



COLORADO JUVENILE DEFENDER CENTER
 WE BELIEVE IN YOUTH

Michele M. Clark, Executive Director
 Hannah Selgel Prof, Staff Attorney for Juvenile Defense and Policy
www.cjdc.org
 Tel: (303) 825-0194

CJDC's Mission:

CJDC seeks to protect the rights and improve the treatment of children and youth in the juvenile justice system through public advocacy, community organizing, non-partisan research, and policy development.

Colorado Juvenile Defender Center - SSYIC
September 9, 2015

CJDC's Vision:

All children and youth should experience adolescence free from over-criminalization in a just society that promotes their well-being and provides second chances.

Colorado Juvenile Defender Center - SSYIC
September 9, 2015

Safety with Dignity

Introduction

In February of 2015, Mayor Bill de Blasio launched the Leadership Team on School Climate and Discipline—a one-year task force charged with developing policy recommendations to enhance the well-being and safety of students and staff in the City's public schools, while minimizing the use of suspensions, arrests and expulsions. The Leadership Team involved more than 150 stakeholders, including representatives from city agencies, community organizations, and parents, as well as researchers, practitioners, educators, students and parents.

Research shows that, all things being equal, when students are suspended or arrested in school their chances of being held back in school, dropping out and/or entering the juvenile justice system increase. Furthermore, emerging positive evidence have been shown to be an ineffective way to improve student behavior and school climate. For these reasons, Mayor de Blasio has begun to shift towards deploying more effective methods of addressing student discipline and promoting positive behaviors.

"No parent should have to choose between a school that's safe for their child and a school where every student is treated fairly. All our schools can and must be both."
—Mayor Bill de Blasio



Colorado Juvenile Defender Center - SSYC
September 8, 2015

4

U.S. Department of Education/ U.S. Secret Service

"The findings of the Safe School Initiative's extensive search for recorded incidents of targeted school-based attacks underscore the rarity of lethal attacks in school settings."

- *Safe School Initiative Final Report, 2004, p. 7*

Colorado Juvenile Defender Center - SSYC
September 8, 2015

5

U.S. Department of Education/ U.S. Secret Service

"While it is clear that other kinds of problems in American schools are far more common than the targeted violence that has taken place in them, the high profile shootings that have occurred in schools over the past decade have resulted in increased fear among students, parents, and educators."

- *Safe School Initiative Final Report, 2004, p. 7*

Colorado Juvenile Defender Center - SSYC
September 9, 2015

6

Threat Assessments

- Assessments have been adopted from the U.S. Secret Service model
- Insufficient evidence about predictive reliability when applied to children at school
- "Risk factors" would apply to almost all children with disabilities, family discord, poverty

Colorado Juvenile Defender Center - SSYC
September 9, 2015

7

U.S. Secret Service Study on Target School Violence Derives from Assassinations and Attempts

"The focus of the ECSP study (Exceptional Case Study Project) was an operational analysis of the thinking and behavior of those who have assassinated, attacked or tried to attack a national public official or public figure in the United States since 1949."

- *Report on Safe School Initiative, 2004, p. 4*

Colorado Juvenile Defender Center - SSYC
September 9, 2015

8

Safe School Initiative Final Report

"There is no accurate or useful 'profile' of students who engaged in targeted school violence." p. 11

"... the use of a threat assessment approach *may* be a promising strategy for preventing a school-based attack." p. 41 (emphasis added)

Colorado Juvenile Defender Center - SSYC
September 9, 2015

9

Has this happened to your school counselor?

Scenario: A student shows me a post from her best friend (Tiffany), that threatens to hurt another female student (Veronica). The post was very descriptive about the violence Tiffany wanted to inflict upon Veronica, who Tiffany believes caused her recent breakup. Since I know Tiffany fairly well, I was sure she wouldn't do such a thing. However, do I have to tell the administrator even though this was supposed to be confidential? I don't want to get Tiffany in trouble. She has enough issues in her life without being suspended.

Colorado Juvenile Defender Center - SSYIC
September 9, 2015

10

Sample Threat Assessment Questions

- Is the student experiencing hopelessness, desperation or despair?
 - Substance abuse
 - Known mental health diagnosis
 - Recent failure, loss and/or loss of status
 - Other emotional trauma
 - Difficulty coping with a stressful event
 - Obsessive thoughts

Colorado Juvenile Defender Center - SSYIC
September 9, 2015

11

Sample Threat Assessment Questions

- Is student:
 - A victim of violent behavior
 - A perpetrator of violent behavior
 - A witness of violent behavior
 - Exposure to violence
 - Family history of violence

Colorado Juvenile Defender Center - SSYIC
September 9, 2015

12

Sample Threat Assessment Questions

- Which, if any, has the student had experience with that might contribute to the likelihood of an attack?
 - Family history of mental illness
 - Family substance abuse
 - Frequency of mobility
 - Family instability
 - Lack of supervision
 - Victim of bullying
 - Perpetrator of bullying
 - Negative peer group influences
 - Antisocial attitude

Colorado Juvenile Defender Center - SSYIC
September 9, 2015

Jason's Story

- Hannah Seigel Proff
 - Staff Attorney for Juvenile Defense and Policy at CJDC

Colorado Juvenile Defender Center - SSYIC
September 9, 2015

School-to-Prison Pipeline

- Concern that a threat assessment process that is not evidence-based will engage the school-to-prison pipeline
- Concern about dismantling positive effects of Smart School Discipline Law, which ended "zero tolerance" mandates

Colorado Juvenile Defender Center - SSYIC
September 9, 2015

SB12-046/HB1345, Ending Zero Tolerance

SECTION 21. Legislative declaration.

(1) The general assembly hereby declares that . . .

(d) Each school district of the state is encouraged, in creating and enforcing a school conduct and discipline code, to protect students and staff from harm, provide opportunities for students to learn from their mistakes, foster a positive learning community, keep students in school, and show mindful consideration of negative impacts that can occur as a result of involvement with the criminal justice system;

(e) School discipline policies and practices must apply equally to all students regardless of their economic status, race, gender, ethnicity, religion, national origin, sexual orientation, or disability;

Is it a Threat Assessment or a Mental Health Assessment?

- Most kids who will be caught up in threat assessments have mental or physical disabilities
- Concern that threat assessment process may circumvent requirements of Section 504 to provide a "free appropriate public education" (FAPE) to each qualified student with a disability

Detention can Create Risk Factors for Youth

- Detention can be a poor choice for juveniles with existing mental health disorders, many of which bring about a heightened sense of trauma, acute feelings of depression, anxiety and the possibility of suicidal behavior.
- Detention can interrupt educational services, therapeutic services and medication for juveniles who already might have been receiving them.

Other Risk Factors are Increased with Juvenile Justice System Referrals

- School failure
- Low commitment to school
- Not college bound
- Aggression toward peers
- Associating with drug-using peers
- Societal/community norms favor alcohol and drug use
- Urban setting
- Poverty
- Associating with deviant peers
- Loss of close relationship or friends

Colorado Juvenile Defender Center - SSYC
September 9, 2015

19

Collateral Consequences of Threat Assessments

- Referral to law enforcement
- Suspension, expulsion
- Juvenile adjudication (conviction)
- Lose job or the ability to get certain kinds of jobs, including the United States military
- Student or family could lose public benefits, like public housing or food stamps
- Student could lose ability to be part of his/her own family, including his/her own children

Colorado Juvenile Defender Center - SSYC
September 9, 2015

20

Protective Factors are Decreased with Juvenile Justice System Referrals

- Presence of mentors and support for development of skills and interests
- Opportunities for engagement within school and community
- Positive norms
- Clear expectations for behavior
- Physical and psychological safety

Colorado Juvenile Defender Center - SSYC
September 9, 2015

21

Excerpt from an Indirect Risk Assessment used in Jefferson County

- RISK ASSESSMENT OVERVIEW:** The purpose of a Risk Assessment is to analyze behaviors and/or written or verbal statements that have created concern, feelings of being intimidated, or emotional distress in others whether intended or not. The focus of this risk assessment is to examine the *impact* of the disruption rather than the *intent* of the individual engaging in the concerning behavior.

Colorado Juvenile Defender Center - SSYC
September 9, 2015 22

Padres & Jóvenes Unidos, Colorado School Discipline Report Card, March 2015

Colorado Juvenile Defender Center - SSYC
September 9, 2015 23

Disproportionate Minority Contact in Colorado

	Total Youth	White	Black or African American	Hispanic or Latino	Asian/Pacific Islander or other Pacific Islanders	American Indian
Population 10-17 years old	541,013	51%	42%	29.4%	3%	1%
Juvenile Arrests (using DMC data only)	32,416	32%	15%	31%	1%	0.5%
Secure Initial Detention	4,356	32%	15%	44%	1%	1%
Total Adjudications	7,120	34%	10%	33%	0.9%	0.4%
Probation Supervision	4,637	74%	1%	20%	1%	1%
Probation - Sentence Detention	451	66%	2%	27%	1%	1%
DYC - Secure Confinement	646	38%	17%	42%	2%	2%
Direct File to Adult Court	106	44%	23%	2%	1%	0%

Colorado Office of Research and Services (DMC Data FY 2010-2011) http://dhs.colorado.gov/sites/default/files/2011/01/11_JuvenileDMC.pdf

Colorado Juvenile Defender Center - SSYC
September 9, 2015 24

A Morass for Children to Navigate Alone?

A child typically does not have one advocate through all of these proceedings:

- School discipline proceedings
- Section 504 hearings/IEP meetings
- Expulsion hearings
- D&N hearings
- Juvenile justice hearings

Colorado Juvenile Defender Center - SSJYC
September 9, 2015

25

Confidentiality

- We have therapist-patient privilege to encourage honesty and healing
- We don't give kids the same privileges and, in fact, can turn their own words against them
- Colorado law requires that, before a court allows a child to proceed without counsel, the court must find the child understands the possible consequences that could result from an adjudication or conviction. C.R.S. 19-2-706(2)(c)(v).

Colorado Juvenile Defender Center - SSJYC
September 9, 2015

26

Let's Learn from the Mistakes of Zero Tolerance Policies

- The Smart School Discipline Law gives schools discretion over suspensions and eliminates mandatory expulsions (except in cases involving firearms).
- For school health and wellness, instituting fair discipline practices in schools improves student engagement and is a crucial component to ensuring all students have an equal opportunity to learn.

Colorado Juvenile Defender Center - SSJYC
September 9, 2015

27



COLORADO JUVENILE DEFENDER CENTER

WE BELIEVE IN YOUTH

Michele M. Clark, Executive Director
Hannah Seigel Proff, Staff Attorney for Juvenile Defense and Policy
www.cjdc.org
Tel: (303) 825-0194
