

# A Generation Later: What We've Learned about Zero Tolerance in Schools

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ISSUE BRIEF • DECEMBER 2013

## DIRECTORS' NOTE

The Vera Institute of Justice has a deep interest in helping schools prevent young people from becoming involved in the justice system. Our work in this area began more than a decade ago, when Vera partnered with local and state leaders to analyze and improve school disciplinary and safety practices in New York. Today we work nationally to reengage truant youth in school and keep them out of court.

Part of that work involves reexamining “zero tolerance” policies that mandate suspension or expulsion of students for misconduct. Over the past 25 years, these policies have gained tremendous momentum while also inviting deep controversy. This publication discusses research on zero tolerance, with a focus on what we do and don't know. What's clear, based on the evidence: a generation after the rise of these policies and practices, neither schools nor young people have benefited. Fortunately, as described in this brief, promising alternatives to zero tolerance can safely keep young people where they belong—in school.

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## ABOUT THIS POLICY BRIEF

In considering different strategies for promoting productive and safe school environments, it can be difficult to know what works and what doesn't. In particular, longstanding debates about zero tolerance policies leave many people confused about the basic facts. How do these policies that mandate specific and harsh punishments affect individual students and the overall school environment? Have zero tolerance policies helped to create a school-to-prison pipeline as many people argue? And if the costs outweigh the benefits, are there alternatives to zero tolerance that are more effective?

This publication aims to answer these questions by drawing on the best empirical research produced to date, and to identify the questions that remain unanswered. Most importantly, this publication strives to be practical. We believe that with a clearer understanding of the facts, policymakers and school administrators can join with teachers and concerned parents to maintain order and safety in ways that enhance education and benefit the public interest.

## UNDERSTANDING HISTORY: THE RISE OF ZERO TOLERANCE POLICIES

The culture of discipline in educational settings has changed profoundly over the past 25 years. Disciplinary systems today are much more formal—in many cases, rigid—and severe punishments are applied more broadly, affecting more students. Instead of principals and other school administrators dealing with misconduct on a case-by-case basis, considering the circumstances of the event, the specific students involved, and the repercussions for the overall safety of the school environment, many school districts now have zero tolerance policies that greatly limit discretion in individual cases, involve law enforcement personnel, and mandate removing students from school.<sup>1</sup> These policies generally require out-of-school suspension or expulsion on the first offense for a variety of behaviors—initially instituted for possession of a weapon or illegal drugs, but now frequently also including smoking tobacco or fighting in school.

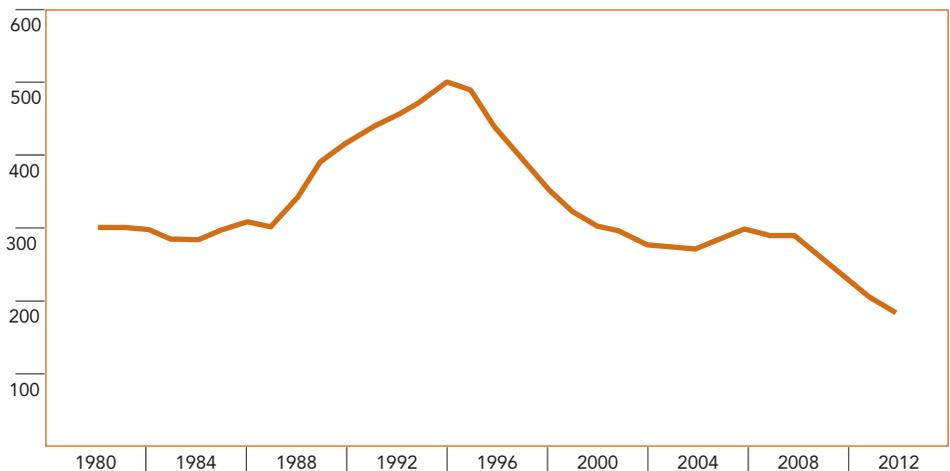
The changes began in the late 1980s and quickly gained momentum, fueled in large part by rising rates of juvenile arrests for violent crimes and a climate in which young people were increasingly seen as dangerous.<sup>2</sup> Feeling pressure to do something, Congress applied the rhetoric and intention of tough-on-crime laws to the school environment and passed the Gun-Free Schools Act in 1994.<sup>3</sup>

As a result, to qualify for federal education funds, states had to pass a law requiring all local school districts to expel any student, for at least one year, who brings a weapon to school.

Although the juvenile crime rate peaked in 1994 and declined steadily over the next decade, the idea that young people should be feared stuck. In 1996, political scientist John Dilulio predicted a coming wave of young “super-predators.”<sup>4</sup> Following the massacre in 1999 at Columbine High School, people across the country worried that the next devastating school shooting would occur in their town. This is the climate in which zero tolerance policies proliferated and also expanded to encompass a wide range of misconduct much less harmful than bringing a weapon to school.<sup>5</sup> As early as the 1996–97 school year, 79 percent of schools had adopted zero tolerance policies for violence, going beyond federal mandates.<sup>6</sup> To put some muscle behind these policies, the federal government and states began to increase funding for security guards and other school-based law enforcement officers and later to install metal detectors. Between the 1996–97 and 2007–08 school years, the number of public high schools with full-time law enforcement and security guards tripled.<sup>7</sup> This shift in school disciplinary policy and practice mirrored changes in the juvenile justice system to make it more closely resemble the adult system.<sup>8</sup>

### The Rise and Fall of U.S. Youth Violent Crime Rates

Juvenile Violent Crime Arrests per 100,000 10-17 year olds



Source: FBI Uniform Crime Report National Arrest Statistics for Juveniles, 1980-2012.

The juvenile violent crime rate—as measured by youth arrests for violent crime—peaked in 1994 and declined steadily over the next decade. Youth arrests for violent crime are at now at historically low levels, as the chart at the right shows.

*An estimated two million students annually are suspended from secondary schools.*

### SUSPEND AND EXPEL

The most obvious result of the rise in zero tolerance policies is well documented: The use of out-of-school suspension and expulsion increased almost everywhere and dramatically so in some places. Nationally, the number of secondary school students suspended or expelled over the course of a school year increased roughly 40 percent from one in 13 in 1972–73 to one in nine in 2009–10.<sup>9</sup> In recent years, an estimated two million students annually are suspended from secondary schools.<sup>10</sup> As a point of comparison, slightly more than three million students graduated high school in 2013.<sup>11</sup>

A rigorous and detailed study of students in Texas published in 2011 by the Council of State Governments and the Public Policy Research Institute at Texas A&M University shows how the culture of zero tolerance became so pervasive in that state that harsh punishments are meted out even when they are not strictly required.<sup>12</sup> Researchers tracked every student who entered seventh grade in 2000, 2001, and 2002 for six years. They found that more than half (60 percent) were suspended or expelled at some point in middle or high school. Moreover, the majority of those suspensions and expulsions appear to be for offenses that did not involve behaviors that fell within the parameters of the state of Texas zero-tolerance mandate; instead, they were simple violations of the school's code of conduct, such as using tobacco or acting out in ways that teachers find to be disruptive. In other words, school administrators chose to use harsh punishments even when they had the discretion to do otherwise.

It is important to keep in mind that both national and statewide statistics on school discipline mask wide variation among schools. In the Texas study, for example, even similar schools with similar student populations varied widely in the proportion of students that were suspended or expelled.<sup>13</sup> Some researchers argue that there is now more variation in both the content and implementation of zero tolerance policies, with some schools punishing both major and minor misconduct harshly while others define and practice zero tolerance as a system of graduated sanctions in which the severity of the punishment matches the seriousness of the offense.<sup>14</sup>

## HARsher ON SOME STUDENTS THAN OTHERS

There is abundant evidence that zero tolerance policies disproportionately affect youth of color.<sup>15</sup> Nationally, black and Latino students are suspended and expelled at much higher rates than white students. Among middle school students, black youth are suspended nearly four times more often than white youth, and Latino youth are roughly twice as likely to be suspended or expelled than white youth.<sup>16</sup> And because boys are twice as likely as girls to receive these punishments, the proportion of black and Latino boys who are suspended or expelled is especially large.<sup>17</sup> Nationally, nearly a third (31 percent) of black boys in middle school were suspended at least once during the 2009–10 school year. Part of this dynamic is that under-resourced urban schools with higher populations of black and Latino students are generally more likely to respond harshly to misbehavior.<sup>18</sup>

The study in Texas echoes these national statistics and also provides important evidence of an actual inequity in how schools apply these punishments. After controlling for more than 80 individual and school characteristics normally associated with poor academic performance, as well as differences in rates of delinquency and more serious offending, researchers found that black youth were more likely to be disciplined and more likely to receive harsh discipline (such as out-of-school suspension) when those punishments were discretionary.<sup>19</sup>

Race is not the only factor associated with an increased likelihood of being suspended or expelled. Students with special education needs are also suspended or expelled at higher rates. Annually, high school students with disabilities of

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any sort are nearly three times more likely to receive an out-of-school suspension compared to high school students without disabilities (20 percent versus 7 percent). In the Texas study where almost 60 percent of students were suspended or expelled at least once, the rate among students with educational disabilities reached nearly 75 percent. Rates were highest among students with learning disabilities and emotional disturbances.

### **NET ZERO: ZERO TOLERANCE POLICIES DON'T MAKE SCHOOLS MORE ORDERLY OR SAFE**

Effective discipline plays an important role in schools. It helps to maintain an environment that is conducive to learning by minimizing disruption in the classroom and by fostering the kind of order and predictability that young people need to feel comfortable and remain open to new information and experiences.<sup>20</sup> Discipline can also make a school environment safer for everyone by preventing potentially dangerous, or even deadly, events.

The theory underlying zero tolerance policies is that schools benefit in both ways when problem students are removed from the school setting. However, there is no research actually demonstrating this effect. No studies show that an increase in out-of-school suspension and expulsion reduces disruption in the classroom<sup>21</sup> and some evidence suggests the opposite effect.<sup>22</sup> In general, rates of suspension and expulsion appear unrelated to overall school success for schools with similar characteristics, levels of funding, and student populations.<sup>23</sup>

Although zero tolerance policies were created to respond to students caught with a weapon, only five percent of serious disciplinary actions nationally in recent years involve possession of a weapon.<sup>24</sup> In some states the proportion is even lower. In Maryland, for example, less than two percent of suspensions and expulsions are related to carrying a weapon in school,<sup>25</sup> and in Colorado, it is less than one percent.<sup>26</sup> In contrast, nationally 43 percent of expulsions and out-of-school suspensions lasting a week or longer were for insubordination.<sup>27</sup>

While some people would argue that these statistics are evidence of the deterrent effect of zero tolerance, there is no research demonstrating that the threat of harsh punishment actually discourages students from bringing a weapon to school. In addition, survey data collected by the Centers for Disease Control and Prevention show just a modest decline in the proportion of students who claim to have brought a weapon to school in the previous 30 days: 17 percent in 2011, down from 22 percent in 1993.<sup>28</sup>

What the research does show is that over the past two decades, youth crime has become less serious and violent. In fact, the increase in out-of-school suspensions and expulsions occurred at a time when, nationally, rates of serious violent crime among juveniles were falling to the point where they are now the lowest that they've been in decades.<sup>29</sup> At the state level we see similar, and sometimes more dramatic, patterns: in Colorado, where less than one percent of serious disciplinary actions involve possession of a weapon, the overall number of juvenile arrests has been declining since 1991, and is about 70 percent lower today compared to the early 1990s.<sup>30</sup> The situation in California is similar: the number

of felony arrests of juveniles is about 61 percent lower than it was in 1991, and the overall number of youth arrested is at an all-time low.<sup>31</sup>

## FROM SUSPENSION TO DISENGAGEMENT

Some of the most rigorous research conducted on the subject of zero tolerance shows that out-of-school suspension can severely disrupt a student's academic progress in ways that have lasting negative consequences. For similar students attending similar schools, a single suspension or expulsion doubles the risk that a student will repeat a grade.<sup>32</sup> Being retained a grade, especially while in middle or high school, is one of the strongest predictors of dropping out.<sup>33</sup> In one national longitudinal study, youth with a prior suspension were 68 percent more likely to drop out of school.<sup>34</sup>

The long-term effects of failing to complete high school are well documented. Individuals without a high school education have much less earning power and are more likely to be unemployed. In 2012, for example, median earnings among workers nationally was \$815 per week, while those without a high school degree earned just \$471 per week.<sup>35</sup> And unemployment rates were roughly double: 6.8 percent nationally and 12.4 percent among people who had not completed high school.<sup>36</sup>

Research has revealed an unexpected relationship between misconduct in school and academic achievement. One longitudinal study showed that, while being disconnected from school as a result of student misconduct adversely affects academic achievement, misconduct itself is not directly associated with lower academic achievement.<sup>37</sup> In other words, the misconduct alone does not necessarily lead to poor academic performance. The finding suggests the importance of keeping young people engaged in school, even when, and maybe especially when, they are having behavioral problems.

## IS THE SCHOOL-TO-PRISON PIPELINE REAL?

Out-of-school suspension is strongly associated with subsequent involvement in the juvenile justice system. The best evidence of this pathway comes from the Texas study, in which a single suspension or expulsion for a discretionary offense that did not include a weapon almost tripled a student's likelihood of becoming involved in the juvenile justice system in the following academic year.<sup>38</sup> The longer-term effects, however, are unclear. While researchers at the Vera Institute of Justice attempted to study this issue, our findings were inconclusive. We still don't know if exposure to harsh discipline in middle or high school—in particular suspension and/or expulsion—increases a person's likelihood of spending time in prison as an adult.<sup>39</sup> We also do not know what effect simply attending a school that practices zero tolerance has on students in the long-term, regardless of whether they are suspended or expelled. (See "The Challenge of Mapping a School-to-Prison Pipeline," on page 8).

While questions linger about the effects of zero tolerance on long-term criminal justice involvement, there is research demonstrating the importance of staying in school: Additional years of compulsory education do help to prevent young

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people from engaging in delinquency and crime.<sup>40</sup> In addition, there is some evidence that a positive school climate not only lowers overall levels of violence in school, but may also have some beneficial effect on the behavior of young people outside of school, although the relationship is neither simple nor clear.<sup>41</sup>

## THE TIDE HAS TURNED

Taken together, the research findings and other data on zero tolerance suggest that these policies – which have been in force for 25 years – have no real benefit and significant adverse effects. In August 2013 in a speech before members of the American Bar Association, U.S. Attorney General Eric Holder talked about the need to confront zero tolerance policies that “do not promote safety” and called on those assembled to remember that educational institutions should be “doorways of opportunity.”<sup>42</sup> “A minor school disciplinary offense should put a student in the principal’s office and not a police precinct,” the Attorney General said.<sup>43</sup> Both the American Academy of Pediatrics and the American Psychological Association have issued statements effectively condemning zero tolerance policies, given their harmful effects, and called instead for students to be disciplined on a case-by-case basis and in a developmentally appropriate manner.<sup>44</sup> Clearly, youth advocates are no longer the lone or loudest voices for change. The tide is turning and it has been for some time.

There’s growing consensus that the most effective schools reinforce positive behavior and respond to behavioral problems on a case-by-case basis in ways that suit the individual’s circumstances and needs. That implies a return to discretion, but with some structure and guidance. There’s still not much research to support this approach, but a recent study showed that positive behavioral support in the classroom is associated with greater order and discipline, fairness, and productive student–teacher relationships, while exclusionary disciplinary strategies (i.e., out-of-school suspension and expulsion) are associated with more disorder overall.<sup>45</sup> In July 2011 the U.S. Department of Justice and the U.S. Department of Education announced the creation of the Supportive School Discipline Initiative, which seeks to “promote positive disciplinary options to both keep children in school and improve the climate for learning,” among other goals.<sup>46</sup>

Across the country, state departments of education and municipal school districts are moving away from zero tolerance policies. In 2012, legislators in Colorado revised the state law governing school discipline to encourage school districts to rely less on suspension and expulsion and also mandated and funded additional training for police officers that serve as school resource officers (SROs).<sup>47</sup> While not every school district has revised its code of conduct, and SROs will not receive the mandated training until 2014, the state has already observed the impact with a 27 percent drop in expulsions and 10 percent decrease in suspensions statewide compared with the previous year.<sup>48</sup>

Two years earlier, in 2010, the Boston public school system revised its code of discipline—renaming it a code of conduct—and also implemented restorative justice practices (see “Accentuate the Positive” on page 7) as alternatives to suspension and expulsion. As a result, the number of students suspended or expelled dropped from 743 to 120 in just two years.<sup>49</sup> Officials in Buffalo, New

York, made significant changes to the school code for the 2013–14 school year, expanding their commitment to keeping students in school through a system of prevention, intervention, and promoting positive behavior, including both Positive Behavioral Interventions and Supports, or PBIS for short, and restorative practices.<sup>50</sup> And in California, where “willful defiance” accounted for nearly half (48 percent) of the more than 700,000 suspensions statewide in 2011–12, the Los Angeles Unified School District Board banned willful defiance as a reason for suspension or expulsion.<sup>51</sup>

## CONCLUSION

We do not know all of the effects of a generation of zero tolerance policies in our nation’s schools, but there is enough information to compel a move away from these practices. Certain facts are clear: zero tolerance does not make schools more orderly or safe—in fact the opposite may be true. And policies that push students out of school can have life-long negative effects, perhaps severely limiting a young person’s future potential. That is troubling on an individual level for every boy and girl affected and of grave public concern when school systems exclude a significant proportion of the student body, as is the case in more than 300 districts nationwide that suspend and expel more than one in four of their secondary students.<sup>52</sup> Similarly, while we don’t fully understand the potential benefits of taking a very different approach to maintaining order and safety in schools, there is a growing body of experience that education administrators and school principals can draw on to inspire and guide their local reform efforts, and that researchers can use to add to the field of “what works.”

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## ACCENTUATE THE POSITIVE

School administrators interested in taking a positive approach to discipline need not start from scratch. There are models to consider and use. One of the most well known is Positive Behavioral Interventions and Supports (PBIS), a method designed to be used school-wide to teach and encourage pro-social skills and behaviors.<sup>53</sup> Schools that use PBIS tend to be less reactive and exclusionary in the use of discipline and tend to have more engaging and productive learning environments. As a result, students exposed to PBIS have better educational outcomes and more pro-social behavior and are subject to 33 percent fewer disciplinary referrals.<sup>54</sup> A recent randomized trial of PBIS in elementary schools in Maryland found that it had a significant positive affect on a wide range of behavior, from the ability to concentrate to the ability to regulate emotions.<sup>55</sup>

Restorative practices are another promising approach. These programs are based on the ideas of restorative justice—an approach that treats crime as a harmful act against an individual and a community, and not against the state, and thus focuses on holding the offender accountable for rectifying the harm that they’ve done—and look for ways to mediate conflicts and resolve problems through conversations between misbehaving students, other youth, and/or teachers.<sup>56</sup> Also notable is Response to Intervention (RTI), an approach developed specifically for students with learning difficulties who are not currently identified as needing special education, in which schools respond to needs and adjust interventions depending on the student’s responsiveness, using different tiers of interventions.<sup>57</sup> More research is needed to understand the likely benefits of these and other programs relative to the administrative costs of implementing them.

## THE CHALLENGE OF MAPPING A SCHOOL-TO-PRISON PIPELINE

In 2012, with support from the Spencer Foundation, the Vera Institute of Justice launched a study to better understand how school disciplinary policies might affect short- and long-term involvement in the justice system. Researchers relied primarily on data from the National Longitudinal Study of Adolescent Health (Add Health), which is a nationally representative sample of adolescents enrolled in school during the 1994-95 academic year. The Add Health dataset captures information about school practices and the behavior of youth from the perspective of school administrators, parents, and students themselves.

Researchers attempted to examine whether a school's disciplinary policies and other aspects of the school climate had any relationship to juvenile delinquency, adult crime, and other measures of justice system involvement. While much of the research cited in this brief looks at the individual effects of being expelled or suspended on justice system involvement, the Vera study set out to broaden those analyses by examining the effect of simply attending a school with zero tolerance policies, regardless of whether an individual was suspended or expelled. In other words, what effect do these policies have on the student population as a whole? Researchers also looked for potential indirect effects, examining whether the school climate might influence students' peers, family circumstances, and overall communities in ways that led to greater involvement with the justice system. They found no evidence that attending a school with zero tolerance policies either deters delinquency or places youth at a higher likelihood of becoming justice system-involved, in the short- or long-term.

However, there are challenges to studying long-term criminal justice system outcomes—especially when studies rely on self-reported data from individuals who do end up involved in the system—that present notable limitations to longitudinal research on this topic and the conclusions that can be drawn. For example, in later waves of follow-up Add Health data collection, youth who became involved in the criminal justice system as adults were less likely to participate, which made it difficult to accurately measure their long-term outcomes.<sup>58</sup> These challenges point to the need for additional, complementary research designs—for example, studies that focus on the life course of those who have been involved with the justice system, looking closely at whether and under what circumstances they have been excluded from school, and in the context of a multitude of factors in their lives to better understand their trajectories into and out of the juvenile and criminal justice systems.

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## ENDNOTES

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- 46 Department of Justice (DOJ), "Attorney General Holder, Secretary Duncan Announce Effort to Respond to School-to-Prison Pipeline by Supporting Good Discipline Practices," press release (Washington, DC: DOJ, July 21, 2011), <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html> (accessed November 25, 2013). "The goals of the Supportive School Discipline Initiative are to: build consensus for action among federal, state and local education and justice stakeholders; collaborate on research and data collection that may be needed to inform this work, such as evaluations of alternative disciplinary policies and interventions; develop guidance to ensure that school discipline policies and practices comply with the nation's civil rights laws and to promote positive disciplinary options to both keep kids in school and improve the climate for learning; and promote awareness and knowledge about evidence-based and promising policies and practices among state judicial and education leadership."

- 47 Senate Bill 012-046 concerning disciplinary measures in public schools, passed into law on May 9, 2012 as the Colorado School Finance Act HB 012-1345, Sections 21 and following.
- 48 Data on school suspensions and expulsions are from author's calculations using school discipline statistics provided by the Data Services Unit in the State of Colorado Department of Education.
- 49 Jack Encarnacao, "Sharp Drop in Suspensions as Boston Schools Try 'Restorative' Approach," *Boston Herald*, Sept 3, 2013, [http://bostonherald.com/news\\_opinion/local\\_coverage/2013/09/sharp\\_drop\\_in\\_suspensions\\_as\\_boston\\_schools\\_try\\_restorative](http://bostonherald.com/news_opinion/local_coverage/2013/09/sharp_drop_in_suspensions_as_boston_schools_try_restorative) (accessed November 25, 2013).
- 50 Buffalo Public Schools (BPS), "Standards for Community-Wide Conduct and Intervention Supports 2013-2014," (Buffalo, NY: BPS, 2013), <http://www.buffaloschools.org/StudentServices.cfm?subpage=57596> (accessed November 25, 2013).
- 51 Los Angeles Unified School Board Resolution, *2013 School Discipline Policy and School Climate Bill of Rights*, May 14, 2013. <http://209.80.43.43/School-DisciplinePolicyandSchoolClimateBillOfRights2013.pdf> (accessed November 25, 2013); Teresa Watanabe, "LAUSD board could ban suspensions for 'willful defiance'" *Los Angeles Times*, May 12, 2013 <http://articles.latimes.com/2013/may/12/local/la-me-adv-laUSD-discipline-20130513> (accessed November 25, 2013).
- 52 Losen and Martinez, 2013, p. 3.
- 53 For more information on PBIS, see the National Technical Assistance Center on Positive Behavioral Interventions and Supports, funded by the U.S. Department of Education, Office of Special Education Programs, [www.pbis.org](http://www.pbis.org).
- 54 Ibid.
- 55 Catherine Bradshaw, Tracy Waasdorp, and Philip Leaf, "Effects of School-Wide Positive Behavioral Interventions and Supports on Child Behavior Problems," *Pediatrics* 130, no. 5 (2012): e1136-e1145.
- 56 See the Restorative Justice, Model Programs Guide entry hosted by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at <http://www.ojjdp.gov/mpg/progTypesRestorativeJustice.aspx> (accessed November 25, 2013). For examples of specific programs, see the work of Restorative Justice for Oakland Youth <http://www.rjoyoakland.org/> (accessed November 25, 2013), the Community Conferencing Center in Baltimore <http://www.community-conferencing.org> (accessed November 25, 2013), or Sharon Lewis, editor, *Improving School Climate: Findings from Schools Implementing Restorative Practices* (Bethlehem, PA: International Institute for Restorative Practices, 2009). <http://www.iirp.org/pdf/IIRP-Improving-School-Climate.pdf> (accessed November 25, 2013).
- 57 Developed by the National Center for Learning Disabilities, see the RTI Network's website for further information: <http://www.rtinetwork.org/learn/what/whatisrti>.
- 58 For instance, response rates for those in prison or jail were about half those of the general population.

## FOR MORE INFORMATION

For more information about alternatives to zero tolerance and creating a supportive and safe learning environment consult the Supportive School Discipline Webinar series funded and hosted by the Department of Education, the Department of Health and Human Services, and the Department of Justice.

<http://www.juvenilejustice-tta.org/events/ssdWebinarSeries>

This publication was produced by the Center on Youth Justice at the Vera Institute of Justice. The Center works with policymakers and practitioners who want juvenile justice to be rooted in the community, more effective, and smaller in scale, touching the lives of fewer children.

The Vera Institute of Justice is an independent, nonprofit organization that combines research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.

This publication was made possible by a grant from the Spencer Foundation. The views expressed are those of the authors and do not necessarily reflect the views of the Spencer Foundation.