

Performance Measurement, Evidence-Based Research and Pending
Legislation to Reduce the Risk of Juvenile Delinquency and Gang
Involvement: a comparative analysis of Gang Risk Reduction Bills
before Congress (Scott Promise and Schiff Gang Prevention
Proposed Legislative Initiatives)

Written Testimony Presented to
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Judiciary, U.S. House of Representatives
Representative Bobby Scott, Chairman and Mr. Bobby Vassar, Chief Counsel
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I. Executive Summary and Abstract

This testimony by Dr. Peter Scharf of Texas State University focuses upon an examination of three legislative Bills (proposed by Representative Bobby Scott and Representative Adam Schiff (and Senator Diane Feinstein) designed to reduce youth gang activity and crime viewed from the point of view of evidence based research and performance metrics. Bill language was analyzed to determine the evidence based policy foundation of each Bill and compare performance metrics to be derived from each approach.

The analysis conducted by the witness suggests that the Scott PROMISE Bill has distinct advantages in terms of its foundation in research and definition of performance metrics. The Schiff Gang Prevention Bill is founded upon the lowest level evidenced based beliefs, that increased prosecution and prosecution capacity decreases gang risks by increasing sanctions and deterrence a position not supported by any identified research. While, the research related to prevention is complex, the restriction of the Scott PROMISE Bill to evidence based research offers a potential for long-term risk reduction and criminal justice costs lacking in the Schiff Gang Prevention Bills.

It is projected that the prevention programs articulated in the Scott Promise Bill over time will increase awareness of what works, improve efficiency and will reduce aggregate net costs over time through diverting youth from high cost involvement in the criminal justice system. The witness believes that the Schiff Gang Prevention emphasis upon high cost correctional involvement would have a potentially catastrophic fiscal and human impact. It is the opinion of the witness that the Scott PROMISE Bill's adherence to best available evidence based research and the focus of its performance measures represents the strongest option available to address the risks of delinquency and gang identification activity in the United States.

II. The Challenge of Congressional Policy regarding the reduction of gang violence-competing paradigms in the response to delinquency and gang affiliation

The problem of juvenile delinquency and gang involvement is very much a “*tale of two cities*” with conflicting facts and remedies. During the recent Crime-sub-committee Crime Summit (June 22, 2007) these conflicting views were presented by keynote speakers Dr. (s) Deborah Prothrow-Stith and Dewey Cornell with Dr. Prothrow Stith¹ arguing for” public health and value centered approach to the control of strong and (in her view) increasing violence in urban areas trends. Dr. Cornell² in contrast argued” that there has been a significant decline in youth murders” over the past 12 years, and that the “belief that juvenile violence is increasing or that schools are not safe is a serious misconception.”

Similarly, two articles (one from Las Vegas and the other from Minneapolis) on gang violence suggest the polarities of public beliefs regarding the nature of youth gangs and the remedies needed to cope with gang violence. The first piece suggests the assumption that youth gangs have a new and violent focus³

A new breed of street gangs has arrived in Las Vegas and cities across the nation, with violent results. Squad-Up, one of the newest Las Vegas gangs, was formed by smaller gangs, some of them rivals, which banded together to form a larger hybrid gang. These new gang members are young and especially profit driven. They are, as one law-enforcement officer calls them, Gangsters 2000.....During the day, the neighborhood is still quiet, Everson said. But she added, (the gangs) are like roaches. They only come out at night, she said. At night, Las Vegas Metro Police Departments gang unit hits the streets as well. Modern gang members are not likely to wear colors or any outward gang paraphernalia, so the gang unit stops anyone who seems suspicious.

¹ Statement of Dr. Deborah Prothrow-Stith, Harvard Medical School, Crime Sub-Committee Crime Summit, June 22, 2007

² Statement of Dr. Dewey Cornell University of Virginia, Crime Sub-Committee Crime Summit, June 22, 2007

³ Hybrid gang violence sweeps nation Gangs terrorize Middle America

The second article published in Illinois suggested that a “holistic” approach to gang violence may be the most effective approach to the reduction of gang violence.⁴

An innovative and promising effort to attack the roots of juvenile crime in Minneapolis is commanding the attention of police officials across the country. The holistic approach that views violence among kids as a public health issue as well as a police problem has reduced juvenile crime in Minneapolis by 20 percent from last year, and the approach was highlighted at a recent conference on violence held in Schaumburg, Ill. () Police in cities where violent crime is escalating hope the Minneapolis lessons can help reduce the carnage -- especially among children... Juveniles brought to the new truancy and curfew center at City Hall are connected with resources that help them stay out of trouble.

Obviously the assumptions between Las Vegas and Minneapolis definition of the problem of youth and gang violence differ as do their solutions. Since at least the nineteenth century approaches to youth “gangs” and crime have meandered between poles regarding the nature of youth gangs and crime and what is it that society is to do to mitigate risks related to the threats posed. According to Menzel (1983) in the early 1800’s, “neglected and delinquent children were objects of special attention because their behavior was more likely to be viewed as the product of environmental stimuli than as a sign of innate depravity.”⁵

Since the 1960’s has been a troubling and almost a faddish pattern to beliefs about the control of youth and gang crime. In the 1970’s-1980’s federally sponsored law enforcement approaches such as SHOCAP focused upon identifying the highest risk and most dangerous youth offenders-building upon the theories of Wolfgang (1985) and most recent Project Safe Neighborhoods (PSN) initiatives emphasized increased prosecution and imprisonment as a response to delinquency and gang identification.

Proactive prevention, however, has historically been absent from private and governmental responses to juvenile delinquency. It was not until the 1970s that serious

⁴ Minneapolis is a template for fight on juvenile delinquency

⁵ Menzel, p. 198

attention was given to preventing juvenile delinquency before the fact. The first real effort on the part of the federal government to reduce juvenile delinquency came with the 1950 Federal Youth Corrections Act instituted measures to train and rehabilitate young criminals. In addition, the Children's Bureau created a new division called the Juvenile Delinquency Service.⁶

These innovations were only temporary in scope. By the end of the 1950s, it became clear that juvenile delinquency was a serious problem that required attention beyond provisional policies. Previous measures on the part of governments and philanthropists had been aimed at responding to crimes after the fact by incarcerating or rehabilitating young delinquents. 1961 saw the introduction of the Juvenile Delinquency and Youth Offenses Act. This Act was the first of its kind designed to prevent and control delinquency on a federal level. It empowered the Department of Health, Education, and Welfare's (HEW) Secretary to allocate funding to individual communities and agencies, in order to tackle context-specific juvenile delinquency problems.⁷

However, neither this act, nor its 1968 follow-up entitled the "Juvenile Delinquency Prevention and Control Act," differentiated between prevention and control. This ambiguity was finally addressed in 1974 with the passage of the Juvenile Justice and Delinquency Prevention Act. In addition to transplanting the responsibility of issues pertaining to juveniles from the HEW to the Department of Justice, the bill was unmistakably written with *prevention* in mind.⁸

In building responsible legislation it is important to review what is it that is known about reducing delinquency and gang affiliation, it is important to ask how do we measure outcomes from different approaches to respond to threats posed by gang affiliated youth. Recent controversies between "get tough" and "preventive" approaches towards the reduction of youth gangs may differ however all agree on the cost and impact of uncontrolled juvenile delinquency and gang violence.

⁶ Olsen-Ramer, 1983: 587

⁷ Ibid.

⁸ Olsen-Raymer, 1983: 593

The Intellectual Climate of Congressional Debate between Scott PROMISE and Schiff Gang Prevention Bills

It is in this conflicting fact and idea context that the Debate before the Congress as to different solutions to delinquency and gang identification and crime patterns is taking place. The gang legislation sponsored by US Senators. Dianne Feinstein, D-California., and Orrin Hatch, R-Utah. Legislation establishes new federal crimes to cover gang by providing a federal hand of assistance to state and local task forces and other entities concerned with gang activity. Feinstein and Hatch have said that their bill reflects statistics that at least one-fourth of all homicides in major cities are now gang-related and that active gang members have grown from some 250,000 in 1991 to 800,000 today.

A somewhat similar (or intellectually compatible Bill proposed by Adam Schiff(D – California)-The Gang Prevention, Intervention and Suppression Act (H.R. 3547) would provide new resources for community-based gang prevention and intervention activities. The bill would also revise criminal laws and penalties to give gang prosecutors new tools in the fight against gang violence. The legislation will target resources to communities with severe gang activity and includes more than \$1 billion in funding for law enforcement, prevention, and intervention programs. The purpose of this bill is to: to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

The Scott PROMISE Bill assumes very different facts as to the causes of gang violence and useful remedies to reduce delinquency and gang identification. The Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth Promise Act of 2007) implements the advice of the researchers, analysts and law enforcement experts by targeting resources to local communities encountering increased delinquency and gang identification risks to enable those communities to apply

evidenced-based prevention and intervention strategies. Communities with high juvenile delinquency and gang rates will receive a grant and technical assistance to assess the problem and develop a collaborative plan for effectively addressing it through evidenced-based strategies from a broad array of programs proven to substantially reduce the likelihood of an at-risk young person committing a crime and or recidivating if already adjudicated a delinquent, and particularly with respect to violent crimes. Provides for training, hiring and support of Youth Oriented Policing (YOPS) officers to work with youth in a manner, emphasizing prevention of juvenile delinquency and gang involvement by working with youth at-risk of gang and criminal activities before they join gangs or commit crimes to minimize juvenile delinquency and victimization from delinquent acts and reduce the long-term involvement of juveniles in the adult criminal justice system. Under this alternative, communities facing the greatest delinquency and gang identification challenges will bring together – via a local council that includes law enforcement, community-based organizations, schools, faith organizations, health, social service, and mental health providers – to develop and implement a comprehensive plan for evidence-based prevention and intervention strategies targeted at young people at risk of joining, or who have joined, gangs or are otherwise committing delinquent acts, to make our communities safer and help at-risk young people lead law-abiding lives.

Some of the broad differences in factual, value and risk reduction strategies in the Bills are found below in Table I:

TABLE I: BROAD COMPARISON OF THE SCOTT PROMISE AND SCHIFF GANG PREVENTION BILLS

Core Factual	<u>Scott PROMISE</u>	<u>Schiff Gang Prevention</u>
and Value		
Propositions		
Why are gangs a problem?	Poverty, educational, social issues, criminal justice	Violent and Economically Driven motives. Criminal enterprise model for
Motives for gang participation by youth	system label and institutional patterns favoring continued gang participation	delinquency and gang identification activities. Gang behaviors respond to imposition of increased criminal sanctions
Knowledge base of Bill	Strong evidence base with controlled studies cited from education, public health, human development, criminology and treatment literatures	Patterns of gang involvement data, professional beliefs, case study and anecdotes (“horror stories”). Focus upon juvenile crime statistics, adult care costs and “prosecutor centered beliefs
Key entities for risk reduction	Schools, community councils, early intervention and prevention providers and trained juvenile officers	Police, Federal entities, gang task forces, witness protection personnel and prosecutors
Beliefs about risk reduction mechanisms	Early intervention, prevention, use of best-evidence programming and juvenile training of law	Prosecution based upon deterrence and incapacitation assumptions secured through increased imposition of sanctions through enhanced capacity of

	enforcement	prosecution
Desired Outcomes	Reduced crime and prison costs achieved through prevention and early intervention programs and community involvement	Increased deterrence/incapacitation of gang members achieved through enhancement of prosecutorial, law enforcement and related capacity

How are different assumptions related to fact and values reflected in Bills (Scott PROMISE and Schiff Gang Prevention Bills) presently under consideration before Congress? What is the status of our knowledge about the reduction of youth and gang violence? What are the goals of the different Bills as defined, results and presumed results in terms of metrics to be achieved were these Bills to be enacted. How would the public know if an effort to reduce these risks were to be successful? How might very different youth gang paradigms (reflected in the different Bills before Congress) that claim to have an impact upon violent crime be objectively compared? How might the impact in terms of programs described in these Bills be demonstrated to have an impact upon juvenile delinquency and gang involvement? How might this impact be best measured?

III. Evidence Based Congressional Policy re: the state of science and reducing the risk of youth and violent crime-a comparison of proposed legislation

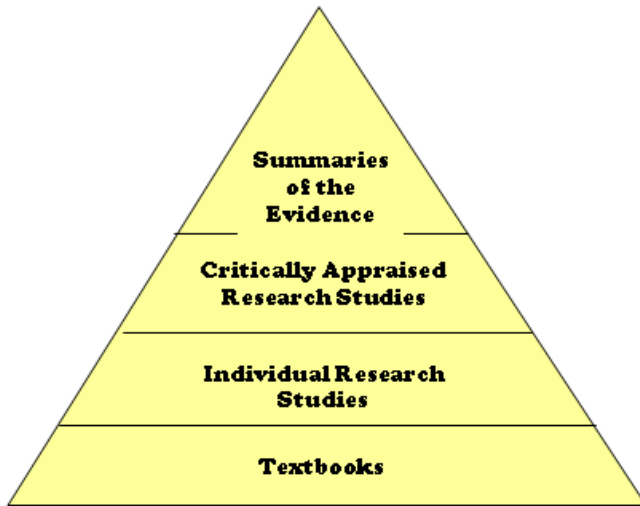
What is known from research related to the dynamics regarding juvenile delinquency and violence? Evidenced Based Research may be used as a basis for discriminating among different congressional policies as reflected in different Bills before Congress. At the recent Crime Summit held by the Crime Sub-committee recognized experts testified regarding what they believed was the status of evidence regarding gang and youth

violence and reached consensus on facts related to the comparison among the different Bills under consideration in terms of what is known about gang and youth violence:⁹

- 1) Current criminal justice policies rely far too much upon incarceration as a response to youth gang and violence;
- 2) This incarceration oriented strategy, especially with juveniles, creates human and financial costs and contributes to long-term crime risks;
- 3) Current criminal and juvenile justice policies have a broad differential impact upon racial minorities, especially African Americans;
- 4) Juvenile justice policies are rooted in non-evidence based assumptions about juvenile delinquency causes and remedies;
- 5) Focus upon deterrence models, rather than broad child welfare and early intervention have created 'down stream' crime risks which might be avoided with more objective policies;
- 6) Arrest, sentencing and community release policies may have an iatrogenic(disease caused by the treatment) effect upon crime rates and over use of incarceration for youth;
- 7) The lack of funding for effective drug, alcohol and related treatment programs are a barrier to reducing levels of incarceration or reducing long-term juvenile delinquency trends

Competing claims of evidence in the different Bills may be compared as to the type of evidence presented. At the lowest level are essentially practitioner claims or belief. According to some authorities double blind studies with randomized controls may be needed to establish the usefulness of a particular strategy to control youth and gang crime.

⁹ Crime Sub-Committee Crime Summit, June 22, 2007 Report by Dr. Peter Scharf



The risks of developing Congressional policies which are non-evidence based are significant as illustrated by Dr. Alfred Blumstein’s example (presented during the June 22, Crime Summit), of Federal youth gang response in the 1980’s in response to non-evidence based beliefs related to crack cocaine. Dr. Blumstein’s analysis tended to view juvenile delinquency trends in terms of the strategy and often misconceptions embedded in juvenile justice police. Dr. Blumstein¹⁰ stated:

The 1986 Anti-Drug Abuse Act which was intended to deal with the then growing problem of violence associated with crack markets. Crack was introduced as a technological innovation in the early 1980s to appeal to those who wanted the “pleasures” of cocaine but at a low price. As a new drug with widespread appeal in low- income neighborhoods, it introduced a flurry of competition, with that competition resolved too often through violence because the competitors could not resort to the regular civil dispute resolution mechanisms. Alarmed by the public’s concern about this growth in violence, Congress enacted the law requiring a mandatory

¹⁰ Statement of Dr. Alfred Blumstein Carnegie Mellon University Crime Sub-Committee Crime Summit, June 22, 2007

minimum sentence of five years for 500 grams of powder cocaine but only 5 grams of crack cocaine.... Much younger people with far less restraint in the use of violence - would be far more dangerous than the older sellers they replaced. Indeed, the entire 25% rise in homicide between 1985 (when the recruitment of the young sellers began) and 1993 (when the demand for crack by new users declined sharply, not because of the law or the TV ads, but because they saw what crack had done to parents, older siblings, and to friends) and began the 40% decline in violence that ended in 2000”

Similarly, Marc Mauer, Executive Director of the Sentencing Project, similarly argued¹¹ that changes in public policy that can reduce racial disparities in sentencing and reduce long-term crime threats. Mr. Mauer described a variety of sentencing policies at the Federal and State levels which produced unintended effects upon both crime rates and racial disparity. Such policies he argued not only resulted in unfairness within the justice system, but contribute to a de-legitimization of law enforcement in many communities of color due to the perception that the system is biased. Mauer further argued that “these policies have not been effective in promoting public safety.” Dr. Robert Hahn¹² a participant at the June 22, 2007 Crime Summit, for example, suggested a number of evidence based programs which provided support relating juvenile justice system variables to further crime patterns. Dr. Hahn suggested that juveniles transferred to the adult system had a 34% increase in violent or other negative behaviors. He argued strongly that the evidence related to transfer to adult correction custody showed little deterrent effect and the evidence to date suggests strongly against transfer to adult correctional status. These concerns have been echoed by Dr. Henry Pontell (1996)¹³ who has argued (1996) that increasing prosecutorial resources may increase incarceration rates but not reduce crime. Also Dr. David Bayley’s (1996)¹⁴ studies on increasing policing

¹¹ Statement of Marc Maurer, Sentencing Project Crime Sub-Committee Crime Summit, June 22, 2007

¹² Robert Hahn Crime Sub-Committee Crime Summit, June 22, 2007

¹³ Henry Pontell, The Capacity to Punish

¹⁴ David Bayley, “Reducing Crime Through Hiring Policies: a paradoxical strategy

resources has suggested that increasing policing resources to address crime will rarely reduce crime but may increase arrests rates.

In terms of the differing fact claims, what are the different research foundations of the competing, Scott PROMISE and Schiff Gang Prevention Bills?

TABLE II: CLAIMS OF FACT, EVIDENCE-BASED RESEARCH AND COMPARATIVE ANALYSIS OF SCOTT PROMISE AND SCHIFF GANG PREVENTION BILLS

Evidence-Based Research Issue	<u>Scott PROMISE</u>	<u>Schiff Gang Prevention</u>
Research base	Research base with longitudinal, educational, treatment and criminology research based cost-effectiveness and intervention studies.	Gang patterns, anecdotes of crimes committed by gang members and correctional cost and juvenile crime data.
Key Findings summary	PROMISE Bill research foundations suggest that investment in prevention and intervention including evidence-based school, after school, treatment programs, etc., have been shown to lead to decreased youth arrests and achieve financial savings.	Schiff Gang Prevention research foundation suggests that by increasing police and prosecutorial resources there will be increased effectiveness in incapacitation, increased use of sanctions and enhanced general and specific deterrence related to gang members
Theory Premise interpretation of research	It is possible to reduce delinquency and gang identification risks through prevention, early intervention	It is possible to reduce delinquency and gang identification risks through increased sanctions resulting in increased general and

	programs and through employing trained officers to deal with youth.	specific deterrence.
Level of Evidence	Some of studies cited have strong evidence based foundation.	Studies which would support core tenets of Bill difficult to identify.
Link of research findings to Bill Proposals	Evidence suggests proven efficacy of several of the early intervention programs. Programming will improve over life of Bill as research is collected and disseminated.	Little support in the research literature for key elements and strategies in the Bill. No provision for new research to help modify or improve programming.

The evidence based research standard raises question about the Schiff Gang Prevention Bill in that the central strategies presented (prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs) have mostly contrary evidence supporting their use as a technique to reduce delinquency and gang involvement. Another key issue is that the Scott PROMISE Bill proposes a continuous process of a cycle of research through which both programs will be improved as research models enhanced-a feature absent in the Schiff Gang Prevention legislative proposals.

IV. Performance Metrics and the Assessment of Legislative Initiatives e to Reduce The Risks of Juvenile Delinquency and Gang Involvement

Another approach to differentiating among different legislative approaches to reducing delinquent behavior and gang affiliation are the appropriate use of performance measures to define Bill outputs, efficiency gains and outcomes. Support for projects in government is becoming more and more dependent on hard evidence that such investments yield significant benefits. For criminal justice agencies, this need means that projects must be

justified in terms of documented improvements in justice, efficiency, and public safety. This justification is often best made with performance measures. Congress requires all federal agencies, including BJA, to provide performance measures assessing the value of their funding programs. Three types of measures are commonly used as indicators of program success and are used in the CSLJ/BJA performance measure model¹⁵:

- **Output measures:** Any product of a project activity. Output measures are usually indicators of the volume of work accomplished (e.g., number of traffic stops, number of officers attending training) as opposed to the intended results of that work (e.g., reduction in traffic fatalities, reduction in citizen complaints about officers' behavior).
- **Outcome measures:** The consequences of a program or project. Outcome measures focus on what the project makes happen rather than what it does, and are closely related to agency goals and mission (e.g. reduction in reported crimes, reduction in highway deaths, improved conviction rates, and reduction in officer injuries.) These are measures of intended results, not the process of achieving them.
- **Efficiency measures:** Measures that indicate the affect of the project on a criminal justice agency's efficiency in its use of resources (cost, time, personnel).

Effective measures using the CSLJ/BJA performance measures model must be:

1. **Goal focused.** The measure must be an indicator of the achievement of an agency goal, not just a count of your agency's activities. The goal should be accepted as important by citizens and public officials outside your agency.
2. **Feasible.** The measure must be possible for your agency to implement. The agency must have the subject matter expertise, time, personnel, technical capability, and access to the information necessary to implement the measure.

¹⁵ Art of Performance Measures-CSLJ/BJA(2007)

3. **Unambiguous.** The measure must be stated in language sufficiently precise to be unambiguous. (Such precision sometimes requires legal and technical terms that place this feature into direct conflict with #4 above).

In thinking about developing performance measures for the three Bills there is an inquiry process defined in the *Art of Performance Measures*. Developing meaningful performance measures for a programmatic Bill involves asking and answering a series of questions:

- **Defining Bill Goals:** Which goals does the project help us achieve?
- **Results Chain:** How do the Bill's mechanisms help us achieve those goals?
- **Measurement:** What are the best measures of those goals of the Bill?
- **Format:** How should those measures best be presented?

What goals does each Bill seek to be achieved? How are results from the Bill to be attained? How might these results be measured and presented? The use of performance measures to assess the impact of the three Congressional initiatives is suggested below:

TABLE III: COMPARATIVE PERFORMANCE METRIC ANALYSIS OF SCOTT PROMISE, DEFINING PERFORMANCE METRICS FOR SCOTT PROMISE AND SCHIFF GANG PREVENTION BILLS

Performance Metrics Issue	<u>Scott PROMISE</u>	<u>Schiff Gang Prevention</u>
Defined goals	To reduce youth and gang crime risks through prevention and early intervention as well as through strategic police interventions to reduce risk.	To increase both general and specific deterrence through increased sanctions and incapacitation of identified gang members. Witness protection will increase conviction rates.
Results Chain: theory of change	Change will be achieved at community and Council levels and through care-givers being provided with additional resources.	Youth and gang violence will be reduced through increased chances of successful prosecution and through increased rates of long term deterrence and incapacitation of identified gang members.
Proposed Metrics	<ol style="list-style-type: none"> <li data-bbox="488 1400 911 1549">1. Increase in prevention and early intervention-<u>output</u> <li data-bbox="488 1619 911 1875">2. Increase in measured scientific information (TA visits, training, web hits) available to communities implementing new programs compared with pre- 	<ol style="list-style-type: none"> <li data-bbox="943 1400 1370 1709">1. Increase in resources for gang related policing, prosecution and witness protection activities, measured in terms of dollars available per State-<u>output</u> <li data-bbox="943 1778 1370 1875">2. Increase in clearance, imprisonment and incapacitation

	<p>Bill average-<u>output</u></p> <p>3. Decrease in funded Council juvenile arrest and conviction trends one year after program, compared with comparable unfunded programs or pre- Council funding two year average-<u>outcome</u></p> <p>4. Improvement of early intervention(judged by reduction in arrests and convictions of youth in funded Council area) through refinement from research in year three of the Bill, compared with year one-out-put</p> <p>5. Decrease in percentage of youth who progress to adult criminal careers compared with pre-Bill two year average.-<u>outcome</u></p>	<p>rates of identified gang members compared with pre-Bill rates-<u>outcome</u></p> <p>3. Increase in sentence average in youth adjudicated in year following Bill, compared with two year average prior to Bill-<u>outcome</u></p> <p>4. Increase in correctional funding and costs incurred comparing pre Bill and post Bill correctional investment.-<u>efficiency.</u></p> <p>5. Decrease in reported assaults by victimization surveys by youth in year three of the life of the Bill compared with year one.</p>
Outputs	Increased resources for prevention, early intervention, effectiveness research and trained YP police officers	Increased capacity for police, prosecutors, prison witness protection and related services
Outcomes	Decrease in youth and crime risks and high cost imprisonment related to investments in early	Decrease in juvenile delinquency and gang activity related to increases in criminal sanctions for

Efficiency	intervention, YOP and prevention Decrease in <i>downstream</i> high cost prison costs for juveniles	targeted gang individuals Decrease in some community juvenile care costs
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IV. Analysis: Assessing Congressional Legislation Using Evidence Based Research Criteria and Proposed Performance Metrics

What might be concluded from this analysis of evidence and performance measurement related to the Scott PROMISE and Schiff Gang Prevention Bills? Which approach has the strongest evidence support and positive outcomes expected from introduction of legislation?

- 1) The costs of youth violence and murder in high crime cities are high. CSLJ research¹⁶ suggests that a the murder of a teenager costs about \$1 million in lost and accrued costs¹⁷ A teen-ager disabled by gunshot costs about \$2 million in lifelong social costs If juvenile progresses to adult court and is sentenced to a 10 year correctional sentence may approach \$300,000.00-\$500,000.00. Avoiding these costs through evidence based policies is a paramount interest of juvenile delinquency prevention and control policy.
- 2) While the evidence related to prevention and early intervention is nuanced and program specific, there is little in the Schiff Gang Prevention Bill that builds upon any public research conducted at a high level of evidence based confidence. The effort by the witness to identify through NCJRS, Google Scholar and Lexis and other sources the notion that research supports the major tenets of the Schiff Gang Prevention Bill were unproductive. This was especially true related to the presumed claim that increased investments in prosecutorial resources and law enforcement personnel has a research based link to the reduction of delinquency

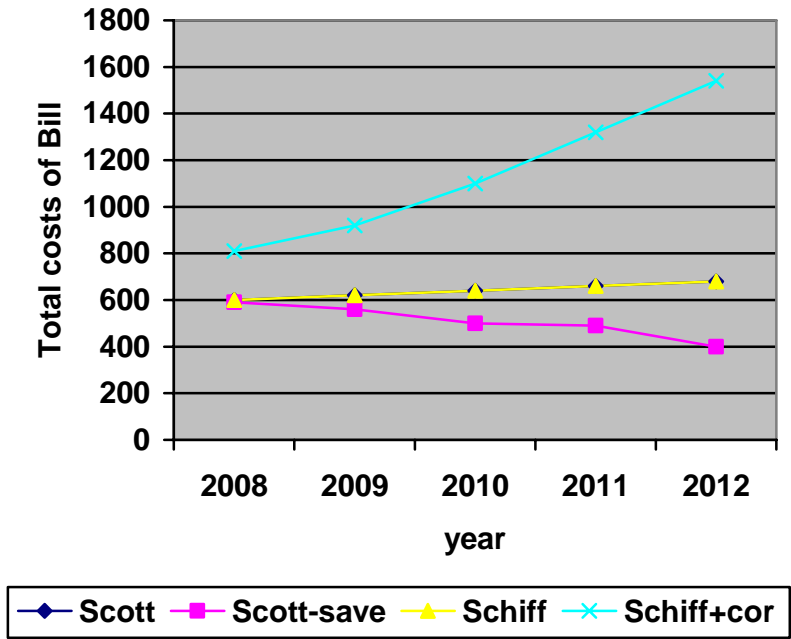
¹⁷ CSLJ: Geerken, Michael Safe-Home Outcome Analysis 2002.

and gang patterns. Because of this gap, there is little assurance that any of the performance measures proposed in this testimony will be attained. Increasing resources and penalties as an effort to reduce juvenile delinquency and gang activity is highly speculative. The possibility that the effort will increase correctional costs, but not decrease juvenile delinquency and gang linked activities is a strong one in the view of the witness.

- 3) Performance measures analysis comparing outcomes between the approaches point in different directions in that the goals and value premises of the different Bills diverge. It is difficult to compare in terms of performance measures strategies which have divergent value premises. Having said this, the performance measures suggested in Table III have different cost and benefit consequences with the Schiff Gang Prevention Bill having extremely high cost correctional secondary consequences implicit in the logic of the Bill.
- 4) Based upon the information available to this witness it appears that the Schiff Gang Prevention Bill will even if successful increase costs through the increased use of high-cost correctional sanctions. Assuming an average cost of \$40,000.00 per year in residential care or adult correctional care, court, prosecution costs and an increase of 20,000 juvenile offenders incarcerated in high cost youth or adult correctional facilities for an average of 10 years (\$400,000.00 per offender) through the life of the Bill, the true cost of the Bill may exceed 8 billion dollars a figure eight times larger than present OJP funding.
- 5) Key issue for the Scott Promise Bill will be a break-even point where outcomes and efficiencies derived from investment in Council community projects equals or exceed investment in prevention; youth oriented policing and early intervention programs. The Schiff Gang Prevention Bill suggests that ongoing correctional costs will increase through the life of the Bill even with the most conservative estimate that the Bill will increase juvenile correctional caseloads by only 2,000 juveniles per year (with costs continuing through adulthood).. The following chart represents the differences in Bill pay-out with Scott PROMISE Bill projected through prevention and reinvestment to reduce total costs over time while Schiff

Gang Prevention is projected to incur enormous Bill costs and astronomic correctional costs, thereafter.

Comparison of Bills



- 6) The argument that the Schiff Gang Prevention Bill will have through increased use of correctional sanctions a long-term, high cost and possibly irreversible long impact upon criminal justice spending is very real. A total indirect correctional consequence of 8 Billion Dollars to be added to the direct cost of the Bill is a conservative estimate, based upon the performance measures analysis used in this testimony; Were these funds used for other purposes such as improved special education, early childhood programs, the benefits of these programs would have to be weighed against the investment in long terms correctional care.
- 7) It is the opinion of the witness that the Scott Promise Bill’s adherence to best available evidence based research and the focus of its performance measures represents the strongest option available to address the risks of delinquency and gang identification activity in the US. The Bill as proposed has several advantages compared to the Schiff Gang Prevention Bill:

1. It will raise prevention and early intervention resources available, important in a decade in which these resources have been scarce
2. It proposes prevention, policing and early intervention based on strong evidence based research
3. It increases research knowledge regarding the causes of delinquency and gang activity over the course of the Bill
4. It has far reduced secondary costs compared with the Schiff Bill
5. It proposes to reduce costs of criminal justice in all communities which is funded to reduce juvenile delinquency and gang risks
6. Funding would enhance community capacity to cope with a range of challenges through improved schooling, youth care, etc.
7. It offers an optimism and a correction against the dominant but(in the witness's view) stagnant deterrence and incapacity model to control delinquency and gang activity proposed in the Schiff sponsored legislation

Respectfully Submitted,

Dr. Peter Scharf

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B. WITNESS CREDENTIALS

The witness, Dr. Peter Scharf serves as Research Professor of Criminal Justice and Executive Director of the Center for Society, Law and Justice at Texas State University. Prior to coming to Texas State University he was for 13 years Executive Director and Founder of the Center for Society, Law and Justice at the University of New Orleans at the University of New Orleans.

Prior to joining UNO in 1995 he served as the Director of Technology and Technical Assistance at the Police Foundation in Washington D.C. where he helped found the BJA Community Policing Consortium, developed the Risk Assessment Management System and served as a primary consultant to the Governor's Report on the Crown Heights Civil Disorder.

Dr. Scharf received his doctoral degree from Harvard University (Lawrence Kohlberg dissertation advisor-"Moral Atmosphere in the Prison") and is the author of eight published books and numerous other publications, including *Badge and the Bullet*, *Towards a Just Correctional System*, etc.

The Center for Society, Law and Justice (CSLJ) has managed over 8 million dollars in projects funded by the Department of Justice including *Managing Criminal Justice Technologies*, *Art, PSN Assessment of the EDLA*, *Managing Law Enforcement Integrity* and a study of PREA prison rape risk factors.

Dr. Scharf has been the subject of media coverage in the past year related to youth violent crime and gang including PBS, NPR, BBC, CBC, CSM, NBC, ABC Nightline, NY TIMES, WA POST, CBS, Newsweek, TIME, etc. He is currently conducting research related to the control of murder and violent crime risk, prison rape patterns and new technologies related to new with the potential of reducing homicide risks.