



February 26, 2009

Dear Representative:

**RE: ACLU Supports S. 435, the Youth PROMISE Act**

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million activists and members and 53 affiliates nationwide, we urge you to cosponsor the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education (“Youth PROMISE”) Act, recently introduced by Senators Robert Casey (D-PA) and Olympia Snowe (R-ME). This bipartisan legislation seeks to address youth violence by providing resources to communities to pursue comprehensive, evidence-based prevention and intervention strategies to decrease juvenile delinquency and criminal street gang activity.

The Youth PROMISE Act is unique among legislative proposals in Congress aimed at curbing youth violence. Rather than federalizing ordinary street crime that is best handled at the state level, the Youth PROMISE Act builds upon evidence-based practices proven to reduce rates of violence and delinquency among at-risk youth in communities across the country. Instead of funneling more young people into the juvenile and adult criminal justice systems at great cost, S. 435 proactively focuses on prevention practices that will not only address the underlying root causes of youth violence and gang activity, but also yield impressive cost-savings in the amount of federal and state money spent on incarceration. A 2008 research brief from a racial justice institute at Harvard Law School supports just such an approach, stating that “federal dollars would most judiciously be spent on preventive measures shown to lead vulnerable children away from gang activity and into constructive activity.”<sup>1</sup>

Pursuing cost effective, proactive, community-centered efforts that seek to engage young people before they become involved in a cycle of violence and a costly justice system is particularly important given the current state of the economy and budget shortfalls. The most recent Bureau of Justice Statistics figures indicate that annual spending on costs associated with corrections,

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<sup>1</sup> Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, *No More Children Left Behind Bars: A Briefing on Youth Gang Violence and Juvenile Justice* (March 6, 2008), available at <http://www.charleshamiltonhouston.org/Publications/Item.aspx?id=100012>

including incarceration, total nearly \$69 billion in this country.<sup>2</sup> Additionally, a 2008 report by the non-partisan Pew Center on the States showed that, for the first time in U.S. history, more than one in every 100 adults in America was either in prison or jail.<sup>3</sup> This level of resources devoted to incarceration and the sheer size of our prison population is simply not sustainable. By directing targeted resources towards those communities facing the greatest risk of crime and gang activity, the Youth PROMISE Act will begin to address significant unmet needs and, in the process, prevent crimes from occurring in the first place. This simple goal can be shared by every member of Congress.

Under the Youth PROMISE Act, communities facing the most serious gang, delinquency and crime challenges will work at the local level through Promise Coordinating Councils (PCCs). These councils will include a broad array of representatives from law enforcement, community organizations, schools, health, social services, and mental health providers. The PCCs will be tasked with developing comprehensive local plans to support young people and their families, while making their communities safer, reducing rates of victimization and helping at-risk youth lead law-abiding and healthy lives, free of gangs, delinquency and violence.

The legislation also provides for thorough evaluation, including analyses of the cost-savings to society yielded by investing in prevention and intervention rather than far more costly, after-the-fact prosecution and incarceration. The research in this area is promising. A 2008 research study from Penn State University showed a significant return on the investment of grant funding by the Pennsylvania Commission on Crime and Delinquency into prevention and mentoring programs for at-risk youth. The Penn State study indicated that the state received a return of \$317 million dollars on \$60 million in investment grants given to several proven programs.<sup>4</sup> The Youth PROMISE Act's savings from investments in prevention programs will be reinvested in promising, evidence-based programs in an effort to reduce the alarmingly large prison population in this country by building upon what we know works.

Perhaps most importantly, the Casey/Snowe legislation takes important steps towards breaking the vicious "school-to-prison pipeline," where children, overwhelmingly children of color, in elementary, middle and high schools are pushed out of the classroom and into the juvenile and eventually adult criminal justice systems. As the Charles Hamilton Houston Institute report *No More Children Left Behind Bars* states –

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<sup>2</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Direct expenditures by criminal justice function, 1982-2006, available at <http://www.ojp.usdoj.gov/bjs/glance/tables/exptyptab.htm>

<sup>3</sup> Pew Center on the States, Public Safety Performance Project, *One in 100: Behind Bars in America 2008* (February 28, 2008), available at [http://www.pewcenteronthestates.org/report\\_detail.aspx?id=35904](http://www.pewcenteronthestates.org/report_detail.aspx?id=35904)

<sup>4</sup> Jones, Damon, Brian Bumbarger, Mark Greenberg, Peter Greenwood & Sandee Kyler, The Prevention Research Center for the Promotion of Human Development, The Pennsylvania State University, *The Economic Return on PCCD's Investment in Research-based Programs: A Cost-Benefit Assessment of Delinquency Prevention in Pennsylvania* (March 2008), available at [http://prevention.psu.edu/pubs/docs/PCCD\\_Report2.pdf](http://prevention.psu.edu/pubs/docs/PCCD_Report2.pdf)

Given the uneven distribution of education and job opportunities and the strong link between race and poverty in the United States as well as the lingering, well-documented racial bias within the criminal justice system, the victims of expanded punitive approaches to youth “gangs” will be disproportionately children and teens of color living in neighborhoods of concentrated disadvantage. Such approaches will likely exacerbate the huge racial disparities within our juvenile justice system.<sup>5</sup>

With its focus on evidence-based prevention and intervention approaches to youth violence reduction, S. 435 recognizes the importance of keeping young people, particularly those from neighborhoods of “concentrated disadvantage,” out of the criminal justice system and in school in order to lead productive, fulfilling lives.

The Youth PROMISE Act (S. 435) gets it right with respect to crime and violence prevention and intervention, and will yield important savings to affected communities, both financially and in overall quality of life. We are pleased to support S. 435 and urge you to co-sponsor and support this critically important legislation.

Sincerely,



Caroline Fredrickson  
Director, Washington Legislative Office



Jennifer Bellamy  
Legislative Counsel

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<sup>5</sup> Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, *No More Children Left Behind Bars: A Briefing on Youth Gang Violence and Juvenile Crime Prevention* (March 6, 2008), available at <http://www.charleshamiltonhouston.org/Publications/Item.aspx?id=100012>