDS 137, 141 (Rolf Loeber & David P. Farrington eds., 2001)).

¹⁴ See ATLANTIC SUMMER INST. ON HEALTHY AND SAFE COMMUNITIES, *supra* note 7, at 4.

¹⁵ JUVENILE JUSTICE EDUC. ENHANCEMENT PROGRAM, 2005 ANNUAL REPORT TO THE FLORIDA DEPARTMENT OF EDUCATION 100 (2006); see also SHADER, *supra* note 4, at 6 (“Low verbal IQ and delayed language development have both been linked to delinquency; these links remain even after controlling for race and class.”); WASSERMAN ET AL., *supra* note 4.

¹⁶ DORIS J. JAMES & LAUREN E. GLAZE, U.S. DEP’T OF JUSTICE, MENTAL HEALTH PROBLEMS OF PRISON AND JAIL INMATES I (2006).

abuse.¹⁷ 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 youths¹⁸ and are linked to violence in adolescents and adults.¹⁹

Prenatal and perinatal complications may also be connected to later delinquent or criminal behavior.²⁰ 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 at age eighteen and violent delinquency.²¹ Other research suggests that “[m]ild 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.”²²

B. Family Risk Factors

Jamal’s father was incarcerated on a drug charge when he was eight years old. He does not know his father well because the prison is in another state, and his grandmother’s phone was cut off because his father’s collect calls from prison were exorbitant. When Hope was six, she witnessed her father in a violent tirade against her mother, and she sometimes has frightful flashbacks. Jamal feels his mother whips him harshly; she often tells him, “You look just like your no-good father!” Jamal and Hope’s mother has an onerous work schedule, and their grandmother is not able to provide the type of supervision they need. She does not notice that Hope often disappears whenever their new neighbor, Mr. Joe, comes around.

“[P]oor family functioning, parenting practices, and family interaction styles have been demonstrated as consistent risk factors for substance use, delinquency, and criminal behavior.”²³ Inadequate parenting practices include high levels of parent-child conflict, low levels of positive parent involvement, and poor monitoring and supervision of children.²⁴

¹⁷ *Id.*

¹⁸ See JUVENILE JUSTICE EDUC. ENHANCEMENT PROGRAM, *supra* note 14, at 101–03; WASSERMAN ET AL., *supra* note 4, at 8.

¹⁹ See NAT’L YOUTH VIOLENCE PREVENTION RES. CTR., RISK AND PROTECTIVE FACTORS FOR YOUTH VIOLENCE 5 (2001), available 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.”).

²⁰ See SHADER, *supra* note 4, at 5.

²¹ See MIHALIC ET AL., *supra* note 12, at 16.

²² WASSERMAN ET AL., *supra* note 4, at 4.

²³ MIHALIC ET AL., *supra* note 12, at 15.

²⁴ See WASSERMAN ET AL., *supra* note 4, at 5 (“Inadequate parenting practices are among the most powerful predictors of early antisocial behavior.”).

Adolescents in father-absent households have an elevated risk of incarceration.²⁵ 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.”²⁶ One recent survey found forty-six percent of jail inmates had a family member who had been incarcerated.²⁷

Child abuse and neglect are significant family-level risk factors for future criminal behavior. “Being abused or neglected as a child increases the likelihood of arrest as a juvenile by 59 percent, as an adult by 28 percent, and for a violent crime by 30 percent.”²⁸ Research has also made clear that “experiencing violence as a child leads to increased risk of being arrested for violent crime” and that “childhood neglect and emotional maltreatment are associated with violence as well.”²⁹ 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 spousal abuse. Witnessing domestic violence has been linked to increased child behavior problems, especially for boys and younger children.”³⁰

C. School Risk Factors

Jamal is often late for school, primarily because his grandmother has frequent medical appointments, and he has to help her down the stairs because the elevator is often out of order. Occasionally, rather than enter late, he decides to skip school altogether. With school zero tolerance policies, he is often suspended. Jamal has been picked up by the truancy officers many times, and he has been entered into a police gang index, although he is not a member of a gang. Being a good student, Hope wants her mother to attend parent/teacher conferences, but her work schedule will not allow it. Hope does not want to ask her grandmother because she knows how difficult it would be for her to have to climb the steep school stairs. Hope wishes there were not so many other students in her classes.

There is considerable evidence that educational failure is a significant risk factor for delinquent or criminal behavior. Deficiencies in educational

²⁵ See Cynthia C. Harper & Sara S. McLanahan, *Father Absence and Youth Incarceration*, 14 J. OF RES. ON ADOLESCENCE 369 (2004) (noting that father absence frequently occurs alongside 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).

²⁶ JEREMY TRAVIS ET AL., URBAN INSTITUTE, *FAMILIES LEFT BEHIND: THE HIDDEN COSTS OF INCARCERATION AND REENTRY 2* (2003, rev. 2005).

²⁷ Bureau of Justice Statistics, *supra* note 8.

²⁸ MIHALIC ET AL., *supra* note 12, at 16.

²⁹ *Id.*

³⁰ WASSERMAN ET AL., *supra* note 4, at 5 (citation omitted).

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 are directly related to the cycle of incarceration.

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.”³¹ In the late 1990s, 68% of people in state prisons did not have a high school diploma, and only 12.7% of the incarcerated population had achieved a postsecondary education, compared with 48.4% of the general population.³² By one estimate, 70% of those incarcerated in state and federal prisons are functionally illiterate or read below the eighth grade level.³³ “Currently, less than half of black males who start high school graduate within four years, compared to 75 percent of white male students.”³⁴

The use of school suspensions and expulsions “has increased dramatically over the past 25 years.”³⁵ Such school suspensions and expulsions precipitate dropping out of school—a “significant link in what is now called ‘the school to prison pipeline.’”³⁶ Components of the pipeline include “[u]nder-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.”³⁷ School expulsions and suspensions disproportionately impact students of color, resulting in increased risk of involvement in the juvenile and adult criminal justice systems.³⁸

D. Community Risk Factors

There are liquor stores and fast food establishments on almost every corner in Urbanville. Open air drug markets proliferate. Prostitution and loitering are rampant. Unemployed and underemployed men frequent the corners. Social services are largely absent. There are many boarded up and abandoned build-

³¹ JUSTICE POLICY INST., EDUCATION AND PUBLIC SAFETY 11 (2007).

³² *Id.* (citing CAROLINE W. HARLOW, BUREAU OF JUSTICE STATISTICS, EDUCATION AND CORRECTIONAL POPULATIONS (2003)).

³³ ARK. LITERACY COUNCILS, ADULT ILLITERACY: ITS COST TO US ALL 2 (2005).

³⁴ IVORY A. TOLDSON, CONG. BLACK CAUCUS FOUND., BREAKING BARRIERS: PLOTTING THE PATH TO ACADEMIC SUCCESS FOR SCHOOL-AGE AFRICAN-AMERICAN MALES 3 (2008).

³⁵ MARSHA WEISSMAN ET AL., CTR. FOR CMTY. ALTERNATIVES, SCHOOL YARD OR PRISON YARD: IMPROVING OUTCOMES FOR MARGINALIZED YOUTH, at ii (2005).

³⁶ *Id.* at 1.

³⁷ *Id.* at 1–2; see also SHADER, *supra* note 4, at 7 (noting that 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”).

³⁸ See MARC MAUER & RYAN SCOTT KING, THE SENTENCING PROJECT, SCHOOLS AND PRISONS: FIFTY YEARS AFTER *Brown v. Board of Education* 5 (2004) (“According to the Department of Education, 35% of 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.”).

ings. Jamal and Hope walk through these neighborhoods every day to get to school.

The environment in which a person lives can influence the likelihood of criminal conduct or delinquency.³⁹ “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.’”⁴⁰ 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 exposures to such chemicals as lead, which can have a direct impact on cognitive learning.

High poverty neighborhoods exact “multiple costs on individuals and society” and are plagued by high crime rates, especially violent crime rates.⁴¹ 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.”⁴² 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.⁴³ These characteristics can have significant negative consequences “for the cognitive functioning, socialization, physical health, emotional functioning, and academic achievement of children and adolescents.”⁴⁴ “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 more dangerous behaviors, and with lower educational attainment and more limited career prospects than their more affluent counterparts.”⁴⁵

Unemployment is a significant community factor that impacts the likelihood that a person will become criminally involved. People who are incarcerated report extended periods of unemployment and of earning low wages more often than the general population.⁴⁶ Researchers have found links between employment status, wages, and crime rates, and also between the economic health of a community and incarceration rates.⁴⁷

Inadequate living conditions such as poor or unstable housing also impact the likelihood of criminal behavior. Substandard housing has been

³⁹ See SHADER, *supra* note 4, at 7.

⁴⁰ *Id.*

⁴¹ ALAN BERUBE & BRUCE KATZ, THE BROOKINGS INST., *KATRINA’S WINDOW: CONFRONTING CONCENTRATED POVERTY ACROSS AMERICA* 1, 6 (2005).

⁴² José J. Escarce, *Socioeconomic Status and the Fates of Adolescents*, 38 HEALTH SERVICES RES. 1229, 1231 (2003).

⁴³ See *id.* at 1230–31.

⁴⁴ *Id.* at 1231.

⁴⁵ *Id.*

⁴⁶ See JUSTICE POLICY INST., *supra* note 1, at 1.

⁴⁷ *Id.* at 3.

linked with higher rates of violent crime, “particularly where exposure to lead hazards is more likely to occur.”⁴⁸ Recent studies have shown that “exposure to lead, associated with older, deteriorated, and lower-quality housing, can result in increased delinquency, violence, and crime.”⁴⁹ 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.”⁵⁰

The community risk factors described above are indicative of what has been called “neighborhood disorder”—“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.”⁵¹ “Neighborhood disorder can be seen (such as public drinking, prostitution, or illegal drug traffic), or experienced or perceived by the residents (such as crime against a person, or harassment)” and can induce a person living in the neighborhood to join or participate in delinquent or criminal behavior.⁵²

Research suggests that adolescents exposed to disordered neighborhoods are at increased risk of 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.⁵³ It also indicates that disordered neighborhoods may have weakened social controls that decrease the ability of residents to come together for common goals and that simply overwhelm potential mediating variables.⁵⁴ Disordered neighborhoods 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.

In the end, 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 reinforces disordered neighborhoods. The cascading effect of disordered neighborhoods on other risk factors seems to be overwhelming.

⁴⁸ JUSTICE POLICY INST., HOUSING AND PUBLIC SAFETY 1 (2007).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Wilma J. Calvert, *Neighborhood Disorder, Individual Protective Factors, and the Risk of Adolescent Delinquency*, 13 ABNF J. 127, 129 (2002).

⁵² *Id.*

⁵³ *See id.*

⁵⁴ *See id.* at 132.

II. PROTECTIVE FACTORS: BUILDING RESILIENCE FOR SUCCESSFUL LIFE OUTCOMES

Grandma, the family matriarch, loves her family. Despite her medical problems, she always tries to motivate the family. Grandma encourages family dinner each evening, before her daughter leaves for her second job. Her church sponsors a mentoring program for teens, and Grandma ensured that both Jamal and Hope had appropriate mentors from the program. Jamal's mentor enrolled him in a Rites of Passage program which instills self-esteem in youth. Hope's mentor was able to recognize signs that Hope may be the victim of sexual abuse and sought the appropriate law enforcement, medical, and psychological care. Although their mother is forced to work two jobs, she tries to constantly congratulate them on their achievements and give them positive feedback and frequent hugs. With the possibility that the father may return to the household, Jamal's mentor investigated a family reintegration program. Mother and Grandma always try to attend the annual community block party. At the last one, a team of investors came with key stakeholders to talk about the building of a community center where there would be a homework lab, sports activities, and opportunities for cultural expression. This was the first time in a long time that Jamal and Hope's mom smiled.

A clear understanding of the risk factors undergirding delinquent and criminal behavior is only half of Jamal and Hope's story. Research has made clear that negative conduct, and violent behavior in particular, is the result of multiple risk factors operating across multiple domains *in the absence of protective factors*.⁵⁵ Just as the individual, family, school, and community factors discussed earlier 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.

Although there has been considerable identification of the circumstances that may increase a young person's likelihood of engaging in risky behaviors, fewer studies have been conducted regarding certain "protective

⁵⁵ See NAT'L YOUTH VIOLENCE PREVENTION RES. CTR., *supra* note 18, at 4; Ross D. Parke & K. Alison Clarke-Stewart, Effects of Parental Incarceration on Young Children 15 (Dec. 2001) (unpublished working paper, on file with the Harvard Law and Policy Review, available at <http://aspe.hhs.gov/HSP/prison2home02/parke&stewart.pdf>) (explaining that 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").

factors” that may create resiliency, promote healthy behaviors, and decrease the chances that a person will engage in risky behaviors. While fewer studies have been done on this aspect of the risk factor paradigm, researchers believe that protective factors operate in three ways: to buffer risk factors, cushioning against negative effects; to interrupt the process through which risk factors operate; and to prevent initial occurrence of risk factors.⁵⁶ “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.”⁵⁷

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. 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 “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” when they benefit from early intervention.⁵⁸ “[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.”⁵⁹

Effective interventions at the individual level should attempt to instill or reinforce the specific individual attributes that can promote resilience in the face of adversity and buffer a child from risk and stress—attributes such as high self-esteem, intelligence, independence, a sense of purpose, belief in a positive future, commitment to education and learning, a sense of control over one’s environment, adaptability, flexibility, a sense of empathy for others, conflict resolution and critical thinking skills, and the ability to solve problems, plan for the future, and be resourceful in seeking sources of support.⁶⁰ “One of the most powerful protective factors emerging from resiliency studies is the presence of caring, supportive relationships.”⁶¹ At the family level, factors that help protect youth from delinquency include family bonding, opportunities and reward for prosocial family involvement, family stability, and high family expectations. A supportive family environment or a non-kin support network can help to build resilience, and in some cases, ameliorate the adverse effects of poverty, divorce, or incarceration.⁶²

⁵⁶ See FindYouthInfo.gov, *supra* note 4.

⁵⁷ *Id.*

⁵⁸ See WASSERMAN ET AL., *supra* note 4, at 10.

⁵⁹ *Id.*

⁶⁰ See *id.*; see also NAT’L YOUTH VIOLENCE PREVENTION RES. CTR., *supra* note 18.

⁶¹ NAT’L YOUTH VIOLENCE PREVENTION RES. CTR., *supra* note 18, at 3.

⁶² See, e.g., *id.* (finding that supportive parental relationships may reduce children’s risk of violent behavior); Parke & Clarke-Stewart, *supra* note 54, at 6 (finding that the quality of relationships with the extended family and non-family networks predicted children’s ability to adjust to parental incarceration).

Interventions at the school level are critical, with evidence that increasing graduation rates can produce significant public safety benefits.⁶³ Protective factors at the community level include a safe and health-promoting environment, supportive law enforcement presence, and the availability of neighborhood resources.⁶⁴ The provision of supportive or affordable housing has been shown to be a cost-effective public investment,⁶⁵ and both increased employment and increased wages are associated with public safety benefits.⁶⁶

IV. CREATING A COMPREHENSIVE CRIMINAL JUSTICE FRAMEWORK: SHIFTING THE POLICYMAKING PARADIGM FROM INCARCERATION TO STRENGTHENING PROTECTIVE FACTORS

Incarceration projections, fiscal realities, and political dynamics have converged with a growing body of evidence regarding the diminishing public safety returns of America's incarceration practices to set the stage for a reconfiguration of traditional crime prevention strategies. Quite simply, our flawed, ineffective, tough-on-crime paradigm must be shifted to a "smart on crime," integrative approach that builds protective factors and promotes resilience by emphasizing prevention, intervention, and effective delivery of needed human services in such areas as education, child welfare, health, housing, and economic opportunity.

"A variety of research demonstrates that investments in drug treatment, interventions with at-risk families, and school completion programs are more cost-effective than expanded incarceration as crime control measures."⁶⁷ Indeed, "[t]he combined approach of prevention for juveniles and treatment for adults continues to exhibit significant cost savings and remains a viable alternative to incarceration for many adults."⁶⁸ Despite this, policymakers continue to invest a significant portion of limited public resources in rapidly-growing incarceration and corrections costs, instead of in interventions that would prevent initial entry into the court system.

A number of significant challenges must be overcome in order to persuade policymakers to re-think the conventional crime prevention paradigms. The "tough-on-crime" approach has limited the public resources available to fund social service interventions that would help prevent crime

⁶³ See JUSTICE POLICY INST., *supra* note 30, at 3 (citing Lance Lochner & Enrico Moretti, *The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports*, 94 AM. ECON. REV. 155 (2004)); see also ALLIANCE FOR EXCELLENT EDUC., *SAVING FUTURES, SAVING DOLLARS: THE IMPACT OF EDUCATION ON CRIME REDUCTION AND EARNINGS* 5-8 (2006).

⁶⁴ See FindYouthInfo.gov, *supra* note 4.

⁶⁵ See JUSTICE POLICY INST., *supra* note 47, at 1.

⁶⁶ See JUSTICE POLICY INST., *supra* note 1, at 2.

⁶⁷ RYAN S. KING ET AL., *THE SENTENCING PROJECT, INCARCERATION AND CRIME: A COMPLEX RELATIONSHIP* 8 (2005).

⁶⁸ *Id.*

over time. Because of this shortage of resources, there are few adequately designed and evaluated experimental intervention programs, leaving policymakers with insufficient data to guide their decisions regarding where to invest public resources to prevent delinquency.⁶⁹ One report by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention notes that "[t]he 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."⁷⁰ Understanding which programs work requires adequate evaluation, a need that evidence-based practices and other research-driven policy analyses attempt to address. Many interventions also require significant "buy-in" from local stakeholders, which can be challenging to secure. And an obvious challenge to shifting the policymaking paradigm from short-term, tough-on-crime strategies to long-term investments in public and community safety is the fear of many policymakers that they will be viewed by their voting constituencies as "soft on crime."

Advocates, service providers, and others have advanced a number of unique approaches to build support for human service interventions to address the social conditions that also underly risk factors for delinquent and criminal behavior. These include the positive youth development approach, the health promotion approach, the social development approach, the justice reinvestment approach, and an approach that frames the issue in "opportunity" terms. The specific organizations mentioned in this article have used these approaches to communicate with policymakers about the relationship between inadequately addressed economic and social issues and specific policy objectives. Each illuminates a potential framework for persuading policymakers to re-think the conventional "tough-on-crime" paradigm, and to focus instead on the connections between social issues that fuel the cycle of incarceration, and the policies, programs, and services that offer potential solutions.

The "First Focus" campaign of the America's Promise Alliance⁷¹ demonstrates how a youth development approach can be employed in efforts to shift the policymaking paradigm. First Focus works to make children and their families a priority in federal budget and policy decisions, particularly in the areas of child health, education, family economics, child welfare, and child safety. These issue areas align in many respects with "The Five Promises"—those developmental resources and wrap-around supports that positive youth development theory tells us young people need for success in

⁶⁹ See WASSERMAN ET AL., *supra* note 4, at 9.

⁷⁰ *Id.*

⁷¹ The America's Promise Alliance is a national, multi-sector collaborative dedicated to the well-being of children and youth. It uses the youth development approach in framing its efforts to improve outcomes for at-risk children and youth. See generally, America's Promise Alliance, <http://www.americaspromise.org> (last visited Jul. 10, 2009).

life. The Five Promises are defined as (1) caring adults—ongoing, secure relationships with parents as well as formal and informal relationships with other caring adults; (2) safe places—families, schools, neighborhoods, and communities that are physically and emotionally safe, and in which young people are actively and constructively engaged; (3) 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; (4) 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 (5) opportunities to help others—providing young people with the chance to make a difference in their families, at schools, and in communities, by instilling in them a sense of responsibility and a sense of possibility.⁷² It has been noted 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.⁷³

The health promotion approach recognizes that there is a broad range of social, economic, and environmental factors that interact and contribute to overall health, many of which factors 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 characteristics, personal health practices and coping mechanisms, biology and genetics, gender, culture, healthy child development, and 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.”⁷⁴

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, environmen-

⁷² See America’s Promise Alliance—The Five Promises, <http://www.americaspromise.org/About-the-Alliance/Five-Promises.aspx> (last visited Jul. 10, 2009).

⁷³ *Id.*

⁷⁴ Dennis Raphael, Keynote Presentation at the Atlantic Summer Inst. on Healthy and Safe Cmty.s, Making the Links: What do Health Promotion, Crime Prevention, and Social Development Have in Common? 6 (Aug. 2004), http://www.upei.ca/~asihsc/si2004/Dennis_Making_The_Links_revised_august9.pdf.

tal toxicity, and inadequate access to health care.”⁷⁵ 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 the education, child welfare, economic, justice, and health care systems—the underlying social conditions that interact to diminish life options and outcomes for young men of color.⁷⁶

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.⁷⁷ “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.”⁷⁸ 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 neighborhoods, almost 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.”⁷⁹ The justice reinvestment approach questions whether the money spent on prisons actually creates safer neighborhoods and advocates reallocating some portion of those dollars to finance education, housing, healthcare, and jobs as a more effective strategy for increasing community safety.

Framing issues in terms of opportunity is an approach used 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.”⁸⁰ The Opportunity Agenda defines and measures opportunity along six dimensions: (1) mobility—the opportunity to advance and participate fully in the economic, political, and cultural life of the nation; (2) equality—full access to the benefits, responsibilities, and burdens of society regardless of race, gender, national origin, or socioeconomic status; (3) voice—the ability of all

⁷⁵ DELLUMS COMM’N, JOINT CTR. FOR POLITICAL AND ECON. STUDIES, *A WAY OUT: CREATING PARTNERS FOR OUR NATION’S PROSPERITY BY EXPANDING LIFE PATHS OF YOUNG MEN OF COLOR* 2 (2005).

⁷⁶ *See id.*

⁷⁷ *See generally*, Justice Reinvestment, <http://www.justicereinvestment.org> (last visited Apr. 21, 2009).

⁷⁸ Susan B. Tucker & Eric Cadora, *Justice Reinvestment*, 3 *IDEAS FOR AN OPEN SOC’Y* 2, 2 (2003).

⁷⁹ *Id.*

⁸⁰ Change.org, The Opportunity Agenda, <http://www.change.org/opportunityagenda/details/about> (last visited Mar. 20, 2009). *See generally*, The Opportunity Agenda, <http://www.opportunityagenda.org> (last visited, Apr. 21, 2009). The Opportunity Agenda uses 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.

to participate, debate, and have real ownership in the public dialogue; (4) redemption—the chance for rehabilitation and redemption; (5) security—access to the level of education, economic well being, health care, and other protections necessary to human dignity; and (6) community—shared responsibility for each other.

Another approach is the social development model, which 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 levels of education or illiteracy.⁸¹ 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 uses a “crime prevention through social development (CPSD)” approach in its National Crime Prevention Strategy.⁸² CPSD provides a framework for the implementation of crime prevention interventions in Canada⁸³; it seeks to foster protective factors and “make[] connections beyond the traditional criminal justice sector . . . by recognizing the important role that policies, programs, and services such as housing, education, health, income security and social services play in preventing crime.”⁸⁴ While there have been some challenges to implementation of this strategy,⁸⁵ Canada’s National Crime Prevention Strategy provides an example of a comprehensive, national framework for understanding the issues, the solutions, and how they fit together to decrease crime. It also provides guidance and insight for implementing a more integrative approach to criminal justice policymaking.

Creating a comprehensive and integrative national criminal justice framework in the United States would offer policymakers a similar opportunity to better understand the causes of crime and to craft and invest in effective policy and programmatic responses. Such a framework would also draw on existing communications models (health promotion, positive youth development, justice reinvestment, opportunity, and crime prevention through social development) to allow advocates, researchers, service providers, policymakers, and others to communicate and collaborate more effectively with each other regarding justice system reforms. An integrative approach thereby offers the opportunity to develop cohesive strategies and a national framework that could make a significant difference in the lives of

⁸¹ See ATL. SUMMER INST. ON HEALTHY AND SAFE COMMUNITIES, *supra* note 7.

⁸² See Community Health Promotion Network Atlantic, ASI Provincial Network, <http://chpna.ca/print.php?section=Projects&page=asi> (last visited Apr. 21, 2009).

⁸³ See Public Safety Canada, National Crime Prevention Strategy, <http://www.publicsafety.gc.ca/prg/cp/ncps-en.asp> (last visited Apr. 21, 2009).

⁸⁴ Community Health Promotion Network Atlantic, *supra* note 76.

⁸⁵ See INSTITUTE FOR THE PREVENTION OF CRIME, BUILDING A SAFER CANADA: FIRST REPORT OF THE NATIONAL WORKING GROUP ON CRIME PREVENTION 17 (September 2007), available at <http://www.sciencessociales.uottawa.ca/ipc/eng/> (summarizing “gaps” in the Strategy and “recommendations” for revising the strategy).

youth like Jamal and Hope, and could help to plug the pipeline to prison that they and so many others are at risk of entering.

V. OPPORTUNITIES FOR FEDERAL LEADERSHIP

There are significant opportunities for the White House, Congress, and federal agencies to play a leadership role in furthering the development of a comprehensive, integrative criminal justice strategy in the United States. Specifically, the White House should appoint a national advisor on prevention and integrative justice and a national multi-disciplinary advisory council; combined, these appointments would provide unparalleled resources of information and expertise to model and promote integrative policies and approaches. Additionally, Congress should seek out opportunities to implement an integrative approach to justice reform through such innovative legislation such as the Youth PROMISE Act. Such initial steps by the White House and Congress would send a strong message to policymakers at all levels of government that effectively addressing the underlying social issues that fuel the cycle of incarceration is a national priority. Moreover, such steps would lay a strong foundation for reconfiguring traditional crime prevention paradigms to better support the healthy development of individuals, families, school systems, and communities—the critical domains for building resilience and decreasing risk of criminal conduct.

A. *Leadership from Congress*

In 2008 Congress passed the Second Chance Act,⁸⁶ unprecedented legislation designed to improve outcomes for people returning to their communities from prisons and jails.⁸⁷ The Act provides a comprehensive response to reentry by authorizing grants to government agencies and nonprofit groups to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victim support, and other services to help reduce recidivism.

Just as the recently enacted Second Chance Act addresses issues on the back-end, the proposed Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (“Youth PROMISE” Act), addresses issues on the front-end.⁸⁸ Introduced in the 111th Congress by Congressmen Robert C. Scott (D-VA) and Mike Castle (R-DE) and Senators Robert Casey (D-PA) and Olympia Snowe (R-ME), this bipartisan legislation would provide critical resources to communities to engage in evidence-based comprehensive prevention and intervention strategies to de-

⁸⁶ Second Chance Act of 2007, Pub. L. No. 110-199, 122 Stat. 657 (codified as amended in scattered sections of 42 U.S.C.).

⁸⁷ See Reentry Policy Council, Second Chance Act, http://reentrypolicy.org/government_affairs/second_chance_act (last visited Apr. 21, 2009).

⁸⁸ H.R. 1064, 111th Cong. (2009); S. 435, 111th Cong. (2009).

crease juvenile delinquency and criminal street gang activity. The Youth PROMISE Act is a prime example of the type of collaborative strategy necessary to comprehensively address the underlying interrelated risk factors that fuel the prison pipeline. Using an interagency and community-based approach, the Youth PROMISE Act empowers Indian tribes and local governments of communities facing the greatest youth gang and crime challenges to form local Promise Coordinating Councils. These councils would bring local parents and youths together with representatives from law enforcement, court services, schools, social services, public housing, health and mental health providers, community-based organizations (including faith-based groups), and local chief executives' offices to develop comprehensive plans for implementing evidence-based prevention and intervention strategies.⁸⁹

This integrative approach to justice shifts the current policy focus away from punishment and toward intervention, reflecting the type of multidisciplinary methodology that research has demonstrated will yield huge savings through reductions in violence, delinquency and crime, and other criminal justice costs.⁹⁰ The bill also provides for the hiring and training of youth oriented police officers⁹¹ and offers grants to localities to fund police and community collaborative programs that provide crime prevention, research, and intervention services with the goal of directing at-risk youth away from criminal activity.⁹²

In describing his motivation to “effectively reduce crime and dismantle the Cradle to Prison Pipeline,” Representative Scott stated that he introduced the Youth PROMISE Act to “put[] evidence-based approaches to crime reduction into legislative practice.”⁹³ He stressed that “when it comes to crime policy, we have a choice—we can reduce crime or we can play politics.”⁹⁴ At an earlier press conference announcing the legislation, Scott explained,

For years, we have been codifying slogans and soundbites that do nothing to reduce crime. As a result of these policies, the average incarceration rate in the United States is far above the incarceration rates in other countries and incarceration costs have risen to \$65 billion per year. This legislation implements the recommendations of researchers, practitioners, analysts, and law enforcement officials from across the political spectrum concerning evidence-

⁸⁹ See H.R. 1064 at § 202; see also Press Release, Congressman Robert C. Scott, Rep. Scott Introduces Youth PROMISE Act (Oct. 16, 2007), available at http://bobbyscott.house.gov/list/press/va03_scott/pr_071016.html.

⁹⁰ See KING ET AL., *supra* note 68, at 8.

⁹¹ See H.R. 1064 at §§ 401–405.

⁹² See *id.* at §§ 200–223.

⁹³ Robert C. Scott, *Investing in our Nation's Youth to Help Disrupt the 'Cradle to Prison Pipeline'*, 10 CBCF NEWS 1, Spring 2008, at 40, available at http://www.cbcbinc.org/images/pdf/newsletter/spring_08.pdf.

⁹⁴ *Id.*

and research-based strategies to reduce gang violence and youth crime.⁹⁵

The bill has a broad reach and the potential to benefit communities, like Jamal and Hope's Urbanville, that are faced with a myriad of challenges. Congressman Scott has stressed that it is critical for this bill to move forward "so students in our next generation will be more likely to receive a college degree than serve time in jail."⁹⁶

B. *Leadership from the White House*

Leadership from the White House is critical if there is to be a new approach to crime policy. The recent creation of a White House Office of Urban Affairs can significantly advance a new approach by playing a pivotal role in coordinating and implementing the type of interdisciplinary, cross-agency policies and projects necessary to strengthen communities to support the healthy development of those at greatest risk for juvenile and criminal court involvement.⁹⁷

Specifically, the director of the Office of Urban Affairs should designate a national advisor on prevention and integrative justice⁹⁸ to provide leadership, expertise, and guidance on juvenile and criminal justice prevention policies. The national advisor should be provided with the appropriate staff, budget, and authority to undertake the following:

- Model an integrative approach to justice reform by working with a multidisciplinary advisory group, with members from such fields as education, health, housing, economic opportunity, child welfare, juvenile justice, and criminal justice to identify and promote policies and programs that would achieve the initiative's goals.
- Encourage cross-agency and cross-disciplinary communication and collaboration through convenings and policy discussions.
- Coordinate policy and programmatic efforts across federal agencies aimed at increasing policymakers' understanding of the interconnectedness of the issues with which each agency deals and the cycle of incarceration, and aligning resources and programs to more effectively address the risk factors for crime.
- Identify specific legislative proposals across a range of issue areas (education, criminal justice, housing, healthcare, economic

⁹⁵ Press Release, Congressman Robert C. Scott, *supra* note 85.

⁹⁶ Scott, *supra* note 89, at 40.

⁹⁷ President Obama recently established the White House Office on Urban Policy to ensure that all federal dollars channeled to urban areas are effectively spent on the highest-impact programs. The director of urban affairs reports directly to the president and will coordinate all federal urban programs. *See generally* The White House, Urban Policy, http://www.whitehouse.gov/agenda/urban_policy/.

⁹⁸ The creation of the position is key, not the exact title.

opportunity, child welfare, etc.) that reflect the integrative approach to justice described above and decrease the government's reliance on incarceration as the primary response to public safety concerns.

- Provide leadership that will promote integrative approaches at all levels of government and policymaking.

The establishment of a multidisciplinary national advisory council by the Office of Urban Affairs would provide the national advisor with an unparalleled resource of experts from a range of disciplines to advise the president on key prevention policies. Experts appointed to this commission should be leaders in the fields they represent, knowledgeable about the interrelationships between social policies and issues and the cycle of incarceration, and willing to serve as spokespersons and advocates for the goals of the initiative within their disciplines and in the policy realm. Such a White House initiative within an office focused on urban policy would send a strong message of leadership to policymakers at the federal, state, and local levels that effectively addressing the underlying social issues that fuel the cycle of incarceration is a national priority, is a more cost-effective means of promoting public safety, and requires strong multidisciplinary communication and collaboration.

VII. CONCLUSION

The crux of this Article is summed up in a sober conversation that death penalty attorney Bryan Stevenson had with a client twenty minutes prior to his execution:

He began telling me about his day . . . he said, 'Bryan, it's been so strange.' He said, 'All day long, people have been saying to me, 'What can I do to help you?'' He said, 'This morning the guards came to me and said, 'What do you want for breakfast?' At mid-day they came to me and said, 'What do you want for lunch?' In the evening they came to me and said, 'What do you want for dinner?'' He said, 'All day long, people have been saying, 'what can I do to help you.''' And he said, 'they've been coming to me and asking me do I want stamps to mail my letters, do I need coffee or water, do I want access to the phone to call my friends and family.' And, I will never forget him saying in these last few minutes, he said, 'Bryan, it's been so strange. More people have said, 'What can I do to help you?' in the last 14 hours of my life, than they ever did in the first 19 years of my life.'

And holding his hands, I couldn't help but think, yes, where were they when you were 3 years old when you were being physically abused? Where were they when you were 7 years old being sexually assaulted by your step-sibling? Where were they when you were 13 and 14, and you were drug-addicted and trying crack

cocaine and heroin? Where were they when you were 17, and you were homeless, roaming the streets of Birmingham, Alabama? And with those kinds of questions resonating in my mind, this man was pulled away from me, strapped in Alabama's electric chair, and executed.⁹⁹

As the above dialogue indicates, it really should come as no surprise that the very people who have been abused, abandoned, and victimized their whole lives without any type of therapeutic intervention could one day themselves become victimizers. The nation can no longer afford to ignore the profound connections that exist between mass incarceration and concentrated poverty and the results of such poverty, including inadequate education, diminished economic opportunity, substance abuse, dilapidated housing, and scarce health services.

With the new Obama administration, there is a unique opportunity to address the issues that fuel America's cycle of incarceration. The question should never again have to be asked, "Where were they when . . . ?" for the answer must resoundingly be, "They were there." Consciously looking behind the cycle of incarceration to address the root causes of delinquent and criminal behavior will promote a more effective approach to combating crime and violence and will respond to significant social policy and human service needs that exist in communities across America.

We must address the underlying "pre-entry" social issues that fuel the cycle of incarceration as a means of decreasing reliance on incarceration, enhancing public safety, strengthening communities, and breaking the cycle of incarceration that so disproportionately affects people of color and the poor. We must support a shift in the policymaking paradigm to emphasize increased public investment in preventive programs, policies, and services that address the risk factors for court involvement by building resilience in individuals and increasing individual and community level protective factors. We need to emphasize interdisciplinary communication and collaboration to leverage resources and maximize collective impact. And we must promote the integration of systems and services to address human needs and strengthen communities while achieving positive criminal justice outcomes and decreasing reliance on incarceration. There is an energy and interest across the disciplinary spectrum in moving toward a more integrative approach to justice reform.¹⁰⁰

⁹⁹ Bryan A. Stevenson, Address at Bard College's 146th Commencement (May 20, 2006), available at http://www.bard.edu/commencement/2006/stevenson_speech.shtml. Mr. Stevenson is founder and executive director of the Equal Justice Initiative of Alabama.

¹⁰⁰ Over twenty-five research, advocacy, academic, and direct service organizations from the fields of education, family and child welfare, public health, criminal justice, poverty law, juvenile justice, housing, faith communities, human rights, youth development, and racial justice endorsed recommendations in the Open Policy Institute's report, *MOVING TOWARD A MORE INTEGRATIVE APPROACH TO JUSTICE REFORM*, available at http://www.soros.org/initiatives/washington/articles_publications/publications/moving_20080228, for increased interdisciplinary collaboration in research, advocacy, and policymaking to break the cycle of incarceration before it begins. These organizations are: American Civil Liberties Union, Bren-

The stakes have never been higher, nor the opportunities brighter. An integrative approach to justice represents a shift away from flawed policymaking paradigms and offers a promising means of enhancing public safety and addressing significant budgetary challenges while strengthening communities and affording those most at risk an opportunity to thrive.

Envision that the year is 2012. Urbanville has changed dramatically. There is a Youth PROMISE Council in Urbanville and similar ones throughout the country as the result of the successful enactment of the Youth PROMISE Act. The National Advisor to the President on Prevention and Integrative Justice has used the concepts of positive youth development, health promotion, opportunity, and social development to craft a national, integrative framework for addressing justice system reform issues, and the concept of “justice reinvestment” to reallocate some of the millions of dollars previously spent on corrections to rebuild schools, health care facilities, and parks, and create employment opportunities for residents. Education, social services, and community-building programs have been brought to neighborhoods and enhanced the quality of life for children and families. These much needed shifts in policy on the front-end have been complemented by “smart on crime” reforms on the back-end.

The Second Chance Act is in its third year, and the grants it has provided have helped to solidify treatment, mentoring, employment assistance, and other measures to help reduce recidivism. Barriers to maintaining family connections while incarcerated, such as exorbitant phone rates, have been removed. Collateral consequences to a criminal conviction have been eradicated, and formerly incarcerated people are now able to more readily obtain employment, benefits, housing, and higher education, as well as the franchise. Sentencing reforms repealing mandatory minimum sentences for drug offenders have helped bring justice to sentencing to assure that the punishment fits the crime.

The year is 2012. The cycle of intergenerational poverty that leads to intergenerational incarceration is slowing down. The

nan Center for Justice, Charles Hamilton Houston Institute for Race & Justice, Center for American Progress, Center for Law & Social Policy, Child Welfare League of America, Community Voices—National Center for Primary Care (Morehouse School of Medicine), Economic Policy Institute, Families Rally for Emancipation & Empowerment, Fortune Society, Grassroots Leadership, International Community Corrections Association, Justice Policy Institute, National Center on Poverty Law, National Council of La Raza, National Debate Project, National Juvenile Defender Center, National Juvenile Justice Network, National Legal Aid & Defender Association, National Juvenile Justice Network, Open Society Policy Center, Penal Reform International, Prisons Foundation, The Rebecca Project for Human Rights, The Sentencing Project, United Methodist Church-General Board of Church and Society, and U.S. Dream Academy.

Jamals and Hopes of America, as well as their families and communities, are not only surviving, but thriving and the future of Urbanville is bright with promise.