

SUMMARY OF TESTIMONY OF ANNA ELBROCH

“It is easier to build strong children than to repair broken men.” - Frederick Douglass

JUVENILE JUSTICE SYSTEM

In 2019, according to the Division for Children, Youth and Families, 3071 children were served by the New Hampshire juvenile justice system. Of those children in the juvenile justice system, 499 were placed in residential institutions including 101 who entered the Sununu Youth Services Center.¹ Although DCYF does not provide, a racial breakdown in its Annual Data Book, the National Center for Juvenile Justice does provide a picture of New Hampshire juvenile arrests, indicating that Black and brown youth continue to be overrepresented in the juvenile justice systems nationally and in New Hampshire.² New Hampshire has made significant changes to its juvenile justice system over the last few years, changing the offenses leading to commitment to the Sununu Youth Services Center, resulting in drastically reduced numbers at the detention facility. New Hampshire is also poised to continue on its path of change with the ongoing juvenile probation reform project which reimagines probation officers as mentors.³ Members from every side of the table are working together to come up with a plan for assessing juveniles when they come into the system to give them more opportunities for diversion and other services based on risk level. Justice would be served based on the juvenile’s risk level, rather than offense. This shift is in recognition of restorative justice models, adolescent development research and trauma informed approaches.

Although juvenile crime rates have gone down nationally and in New Hampshire,⁴ school discipline rates continue to rise.⁵ Out of school suspensions have risen 10% across the country since 2000, according to Annie E Casey Foundation research. Minority groups, specifically Black and brown students, are disproportionately suspended. According to the U.S. Department of Education Office of Civil Rights, in New Hampshire, 23% of students who were suspended in 2011 were Black and 12% of students were Hispanic or Latino.⁶ In 2015-2016, although there was only a 1.8% Black population in New Hampshire, Black students represented 5% of all out

¹ Division for Children, Youth and Families, (2019). Annual Data Book 2019. State of New Hampshire Department of Health and Human Services CYF Annual Data Book 2019, available at <https://www.dhhs.nh.gov/dcyf/documents/data-book-2019.pdf>.

² <http://www.jjgps.org/new-hampshire>

³ See Office of Child Advocate 2019 Annual Report, available at <https://childadvocate.nh.gov/documents/reports/2019-Annual-Report.pdf>.

⁴ Available at https://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05200&selOffenses=1;
Available at <http://www.jjgps.org/new-hampshire>

⁵ See Keeping Kids in School: The Urgent Need for Reform of School Discipline in New Hampshire. Juvenile Reform Project. Available at https://www.nhla.org/assets/customContent/FINAL_Keeping_Kids_in_School_-_The_Urgent_Need_to_Reform_School_Discipline_in_NH.pdf.

⁶ <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>

of school suspensions and Hispanic and Latino students represented 12%. Students with disabilities under the IDEA are also disproportionately suspended. In the 2011-12 school year in New Hampshire, 5% of students suspended did not have a special education disability under the IDEA and 12% of students suspended did have an identified special education disability under the IDEA.

SCHOOL TO PRISON PIPELINE

Why does this matter? Research clearly shows that students who are suspended or expelled are more likely to drop out of school, repeat a school year and/or have contact with the juvenile justice system.⁷ School Resource Officers often contribute to this school to prison pipeline.⁸ For example, schools with school resource officers had 5 times more arrests for disorderly conduct than schools without officers. The permanent presence of law enforcement in schools leads to more discipline and overcriminalization of student behavior in schools.⁹ The students who are forced out of schools with harsh punishments are often children who are at risk from broken homes, abuse and neglect, children with learning disabilities and children of color. These children disproportionately end up in the juvenile justice system and the adult criminal justice system.

SCHOOL RESOURCE OFFICERS AND SAFETY

There is no conclusive evidence to show the presence of an SRO makes a school safer¹⁰ but there is conclusive evidence that calls their presence into question.¹¹ Thankfully, active shooter situations at schools are rare.¹² Most (more than 90%) of active shooters in school settings were current or former students from 2000 to 2017. These students perceived maltreatment by their peers and school staff. In fact, the National Child Traumatic Stress Network estimates close to

⁷ The School Discipline Consensus Report Available at <https://knowledgecenter.csg.org/kc/content/school-discipline-consensus-report>; Keeping Kids in School: The Urgent Need for Reform of School Discipline in New Hampshire. Juvenile Reform Project. Available at https://www.nhla.org/assets/customContent/FINAL_Keeping_Kids_in_School_-_The_Urgent_Need_to_Reform_School_Discipline_in_NH.pdf.

⁸ The school to prison pipeline, explained. Libby Nelson and Dara Lind Published Feb 24, 2015 by Justice Policy Institute <http://www.justicepolicy.org/news/8775>

⁹ Cops and No Counselors. ACLU. <https://www.aclu.org/report/cops-and-no-counselors>; Do police officers make schools safer or more dangerous? Dana Goldstein, New York Times, June 12, 2020. <https://www.nytimes.com/2020/06/12/us/schools-police-resource-officers.html>

¹⁰ <https://www.urban.org/urban-wire/prevalence-police-officers-us-schools#:~:text=In%20every%20state%2C%20high%20school,school%20with%20a%20police%20office>

¹¹ Education under arrest: The case against police in schools. Justice Policy Institute. 2011. http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf

¹² Indicators of school Crime and Safety: 2018; April 2019 National Center for Education Statistics. Available at <https://nces.ed.gov/pubs2019/2019047.pdf>

40% of all children have experienced trauma.¹³ Unfortunately, the tragedies that occurred at Columbine, Virginia Tech and Parkland all happened under the watchful eye of armed security. Instead, social emotional learning, trauma informed approaches and restorative justice models are proven ways to keep students safe and create positive, supportive communities.¹⁴

SPECIFIC RECOMMENDATIONS:

1. Re-allocate resources from police in schools to counselors and social worker for children.
2. Ensure each school has the recommended number of counselors and social workers per number of students.
 - a. The counselors, social workers and educators will then be able to provide the appropriate trauma-informed approaches and social emotional learning that has proven to reduce school discipline and build healthy, safe communities.
 - b. Implicit bias training should be conducted to combat disproportionate and discriminatory school discipline.
3. School curriculums should be adjusted to address racial disparities with practices, including replacing punitive disciplinary techniques and the use of law enforcement for non-criminal behavior with social emotional learning, culturally relevant curriculums and restorative justice.

¹³ Five ways to support students affected by trauma. Education. Waters, L & Brunzell, T. August 13, 2018.

¹⁴ Durlak, J. A., Weissberg, R. P., Dymnicki, A. B., Taylor, R. D., & Schellinger, K. (2011). The impact of enhancing students' social and emotional learning: A meta-analysis of school-based universal interventions. *Child Development*, 82, 405-432.