

**Implementing Harm Reduction Approaches in K-12 Pittsburgh Public Schools as a Strategy for Reducing School-initiated Juvenile Legal System Referrals: A Program Proposal**

by

**Willa Campbell**

Bachelor of Science, University of Pittsburgh, 2014

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School of Public Health in partial fulfillment  
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SCHOOL OF PUBLIC HEALTH

This essay is submitted

by

**Willa Campbell**

on

April 27, 2023

and approved by

**Essay Advisor:** Dr. Mary Hawk, DrPH, LSW, Chair, Behavioral and Community Health Sciences, Associate Professor and Vice Chair for Research, Behavioral and Community Health Sciences, Associate Professor, Infectious Diseases and Microbiology, School of Public Health

Essay Reader: Dr. Sara Goodkind, PhD, MSW, Professor, Department of Sociology, and Gender, Sexuality, and Women's Studies Program, School of Social Work

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# **Implementing Harm Reduction Approaches in K-12 Pittsburgh Public Schools as a Strategy for Reducing School-initiated Juvenile Legal System Referrals: A Program Proposal**

Willa Campbell, MPH

University of Pittsburgh, 2023

## **Abstract**

Introduction to the juvenile legal system has life course consequences far beyond adolescence. Youth who are referred to the juvenile legal system have often experienced trauma or childhood adversity. These adverse childhood experiences (ACEs) can cause emotional disturbances that manifest as behavioral issues, many of which occur in schools where youth spend much of their time. Behaviors stemming from traumatic experiences are consequently punished, and regularly criminalized, by schools. These disciplinary actions, especially those involving law enforcement, are disproportionately carried out on marginalized youth including youth of color, youth with disabilities, and LGBTQ+ youth. Pittsburgh Public Schools (PPS) is a school district of nearly 20,000 students located in western Pennsylvania. PPS disproportionately refers Black students and students with disabilities to law enforcement for conduct violations. Harm reduction is a framework that has seen great success among people who use drugs and should be implemented more widely. Harm reduction's success stems from its willingness to provide care to those who may continue to engage in harmful behaviors instead of the traditional model of requiring abstinence to receive support. This program proposal is based on the harm reduction principles developed by Hawk et al. for healthcare systems and has been adapted for the public school education system. The program aims to reduce school-initiated juvenile legal system

referrals by implementing harm reduction approaches to Pittsburgh Public Schools code of conduct and subsequent disciplinary action.

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## Preface

First, I would like to thank both of my essay readers, Dr. Mary Hawk and Dr. Sara Goodkind for their guidance and expertise, without which I could not have completed this work. I would like to further thank Dr. Hawk for advising me throughout my time in the School of Public Health. She has been generous with her time, thoughtful with her guidance, and kind and compassionate as a teacher and mentor.

I'd also like to acknowledge and thank those who brought me into public health. My time before entering graduate school was spent with many amazing young people who shared so much of themselves with me and showed me parts of the world I had never seen. To everyone who opened my eyes, showed me the way, and opened new doors, thank you. I will carry everything you taught me with me forever.

Last, I'd like to thank my friends, family and especially, my spouse. Their unwavering support and encouragement are what got me here. I could not have mustered up the courage to pursue this dream without them.

“Prisons do not disappear social problems, they disappear human beings.”

– Angela Davis

## Glossary

**Adjudication** – the juvenile court ruling if a juvenile is found by a judge to have committed a delinquent act

**Arrest** - when youth are taken into custody following being charged with a delinquent act.

Unlike adults, youth do not require bail or bond and can be arrested without being detained in a juvenile facility

**Delinquency** – juvenile court cases that involve a violation of the law

**Dependency** – juvenile court cases that involve local or state agencies and are meant to determine matters of custody including but not limited to cases of abuse, neglect, or mistreatment

**Juvenile detention facility** – private or state-run facilities where youth are detained prior to court proceedings

**Juvenile legal system** – this language has been chosen specifically in lieu of the more traditional “juvenile justice system” due to the disparities within and injustices perpetrated by the legal system in the United States

**Non-petition** – cases that are handled informally at the intake level

**Petition** – cases that are handled formally through court hearings and seek adjudication

**School-to-prison pipeline\*** – the system by which students, mainly students of color, are disciplined by schools and subsequently referred to the legal system leading to a higher likelihood of chronic system involvement and future adult incarceration

\*Other language, such as pathway, is considered to be more inclusive and less offensive considering the history of the word pipeline (and the forced placement of real pipelines) within Indigenous communities; pipeline will be used in this paper due to the consistent use of the word in the research, but this use should be examined and changed to acknowledge the harmful impacts on marginalized peoples

**Status offense** - offenses that are not criminal in nature but are prohibited by law for juveniles to commit such as truancy, running away, or ungovernability (i.e., acting out)

**Truancy** – in the state of Pennsylvania, a youth is considered truant after having 3 unexcused absences from school. Schools are required by law to report these absences to the school district, and this can result in court hearings, fines, fees, or other court-ordered requirements

## **1.0 Background and Existing Research**

### **1.1 Public Health Significance**

Juvenile introduction to the legal system is a public health issue. Hundreds of thousands of children are referred to the juvenile legal system annually. According to the National Center for Juvenile Justice (NCJJ), in 2019 there were 722,600 juvenile delinquency cases.<sup>1</sup> Fortunately, the number of cases is steadily declining. For example, in 2012, that number was over 1,000,000.<sup>1</sup> Several years later in 2015, there were 866,300 cases.<sup>1</sup> Even though progress is being made, there are growing concerns about the state of juvenile justice, particularly with the rise in violent crime. In 2020, overall violent crime rose by 6% from the previous year and the murder rate rose dramatically by almost 30% stoking many fears during an unstable time in the US.<sup>2</sup> During this time, homicides involving youth increased slightly.<sup>3</sup> However, of the overall homicide arrests in 2020, youth under 18 made up only 7.5% which is a smaller share than previous years.<sup>3</sup> Violent crime continues to remain much lower than its peak in the 1980s and 90s. However, any rise within the current, tense political climate can be used to sow division or gain political support. Presently, it is unclear whether the number of juvenile cases will continue trending down, especially as tensions around policing have grown in the United States and courts have been seeking often harsher solutions to respond to crime among youth.

For many politicians, being considered “tough on crime” has been an important stance to gain support from their constituents. Although in recent years strides have been made to reduce juvenile legal system referrals and incarcerations, some states are looking to roll those changes back as tensions rise on crime and delinquency. In Tennessee, lawmakers are proposing juvenile

justice legislation that will allow for youth 16 and older to be charged as adults if they run away from juvenile detention facilities.<sup>4,5</sup> In Kansas, new legislation is being proposed that would double the time a juvenile could be detained from 45 to 90 days.<sup>6</sup> In 2016, Kansas approved legislation (Senate Bill 367) to reform the juvenile legal system in the state, including initiatives to reduce detention and in turn, directing the funds for detention to mental and behavioral health services.<sup>6,7</sup> Critics argue that this strategy was ineffective. However, the \$6 million that was set aside to create these centers has remained unused since the approval of the bill.<sup>6,8</sup> Similarly, in Colorado, workers from the Division of Youth Services are petitioning lawmakers to expand the capacity of juvenile detention centers.<sup>9</sup> Two years ago, the maximum number of juvenile detainees per center was reduced from 327 to 215.<sup>9</sup> The newest proposal seeks to bring the maximum up to 249, which would in turn require an increase in staffing and funding to detention centers.<sup>9</sup> In Maryland, legislation passed in 2022 prohibits children under the age of 13 from being charged in the juvenile legal system unless they commit serious offenses.<sup>10</sup> It also bans the detention of young offenders when it is their first offense and said offense is a misdemeanor.<sup>10</sup> Some legislators now want to repeal the law after a high-profile case involving a 12-year-old who brought a gun and ammunition to school but could not be criminally charged under the current law.<sup>10</sup> Although youth offenses have been continuing to drop to new lows, many reforms are receiving pushback and may be repealed in the coming months leaving the future of juvenile justice uncertain. A moral panic around violent crime may negatively influence juvenile justice, undoing much of the successful work that has been done in the last several years.

Juvenile delinquency includes an array of offenses, which are broken down into four distinct categories: person offenses, property offenses, drug law violations, and public order offenses.<sup>1</sup> These categories are usually consolidated even further into two overarching types:

violent and non-violent crime. Although there are fears that violent crime is surging among youth, many of these youth are referred for what are typically considered “non-violent” crimes such as property crimes or minor drug offenses. Additionally, thousands of these youth are referred for matters that are prohibited by law for children but not considered criminal. These types of infractions are known as status offenses and include behaviors like truancy and running away from home.<sup>1</sup> In 2019, 90,500 status offense cases were referred to juvenile courts, of which 4200 resulted in detention.<sup>1</sup> In contrast, out of the 722,600 delinquency cases in 2019, 186,600 resulted in detentions.<sup>1</sup> Around 1/3 of these detentions were for non-violent crimes.<sup>1</sup> Many of the youth detained were being held in what is called pre-trial detention, meaning they had not been adjudicated of a crime but were awaiting trial.<sup>1</sup>

According to that same 2019 data from the NCJJ, more than half of the youth involved in delinquency cases were under the age of 16, meaning hundreds of thousands of cases in the legal system involve youth aged 10-15.<sup>1</sup> NCJJ data does not include data for youth under age 10. However, 24 states do not have a minimum age for prosecution, meaning youth under age 10 can be charged and prosecuted in those juvenile legal systems.<sup>11</sup> The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, also known as the Beijing Rules, argue “If the age of criminal responsibility is fixed too low or if there is no lower age limit at all, the notion of responsibility would become meaningless.”<sup>12</sup> Although the United States is expected as a member state to abide by the Beijing Rules, it has done little to enforce them. States have considerable control over their courts and without much guidance or pressure from the federal government, they can continue to work in opposition to the rules the UN has set out. Furthermore, children of color are overrepresented in the juvenile legal system. Over half of the youth referred to the juvenile legal system in 2019 were minoritized youth.<sup>1</sup> According to 2019 data, Non-

Hispanic White youth represented 50% of all youth 0-17.<sup>13</sup> Hispanic youth made up 25% while Black youth only accounted for 14% of the US population under 18 that same year.<sup>13</sup> However, 35% of all delinquency referrals involved Black youth.<sup>1</sup> This overrepresentation is indicative of the inequitable nature of the justice system in the United States and the structural racism on which it was built. The system continues to fail our youth, but the consequences of these failures disproportionately impact youth of color.

The majority of the referrals made annually are by law enforcement, making up 82% of total delinquency referrals in 2019.<sup>1</sup> Many additional cases are brought to the courts by relatives, probation officers, court personnel, and other child welfare professionals.<sup>1</sup> The third major referral source is schools.<sup>1</sup> In 2019, 4% of all delinquency cases were initiated by schools.<sup>1</sup> Schools are also responsible for referring the majority of status offense cases, many of which are for truancy.<sup>1</sup> Schools are where youth spend most of their waking hours so it may not come as a surprise that schools can often be a referral source to the juvenile legal system when you consider time spent. The question becomes: why are behaviors at school deemed criminal?

Schools across the country employ law enforcement officers, often under the title School Resource Officer (SRO) or, more recently, School Safety Officer (SSO). The presence of SROs and SSOs has grown significantly.<sup>14</sup> Over the last several decades, as violent crime surged, hitting its peak in the 1990s, and now mass shootings have become more prevalent the presence of police in schools is more commonplace. The growth in employment of SROs began in the late 1990s following the introduction of several zero-tolerance laws: the Drug-Free Schools Act of 1989 and the Gun-Free Schools Act of 1994. Zero-tolerance policies were established in response to the rise in violent crime among youth. These new policies eliminated case-by-case treatment of incidents and instead schools created strict punitive responses that could be applied more broadly. This has



led to an increase in out-of-school suspensions and expulsions.<sup>15</sup> For example, the Gun-Free Schools Act of 1994 made it so that any school that received federal funding was required to expel a student who brought a weapon to school for at least one year.<sup>15</sup> As zero-tolerance policies became a part of school discipline across the country, so has school-based policing.

In 1975, only 1% of schools employed law enforcement.<sup>14</sup> In 2018, 58% of schools reported employing law enforcement officers.<sup>14</sup> Additionally, in that same year, there were 54,321 arrests carried out in schools.<sup>16</sup> While school arrests appear to be trending down slightly, law enforcement referrals are on the rise. Data from the U.S. Department of Education shows that during the 2013-2014 school year there were 195,219 referrals by law enforcement.<sup>17</sup> In 2015-2016, there were 204,497.<sup>18</sup> In the 2017-2018 school year, it was up to 229,470. These data are especially concerning when considering how many states have no minimum age requirement for juvenile prosecution. A 2022 report by USA Today and the Center for Public Integrity analyzing federal crime data from 2000-2019, found that 2600 children, ages 5-9, were arrested at school.<sup>19</sup> Putting children this young through the legal system, no matter how minor that interaction is, should not be an accepted disciplinary decision by a school. These children can be arrested in front of their peers and traumatized in a space that is meant to put their wellbeing at the center of its mission.

Public health consequences of juvenile referral to law enforcement and arrest are wide-reaching but continue to lack acknowledgement as a public health issue. Youth who are entered into the legal system face significant challenges immediately following referral and over their life course. Youth who are introduced to the juvenile legal system are more likely than their peers to drop out of school.<sup>20</sup> Further, these youth also experience education delays that typically stem from their involvement in the legal system itself and how many days they are required to miss for court

hearings and other legal proceedings.<sup>21</sup> Among youth who had experienced detainment for 90 days or more during their primary and secondary schooling, only 2% went on to enroll in post-secondary education.<sup>21</sup> Beyond educational interruption, youth in the juvenile legal system also face an increased risk of recidivism. A study by Joseph Doyle examining recidivism among juvenile offenders in Illinois found that 40% of juvenile offenders were incarcerated as adults by the time they had turned 25.<sup>22</sup>

A 2017 study found that adults who were involved in the juvenile legal system were more likely to report worse health status compared to individuals who had never been arrested.<sup>23</sup> The same study found that those who were arrested as children (under age 14) and adolescents (14-17) were more likely to report depressive symptoms in adulthood.<sup>23</sup> Participants who were arrested as children were 2.7 times more likely and those who were arrested in adolescence were 2 times more likely to have experienced suicidal ideation compared to those who were never arrested.<sup>23</sup> Involvement in the juvenile legal system has impacts on both physical and mental health of youth well into adulthood.<sup>23,24</sup> Individuals who have experienced juvenile incarceration experience higher rates of psychiatric illness, drug use, and disability.<sup>23,24</sup> Youth who are incarcerated are also more likely to have health issues like hypertension, which may be brought on by the stress of incarceration and subsequently, receive inadequate treatment.<sup>23</sup> They also are more likely to have functional limitations (sight, auditory, mobility, communication, cognition, and self-care) as adults.<sup>23</sup>

While incarceration can have deleterious effects on a young person's wellbeing and future health, it is also costly. The average yearly cost for confinement of one juvenile has risen dramatically in the last several years to \$214,620, a 44% increase from the 2014 average of \$148,767.<sup>25</sup> In comparison, it cost the US only \$13,701 per student for public education for the

2018-2019 school year.<sup>26</sup> We outspend by more than 15 times to incarcerate a minor compared to giving them a public education. Public health is meant to be devoted to helping the whole person. Involvement in the juvenile legal system has long-term effects on youth's physical, mental, and social well-being, all core tenets of health according to the World Health Organization.<sup>27</sup> Public health organizations, practitioners, and policy makers need to address the far-reaching impacts of the juvenile legal system and ultimately work collaboratively to prevent them in order to ensure children and adolescents have necessary support to thrive.

## **1.2 Epidemiological Assessment**

### **1.2.1 A Brief History of the Juvenile Legal System in America**

Up until the early 19<sup>th</sup> century, youth punished by courts were sent to adult jails and penitentiaries.<sup>28</sup> Children as young as seven years old were able to be tried in adult criminal court.<sup>29</sup> Due to the changes brought about by the Progressive Era in America, which advanced issues such as child labor laws, juvenile justice saw significant reforms. Those who advocated for change argued that youth are developmentally different from adults, with less moral and cognitive capabilities.<sup>29</sup> Due to these differences, they believed that youth are more responsive to rehabilitation compared to punishment.<sup>29</sup> This led to the establishment of institutions like reform and industrial schools. The first of these was known as the New-York House of Refuge, founded in 1825.<sup>28</sup> According to the Center on Juvenile and Criminal Justice, the New-York House of Refuge was "... the first institution designed to house poor, destitute and vagrant youth who were deemed by authorities to be on the path towards delinquency."<sup>28</sup> After the opening of the New-

York House of Refuge, several cities followed suit including Boston and Philadelphia.<sup>28</sup> Initially, all houses of refuge excluded Black children.<sup>30</sup> It was not until a decade later that Black youth were admitted.<sup>30</sup> However, there were separate programs for Black and White youth, with Black youth facing worse outcomes both inside and out of these homes<sup>30</sup>. Before long, states across the country adopted this model for juvenile delinquency management.

These institutions took new form in the latter half of the 19<sup>th</sup> century as American Indian Boarding Schools.<sup>30</sup> Although not designed solely for the delinquent or neglected, they were rooted in similar reform principles from the Progressive Era. The mission of these schools was forced assimilation into a Eurocentric culture.<sup>30</sup> A short time after their founding, abuse and other torments were widespread in these institutions.<sup>30</sup> Institutional scandals as well as the introduction of a more regimented public education system led to the creation of a juvenile-specific court system.<sup>29</sup> In 1899, the first juvenile court was established in Cook County, Illinois.<sup>28,29</sup>

By 1925, every state except Maine and Wyoming had a juvenile court.<sup>29</sup> Not long after the establishment of this new system, concerns of the courts' fairness and equity were called into question.<sup>29</sup> Since its inception, the juvenile court system saw an overrepresentation of Black youth.<sup>30</sup> Many Black youth were sent to adult prisons, even with new reforms.<sup>30</sup> This practice was particularly common in the segregated South, where Black youth were not afforded the same protections as their White counterparts.<sup>30</sup> It was not until the late 1960s that real legal reform started to take shape. In 1967, the United States Supreme Court determined that the Due Process Clause of the Fourteenth Amendment in the United States Constitution applies to juveniles.<sup>29,31</sup> These rights include the right to an attorney and the right against self-incrimination.<sup>32</sup> Many youth and their families were navigating the juvenile legal system without these rights, leaving them vulnerable to the system and with little to no recourse.

In the 1970s, Congress passed the Juvenile Justice and Delinquency Prevention (JJDP) Act as a response to reports of abuses within the system and its facilities as well as the treatment of status offenders as criminal.<sup>33</sup> Courts also maintained authority over youth who were considered incorrigible or defiant toward their parents or other authority. Often these youth were found to have run away from home, been drinking alcohol, or skipped school. Criticism of this treatment toward status offenders led to the passing of the JJDP Act which included the creation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with the US Department of Justice (DOJ).<sup>29</sup> The bill led to the reduction of incarcerations for status offenders.<sup>29</sup> However, in response to these changes, the courts began charging youth with minor delinquency offenses instead.<sup>29</sup> This meant that the number of youth entering the system remained stable for the years following.<sup>29</sup>

Juvenile arrest rates rose steadily through the 1980s and reached its peak in 1996 with 8,476.2 arrests per 100,000 youth.<sup>34</sup> Due to Reagan-era racist policies and the federal government's desire to appear "tough on crime", many states passed stricter and more punitive laws which in turn significantly increased the number of juvenile arrests through the mid-to-late 1990s. The 1990s saw what many reactionaries considered a rise crime that led to a media frenzy which included the thinly veiled, racist "superpredator" myth.<sup>35,36</sup> This myth, which posited that 6% of youth commit 50% of crime, ultimately targeted Black youth and spread the notion of "Black-on-Black crime."<sup>35,36</sup> The term began being widely used in 1995, shortly before the country saw its highest ever juvenile arrest rate. Cases like the Central Park 5 (now called the Exonerated 5) proliferated the notion of Black juvenile male violence as being distinctive, despite mishandling of the case by law enforcement and prosecutors.<sup>37</sup> Terms like superpredator were used throughout the media and in presidential debates.<sup>36</sup> Black male youth were and remain targeted by law enforcement due to the myths that have persistently haunted the legal system.

After their peak in the 1990s, juvenile arrests have been continually declining.<sup>34</sup> While this is a step in the right direction, the disparities that existed in the system have only gotten worse. Black youth continue to be overrepresented in the juvenile legal system. In 2015, the incarceration of Black youth was 5 times higher than for White youth, reaching an all-time high.<sup>38</sup> Between 2005 to 2019, the number of delinquency cases involving White youth dropped 5 percentage points from 48% to 43%.<sup>1</sup> In that same period, cases involving Black youth increased by 2 percentage points from 33% to 35% while cases involving Hispanic youth increased by 3 percentage points from 16% to 19%.<sup>1</sup> Although male youth make up the majority of cases year over year, the disparities between female youth are significant. Black girls are 2.7 times more likely to be arrested and 3 times more likely to be removed from their homes and put into state custody than White girls.<sup>38</sup> Black girls are also treated more harshly by prosecutors and punished more severely by the courts.<sup>38</sup>

It also is important to note that gender non-conforming and trans youth are not included in the national statistics. These data only specify gender as male and female, excluding options for youth to identify their gender outside of the binary. This leaves a gap in the data presented, particularly considering that LGBTQ+ youth often experience homelessness, which can increase interactions with police, truancy issues, and more.<sup>39</sup> The Trevor Project reported that 28% of youth they surveyed had experienced homelessness at some point in their lives.<sup>40</sup> Other research has attempted to fill this gap to help create a fuller picture of the current disparities. One report found that while LGBTQ+ youth make up 8% of the overall youth population, they represent 20% of youth in the juvenile legal system.<sup>41</sup> Another study of incarcerated girls found that 40% of respondents identified as LGBT or gender non-conforming.<sup>42</sup> Even though national data is lacking,

research continues to shed light on the realities for many queer youth, including their overrepresentation in the juvenile legal system.

### **1.2.2 Current Juvenile Legal System Structure**

During the 19<sup>th</sup> century, juvenile court was established in the United States as a way to process criminal and other legal cases that involved defendants under the age of 18.<sup>28,29</sup> However, due to the legal system's structure, states have the ability to decide age minimums and maximums for juvenile offenders.<sup>43</sup> Most states have set 17 as their maximum, meaning juvenile courts have jurisdiction over youth until their 18<sup>th</sup> birthday.<sup>11</sup> Texas is one of a few states that has set their limit to 16, meaning 17-year-olds who commit criminal offenses will automatically be sent to adult criminal court.<sup>44</sup>

Each state has its own age minimums for juvenile court, typically referred to as the minimum age for criminal responsibility.<sup>43</sup> These can vary widely, with some having no minimum age at all. In the United States, 24 states do not have an age limit for juvenile defendants.<sup>43</sup> Many other states, including Pennsylvania set their minimum age limit to 10 years old.<sup>43</sup> Currently, New Hampshire and Maryland have the highest minimum age of 13 years old.<sup>43</sup> Standards set by the United Nations Convention on the Rights of the Child say that youth under age 14 should not be prosecuted by courts.<sup>12</sup> As previously mentioned, although the United States is a member nation, they have yet to act in accordance with UN standards on juvenile courts and the treatment of minors in the legal system.

Additionally, all states have transfer laws.<sup>44</sup> Transfers are a form of discretionary prosecution that allow youth to be tried as adults due to the nature of their crime.<sup>11</sup> The age minimums vary state by state but 23 states, including Pennsylvania, have no minimum age for

transfers meaning any child could be technically tried as an adult.<sup>11</sup> In 2018, California became the first state to raise the minimum age for transfer to 16.<sup>11</sup> All youth 15 and younger in California's juvenile legal system need to be adjudicated in juvenile court and cannot be tried as adults.<sup>11</sup>

Handling of cases can vary widely by state. Courts' post-adjudication decisions differ depending on the nature of the crime, the structure of the court system, and the availability of services within their state. Youth can be sent to detention facilities both before and after adjudication. During the pre-adjudication period this is referred to as "detention" and is meant to be a short-term confinement prior to a youth's case being heard by a judge.<sup>45</sup> Meanwhile, in the post-adjudication period this is sometimes considered "placement", although "detention" is sometimes still used, and can be much longer term at a judge's determination. Incarceration, while still a major issue in the United States, has continued to decline as cases have declined.<sup>46</sup> Alternatively, many youth are put on juvenile probation. Probation is the most common disposition, the juvenile court term for sentence, and can include drug & alcohol screening, court-ordered therapy, mandated curfews, and house arrest.<sup>47</sup>

Once cases are completed and youth are no longer under court supervision, cases can remain on their record which can have lasting impacts on their futures. Only 22 states have automatic case sealing or expungement for juvenile cases.<sup>48</sup> Many states require the former juvenile to request expungement and go through the court process to clear their record.<sup>48</sup> Additionally, many people are never informed of how or when to expunge their record.<sup>48</sup> Due to lack of regulations on sealing and expungement, these records can be used against individuals when seeking employment, applying for public housing, or during future court proceedings, even in adult criminal cases.<sup>49,50</sup>



### 1.2.3 Juvenile Legal System in Pennsylvania

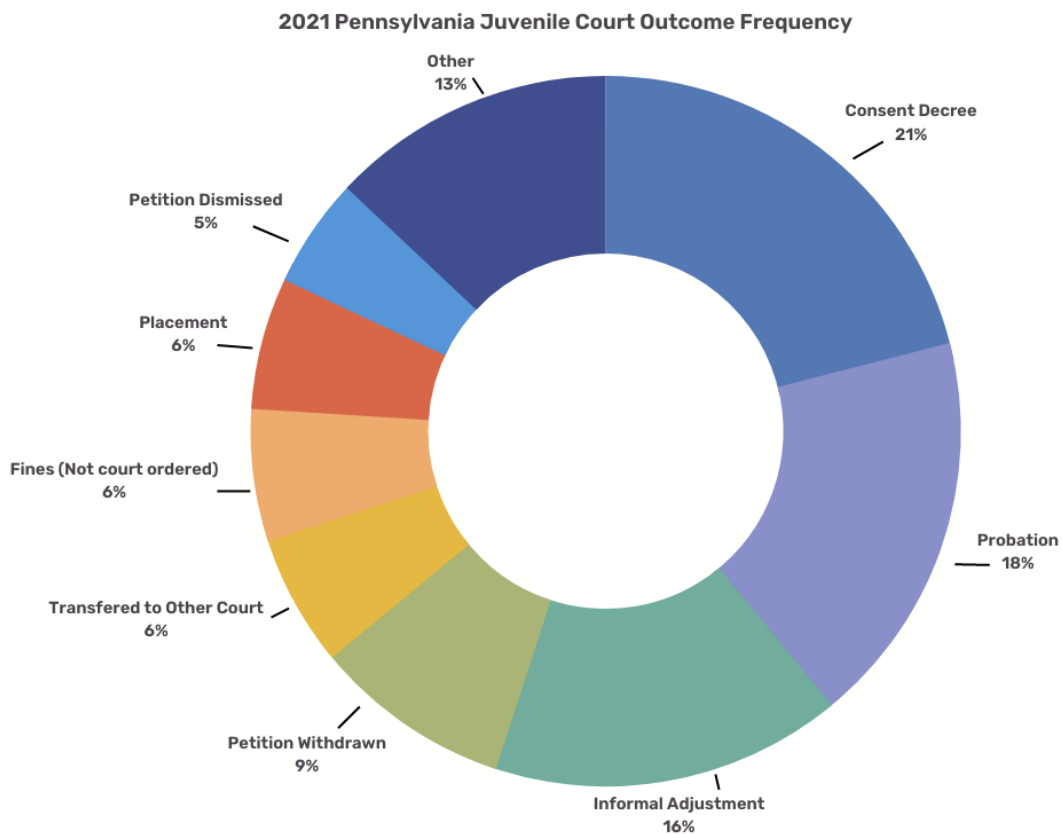
A 2022 report from the organization Human Rights for Kids ranked each state's juvenile court based on 12 criteria including due process, mandatory minimum sentences, incarceration, and solitary confinement.<sup>51</sup> Out of the 12 criteria, Pennsylvania scored a 3, which placed it in the bottom third.<sup>51</sup> It received "no credit" for nine criteria examined in the report. These criteria include due process, incarceration of juveniles in adult correctional facilities, solitary confinement, and mandatory minimum sentencing. The three criteria it received positive scores for were: age minimum above 10, age maximum set at 17, and voting rights for youth adjudicated of crimes.<sup>51</sup> The report ranks Pennsylvania among the states with the worst human rights offenses of juveniles.<sup>51</sup> Pennsylvania has the 6<sup>th</sup> largest youth population in the United States with 2.7 million residents under age 18 in 2021.<sup>52</sup> Pennsylvania set its minimum age of criminal responsibility to age 10 with a 1977 amendment to its Juvenile Act of 1972.<sup>53</sup> The maximum age of prosecution has been kept at 18 since a 1939 amendment to an earlier juvenile court law.<sup>53</sup> Even though Pennsylvania has a relatively large youth population, not all counties in Pennsylvania have their own juvenile courts.<sup>53</sup> Some larger counties have established juvenile divisions while others have designated "juvenile days" during which criminal courts handle only juvenile cases.<sup>53</sup>

Delinquency cases in Pennsylvania have been declining in recent years. According to data from the Pennsylvania Juvenile Court Judges' Commission (JCJC), there were 13,785 cases among 11,214 juveniles in 2021.<sup>54</sup> This is a 44.4% drop from the 2017 data.<sup>54</sup> Cases saw a sharp decline during the COVID-pandemic which is likely due to a multitude of factors impacting courts and youth alike. Pennsylvania appears to be trending in a similar direction regarding case decline.

Although the number of cases has declined, disparities persist. Among the 2021 cases, 76.2% of defendants were male.<sup>54</sup> Over half of youth came from single mother households.<sup>54</sup> Black

youth continue to be overrepresented in the Pennsylvania juvenile legal system. They make up only 14.4% of Pennsylvania’s 10-17 youth population but represent 37.3% of all delinquency cases in the state.<sup>13,54</sup> In the two most populous counties, Allegheny and Philadelphia, Black youth represent 8.7% of the population but 28.3% of delinquency cases.<sup>54</sup>

Pennsylvania has a variety of dispositions following adjudication. The figure below shows the dispositions ordered by Pennsylvania juvenile courts in 2021.



**Figure 1 Pennsylvania Juvenile Court Case Outcomes**

The majority of cases in 2021 ended in a consent decree.<sup>54</sup> This type of order is completed with all parties (victim, defendant, and district attorney) agreeing that the case will not proceed to

trial and therefore there is no formal adjudication.<sup>55</sup> Rules are set forth within the decree that the defendant is required to follow and if all the requirements are met, the case is withdrawn.<sup>55</sup> If they are violated, the case can proceed as normal, and a trial can be held.<sup>55</sup> These typically also have a time limit of 6 months to 1 year for completion.<sup>55</sup> The second most common disposition was probation followed by informal adjustment.<sup>54</sup>

Amidst the decline in cases, a sharp rise in cases being transferred to criminal courts occurred. From 2020 to 2021, there was a 76% increase in case transfer to adult criminal court.<sup>54</sup> Of these cases, 95.5% of defendants were male and 50% were Black.<sup>54</sup> Furthermore, youth with cases closed in 2018, 14.6% recidivated.<sup>54</sup> This rate only represents youth who committed a new crime following closure of their case from juvenile probation. Youth who committed another crime while still under court supervision are not included in this count.

#### **1.2.4 Juvenile Legal System Determinants**

Extensive research has been done on risk factors that contribute to potential criminal behavior or legal system involvement. Many factors can influence youth involvement in the juvenile legal system. Risk factors for entering the juvenile legal system can be categorized into four domains: individual, family, peers, and school and community.<sup>56,57</sup> Individual risk factors include hyperactivity, antisocial behavior, developmental delays and disabilities, and substance use.<sup>56,57</sup> Family risk factors are wide-ranging. Abuse, neglect, maltreatment, exposure to violence, poverty, and parental mental illness all can influence a youth's likelihood of being referred to the juvenile legal system.<sup>56,57</sup> Peers can be highly influential to youth and motivate risky behaviors that can put youth at risk for law enforcement involvement or other disciplinary action.<sup>56,57</sup> Additionally, experiences of bullying may influence behavioral issues.<sup>56</sup> Environment impacts

both the actions and treatment of youth. Academic issues like low achievement or poor performance are noted risk factors.<sup>56,57</sup> Furthermore, living in a neighborhood that experiences frequent community violence can influence youth behavior and make it more likely for youth to interact with law enforcement.<sup>56,57</sup> Neighborhoods that are economically disadvantaged and their underfunded schools that have limited resources can create environments that influence youth's entrance into the juvenile legal system.

None of these risk factors exist in a vacuum. Individuals and their relationships all exist within larger societal contexts which encourage or put constraints on their behaviors. The social ecological model (SEM) helps us to understand these relationships.<sup>58</sup> Below is a depiction of that model.



**Figure 2 Social Ecological Model**

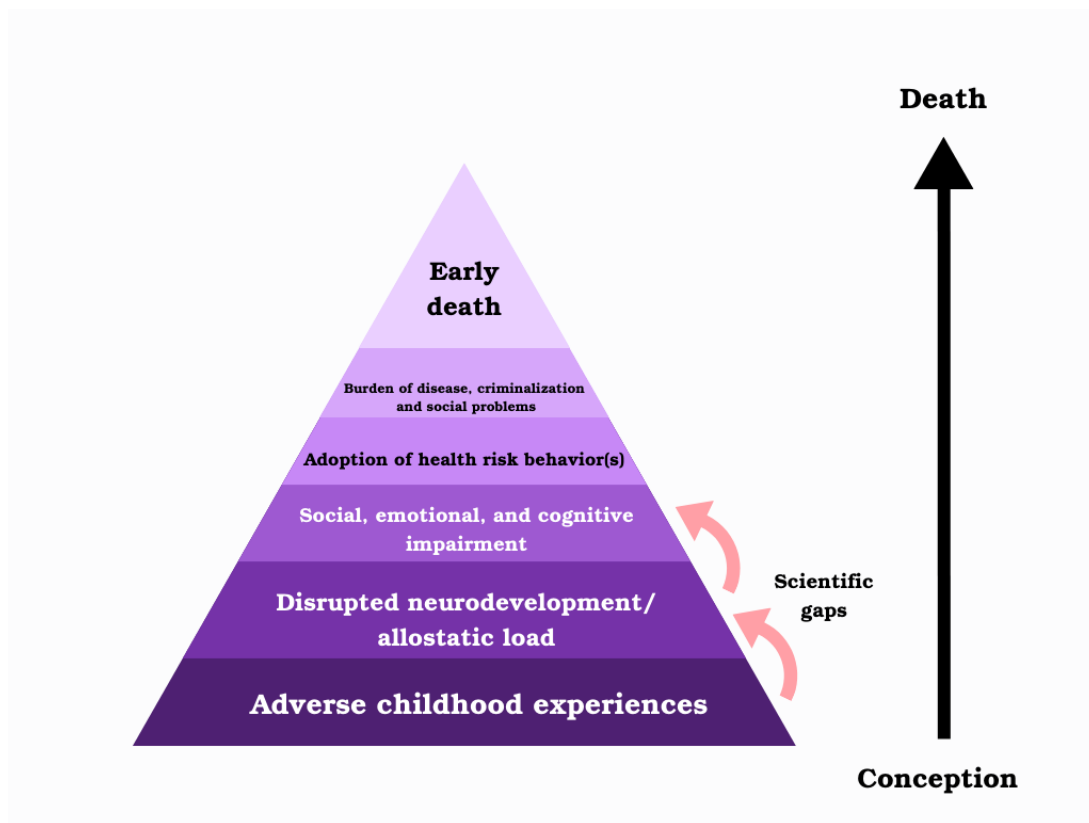
Individual attitudes, beliefs, and behaviors are impacted and influenced by each of the upper levels. Due to the interconnectedness, youth can experience harm from any of the levels of the model. That harm can then shift their understanding of the world. Trauma inflicted by these relationships or interactions can influence behaviors due to this shift in attitudes or beliefs.<sup>59</sup> Behaviors can then be criminalized based on laws set at the policy level. This criminalization models how communities and organizations can discipline or punish behaviors. Ultimately, this is the mechanism that encourages carceral approaches to disciplinary actions in the school environment.

### **1.2.5 Trauma and Adverse Childhood Experiences (ACEs)**

Adverse Childhood Experiences, commonly referred to as ACEs, are a growing public health concern. The impacts of ACEs on both childhood development and long-term health have helped this area of research to gain momentum in the 25 years since the initial study. ACEs were first studied in the 1990s by Felitti et al., with a sample of over 17,000 participants.<sup>60</sup> The study was born out of a separate study monitoring an obesity program through the Kaiser Permanente health system.<sup>61</sup> During interviews, many participants disclosed childhood abuse.<sup>61</sup> After this finding, researchers embarked on a new study to analyze the health effects of childhood adversity.

Two waves of participants were surveyed about the prevalence of exposure to abuse and other household dysfunction during their childhood.<sup>60</sup> In the first wave, researchers asked participants about 7 possible ACEs: physical abuse, sexual abuse, emotional abuse, mother treated violently, substance abuse in the household, mental illness within the household, and the incarceration of a household member.<sup>60</sup> Neglect, both physical and emotional, was added in the second wave of surveys.<sup>60</sup> Researchers found that almost two-thirds of participants (63.9%) had at

least one ACE and one in eight (12.5%) had 4 or more ACEs.<sup>60</sup> Researchers also collected health data from the participants and found that those who had ACEs, particularly those who had 4 or more, were more likely to report a range of health problems, such as heart disease, stroke, and chronic bronchitis or emphysema, or engaging in negative health behaviors, including smoking, drug use, and excessive alcohol consumption.<sup>60</sup> The ACE pyramid shown below was developed to illustrate the impacts of childhood adversity across the life course.

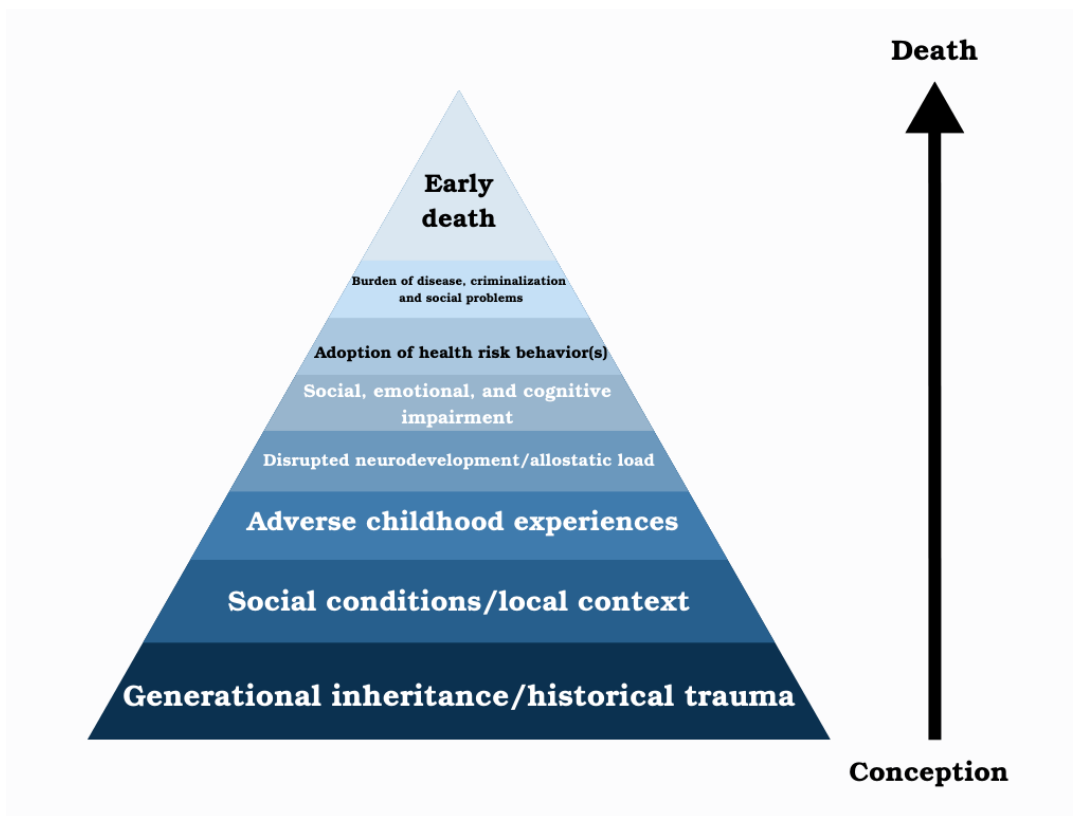


**Figure 3 Original ACE Pyramid**

**Adapted from Felitti et al. 1998**

More recently, additional researchers have expanded on the work Felitti et al. published in 1998. The Philadelphia ACE Project was developed to fill gaps in the original study. The first ACE

study participants were mostly White, and most had achieved more than high school education.<sup>60</sup> In addition, all of the ACE data that was collected focused on incidents within a person's home. The Philadelphia ACE study recruited a more diverse participant pool to more accurately gather lived experiences. The researchers also expanded the ACEs to include community-level indicators. The newly expanded ACEs were experiencing bullying, experiencing discrimination, witnessing violence, neighborhood safety, and living in foster care.<sup>62</sup> Of the nearly 1800 respondents, 72.9% experienced at least one original ACE, 63.4% experienced at least one expanded ACE, and almost half (49.3%) had experienced both.<sup>62</sup> After the Philadelphia ACE Project and other subsequent research argued for more expanded ACEs, the ACE pyramid shown below was developed.<sup>63</sup> This latest pyramid includes two new levels placed at the start of the pyramid: generational inheritance/historical trauma and social conditions/local context.<sup>63</sup> The new pyramid argues that what is inherited from parents to child, particularly parental adverse experiences, which have been shown to have deleterious epigenetic impacts, set youth up for potential adversity.<sup>64</sup> Above this are the conditions of the world that these youth are brought into. How the world sees and treats them can put them on a path to experience trauma, acutely the harms of racism, poverty, and systemic oppression which permeate the United States.



**Figure 4 Modern ACE Pyramid**

**Adapted from Centers for Disease Control & Prevention (CDC)**

As previously mentioned, ACEs continue to be a part of a growing field of study. National data collection, like the Behavioral Risk Factor Surveillance System (BRFSS), now includes questions assessing childhood adversity. BRFSS data from 2011-2014 showed that across 23 states, 62% of respondents had at least one ACE and 25% reported 3 or more.<sup>65</sup> Additionally, respondents who identified as Black, Hispanic, or multiracial, had less than high education, were under the federal poverty line, were currently unemployed or unable to work, or identified as gay, lesbian, or bisexual were all more likely to report ACEs.<sup>65</sup> As data is collected, we continue to see an evolving picture of the likelihood and subsequent risks of adverse childhood experiences. Racial and ethnic minority individuals are more likely to experience ACEs.<sup>66</sup> The same study found that



economic status was a strong predictor of childhood adversity, with those considered to be poor having higher reports of multiple ACEs.<sup>66</sup> However, it is vital to consider these identities as intersectional and understand their influence on one another.

Adverse childhood experiences impact brain development which makes school-aged children particularly susceptible to the impacts of trauma and therefore have behavioral disruptions in the school environment.<sup>67</sup> ACEs put stress on the developing brain.<sup>68</sup> Levels of the stress hormone cortisol remain high in youth who have experienced multiples ACEs.<sup>68</sup> The cause of this prolonged activation is often referred to as toxic stress.<sup>68</sup> In turn, youth struggle with controlling emotions, decision-making, and managing stress.<sup>68</sup> Youth without protective factors in place such as supportive adult relationships, struggle with stress response control considerably more.<sup>68</sup> When these youth are in school, these mechanisms remain active and can cause issues like outbursts in the classroom.

With ACEs becoming more recognized as a health concern, the area of research has begun to focus on new populations. There are two important areas of ACE research to evaluate for this proposal: education and juvenile legal system involvement. Cumulative ACEs in early childhood (birth to age 5) make youth nearly four times as likely to be suspended or expelled from high school.<sup>69</sup> Suicidality is associated with childhood adversity.<sup>70</sup> A study of Minnesota youth found that with each ACE suicidality risk increases significantly.<sup>71</sup> This is particularly apparent for youth of color. The same study examined the impact of school connectedness, or the perception of students that adults care about their education and about them as individuals. School connectedness only mitigated the impacts of the ACEs for non-Hispanic White youth.<sup>71</sup> Other minority youth, including Hmong and Somali youth, who had high school connectedness scores were less likely to report suicidal ideation.<sup>71</sup>

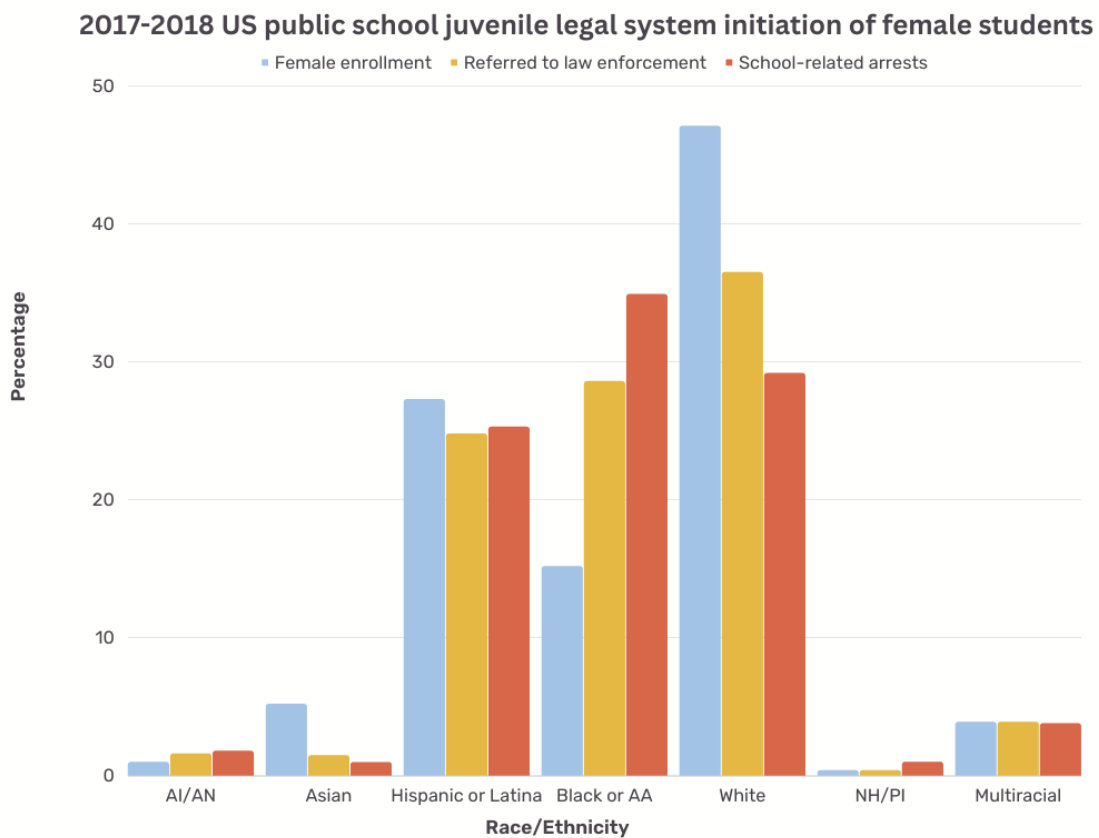
ACEs are also associated with juvenile legal system involvement. A study of over 64,000 Florida justice system-involved youth found that 82% had experienced family violence, 67% had a family member incarcerated, and 30% had experienced physical abuse.<sup>72</sup> The same study found that among youth who reported one ACE, 67.5% had a cumulative ACE score of 4 or more.<sup>72</sup> These rates are far above the ACE scores reported in both the original 1998 study and the recent Philadelphia study. Data from the National Child Traumatic Stress Network (NCTSN) illuminated this disparity. Youth involved in the juvenile legal system who completed the NCTSN survey reported high rates of ACEs with 62% having experienced an adverse event by age 5.<sup>73</sup> Many of these youth were found to be within the clinical range for externalizing (violence, aggression, assault) and internalizing (self-harm, depression) problems.<sup>73</sup> This is particularly relevant when considering how these behaviors, especially externalized behaviors, are often punished or even criminalized.

### **1.2.6 School as a Pathway to the Juvenile Legal System**

The use of juvenile legal referrals as a means of discipline in schools is a common practice throughout the United States. Following the adoption of zero-tolerance policies and creation of school policing, schools have become a space that is more closely tied to the juvenile legal system. Although juvenile referrals have been trending down in recent years, out-of-school suspensions have increased.<sup>15</sup> From 2000 to 2015, out-of-school suspensions increased by 10%.<sup>74</sup> These suspension rates have doubled since 1970.<sup>74</sup> As suspensions rise, so does law enforcement involvement. Youth of color and youth with disabilities are more likely to be arrested or referred by police to the juvenile legal system while at school.<sup>1,38,75</sup> This has shown a disturbing trend for

Black girls, who continue to be punished more harshly than their white peers and sent into what is commonly referred to as the school-to-prison pipeline.<sup>38,76</sup>

Black girls are punished early in their academic careers. During the 2017-2018 school year, 59.4% of preschool female children who received more than one out-of-school suspension were Black.<sup>16</sup> Black girls are also more likely than their White peers to be arrested on school grounds. Despite representing only 7.4% of the entire public school population, Black girls are arrested at school at alarming rates, with 36% of 2017-2018 school-year arrests of female students being carried out on Black girls.<sup>16</sup>



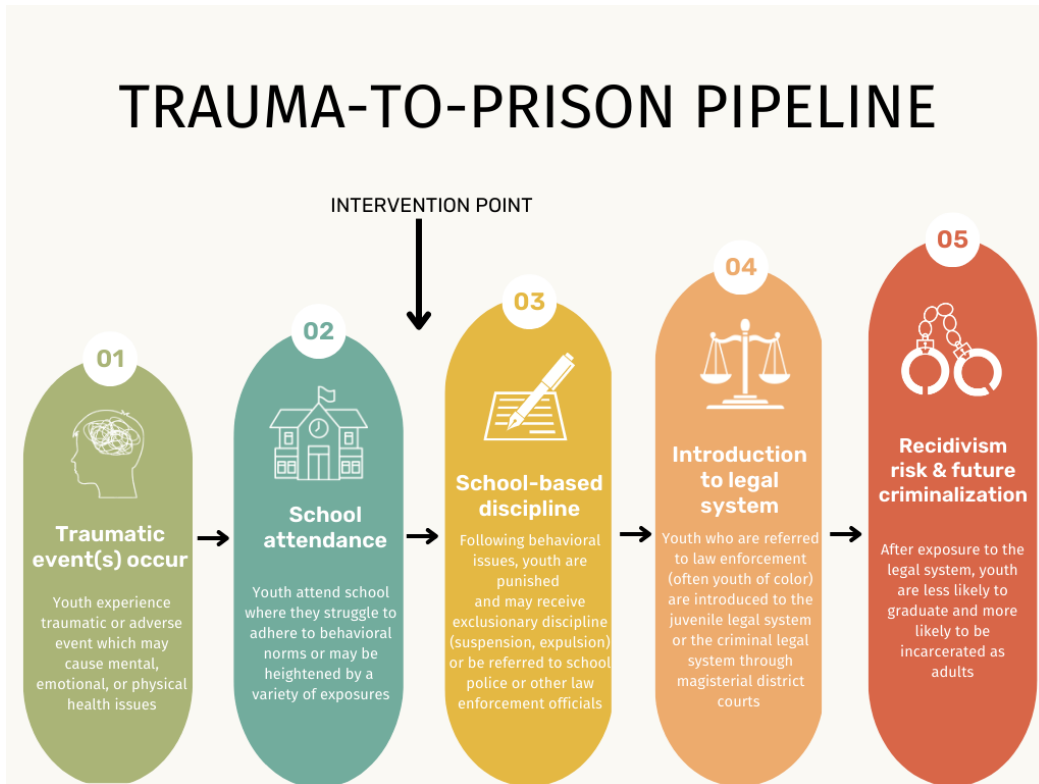
**Figure 5 Public School Female Student Juvenile Legal System Initiation**

The disturbing trend of Black girls being punished more harshly may be attributable to what is known as adultification bias.<sup>77</sup> Black girls are seen as more adult or needing less care, support, and nurturing.<sup>77</sup> Because of this biased perception, Black girls are treated more harshly and held to higher standards than other students and in turn punished more frequently and with more severity.<sup>77</sup>

The phenomenon of youth, predominately minoritized youth, experiencing high rates of school-based law enforcement referrals and arrests may be a part of what is known as the school-to-prison pipeline. The school-to-prison pipeline consists of school policies and procedures that push youth into the legal system, leading to chronic involvement with law enforcement and possible incarceration as adults.<sup>74,78</sup> The policies set by schools, which often employ exclusionary discipline, effect academic performance, and ultimately encourage dropout rates.<sup>74,79</sup> Youth who receive exclusionary discipline in school are also more likely to have repeated interactions with the legal system.<sup>22,74,79</sup>

It should be argued that the pathway could more accurately be described as the trauma-to-prison pipeline. Taylar Nuevelle, a formerly incarcerated woman, coined the “trauma-to-prison pipeline” while she was herself incarcerated working to provide support to other incarcerated women.<sup>80</sup> Many of those she talked with had experienced significant trauma which put them on the path to incarceration.<sup>80</sup> The trauma-to-prison pipeline highlights how trauma affects youth and their decision-making and how their reactions to stress are harshly disciplined, often by their schools.<sup>81</sup> This disproportionately impacts girls, particularly girls of color and girls from low-income communities.<sup>81</sup> Schools are punishing and often criminalizing trauma responses within their walls and youth under their care are being sent into the juvenile legal system as a disciplinary

action. More needs to be done to address and ultimately disrupt this pathway which is wrought with disparities and life-altering consequences.



**Figure 6 Trauma-to-Prison Pipeline**

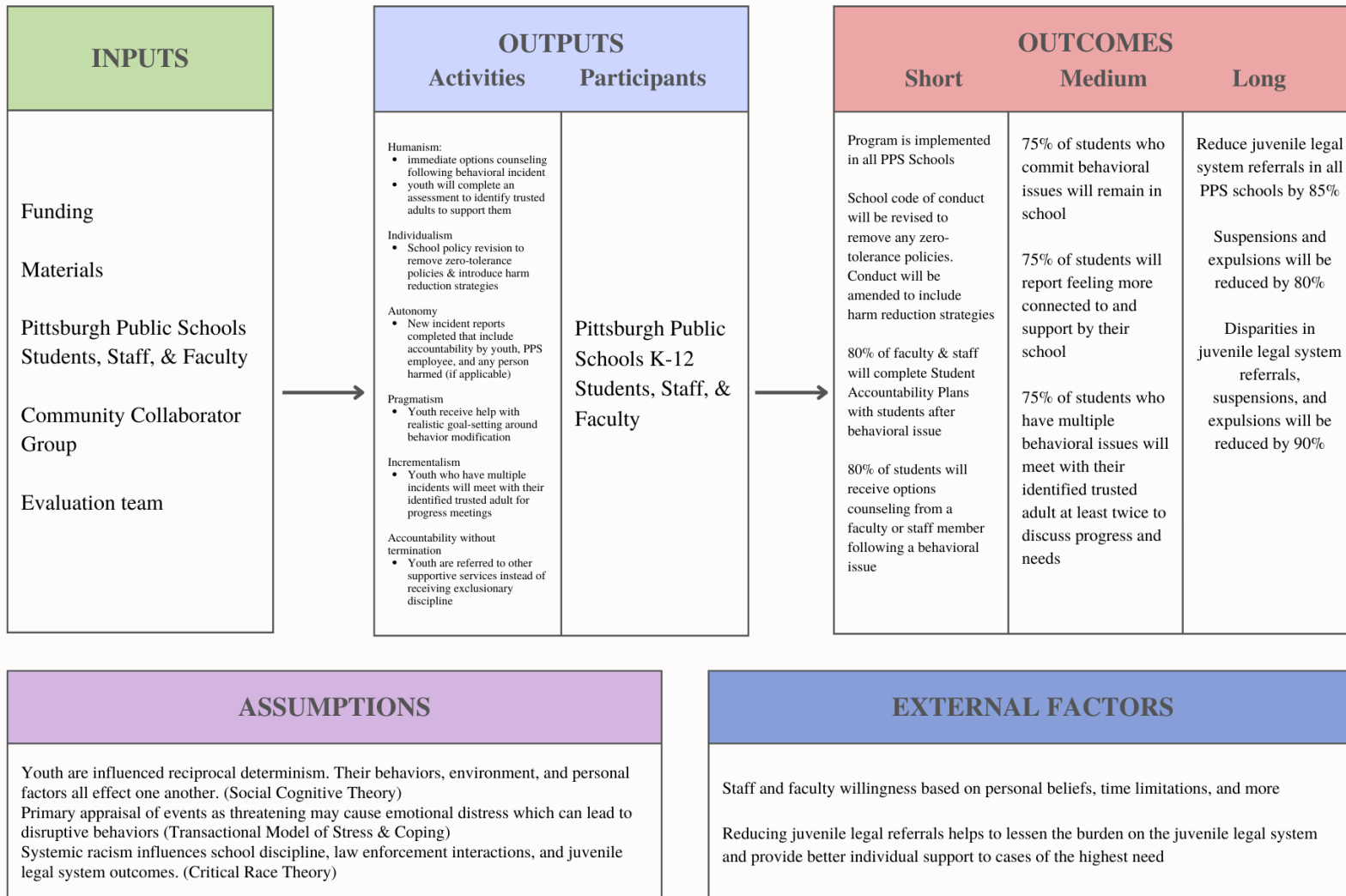
## **2.0 Purpose of Proposed Program**

Harm reduction has limited application in fields outside of substance use and overdose prevention but should be considered for implementation across sectors due to its many benefits and successes. A harm reduction program implemented in K-12 schools to mitigate the effects of early life adversity and trauma would be novel and could be largely successful. Students who have experienced trauma may have more behavioral issues than their peers due to developmental delays and the effects of toxic stress.<sup>68</sup> The goal of such program would be to limit the need for law enforcement referral or intervention and instead prepare all school community members (staff, faculty, administration, and students) to respond to behavioral issues among students using a harm reduction framework. Greatly reducing the punitive responses to trauma and provide support to students within the school space to help keep them connected to school will in turn lessen law enforcement interaction both within and outside of school, encourage attendance, and support educational attainment.<sup>74</sup>

The program being proposed is based on the harm reduction principles defined by Hawk et al.<sup>82</sup> Each of the six principles coincide to a set of practices that Pittsburgh Public Schools can implement to reduce the number of their students being referred to the juvenile legal system. Students, faculty, and staff will all have roles to play in the implementation and maintenance of the program. Although harm reduction has largely been utilized for people who use drugs (PWUD), it should be considered for as an intervention approach in many sectors including the criminal legal system and schools. Harm reduction as a strategy has rarely, if ever, been used in the school space. It could be a crucial component, along with resources like mental health services,

to greatly reduce referrals to the juvenile legal system within and outside of school by providing strong support to all youth, especially those who have experienced trauma.

Schools serve as a unique intervention point. They have the opportunity to support youth in numerous ways that could have far-reaching effects. According to the Centers for Disease Control and Prevention (CDC), safe and supportive school environments (SSE) promote protective factors for youth.<sup>83</sup> Youth whose school environments are safe and supportive are at reduced risk for high-risk substance use and mental health issues.<sup>83</sup> Youth are also less likely to commit or be the victim of a crime.<sup>83</sup> Many of the keys to success outlined by the CDC to help develop SSE mirror harm reduction strategies, including positive reinforcement and belief held by students that they are cared about as an individual.<sup>83</sup>



**Figure 7 Logic Model**



## **3.0 Target Population**

### **3.1 Demographics**

The Pittsburgh school district, known as Pittsburgh Public Schools (PPS), serves the city of Pittsburgh, which is the largest city in Allegheny County and the second largest city in Pennsylvania. For the 2022-2023 school year, the district has over 18,000 students enrolled across 58 schools.<sup>84</sup> Half of the student population identifies as Black or African American.<sup>84</sup> Two-thirds of enrollees are considered economically disadvantaged.<sup>84</sup> With the majority of the student population being marginalized, examining the rates of juvenile legal system referrals and law enforcement interactions within schools is necessary.

### **3.2 PPS Law Enforcement Referral and Arrest Data**

Unfortunately, much of the most recent data from the district that was reported to the CRDC is incomplete or undercounted.<sup>85</sup> Despite being required to report arrests under the Right-to-Know law, there is a concerning trend among school districts around the country of reporting zero arrests annually.<sup>86</sup> Instead, other sources have tracked arrest data in Pittsburgh Public Schools. A 2022 report from the American Civil Liberties Union (ACLU) Pennsylvania chapter found that Black boys and girls as well as students with disabilities were arrested at much higher rates than other students in Pittsburgh Public Schools.<sup>86</sup>

Black Girls Equity Alliance (BGEA) a coalition of community stakeholders, researcher, practitioners, and community members, have done extensive work to shed light on the juvenile legal system disparities in Allegheny County. Their 2020 report found that the main referral agency to the legal system for Black girls was Pittsburgh Public Schools (PPS) Police.<sup>87</sup> For Black boys, PPS Police was the second most common referral source, only behind Pittsburgh Police.<sup>87</sup> These referral numbers are far greater than their White peers.<sup>87</sup> Black girls are 11 times more likely than White girls to be arrested in Allegheny County.<sup>87</sup> However, both Black and White girls are more likely to be arrested by PPS Police than Pittsburgh Police.<sup>87</sup> The arrests carried out on Black youth by PPS Police are often due to “disorderly conduct” which covers a breadth of behavioral action from excessive noise, disruption, or swearing or other obscenities.<sup>87</sup> Most strikingly, Pittsburgh students are referred to law enforcement at rates higher than 95% of similar US cities.<sup>87</sup> Fortunately, rates of arrests and referrals to law enforcement decreased during the 2020 and 2021 school years.<sup>88</sup> However, much of this could be attributed to the COVID-19 pandemic and introduction of remote-learning.<sup>88</sup> Now that students are back in school full-time, these rates may not continue to decline as they had been. School-based intervention should be a part of addressing the issue.

### **3.3 Current School Policy**

The PPS 2022-2023 school year Code of Student Conduct outlines current school policy around student support, exclusionary discipline, and student conduct.<sup>89</sup> The Code of Student Conduct states, “All students are entitled to interventions and supports that will allow them to successfully participate in their education.”<sup>89</sup> There are a variety of interventions outlined in the

code including Multi-Tiered System of Supports (MTSS), Restorative Practices (RP), Positive Behavior Intervention Supports (PBIS), and Social-Emotional Learning (SEL).<sup>89</sup> Although multiple interventions have been implemented, there is still room for new programs to be piloted. Addressing the impacts of trauma and creating new disciplinary plans is complicated and requires effort from many parties. No single intervention should be expected to solve a complex issue.

Despite multiple interventions being briefly described in the Code of Conduct, they are noticeably absent from the Student Conduct section. Within the Student Conduct section, PPS outlines what type of conduct is forbidden and what levels of response are allowed.<sup>89</sup> However, there are no action steps described that can be taken based on the aforementioned interventions or any other forms of guidance on how to ultimately deter things like exclusionary discipline or law enforcement referrals.<sup>89</sup> The code states, “Exclusion from school must be a last resort, reserved for only the most serious of offenses and should generally apply only after other interventions and supports have been provided to the student.”<sup>89</sup> Following this, there are no offerings for specific interventions or supports which leads readers to believe that those need to be determined by the staff or faculty member alone.<sup>89</sup> While it can be assumed that PPS employees are informed of these interventions through training or otherwise, it is unclear through the Code of Conduct how they can realistically be applied. It is important for all PPS community members to have easy access to clear, simple information to ensure that these interventions can be used properly and find success.

Disorderly conduct, as mentioned in the above section, was a common offense that youth, particularly Black youth, were arrested for.<sup>90</sup> The current PPS Code of Conduct now excludes the language of “disorderly conduct” following a 2021 school board vote to have it removed.<sup>89,90</sup> Now the code differentiates between non-violent and violent offenses to help school employees determine what course of action to take following a violation.<sup>89</sup> Non-violent offenses are “An

infraction or offense that does not necessarily pose a threat to the health, safety or property of others.”<sup>89</sup> Violent offenses are:

- (a) An infraction or offense that is inclusive of any of the following elements: the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.<sup>89</sup>

**Table 1 PPS Code of Student Conduct Offense Types**

Non-violent Offenses (Levels 1 & 2)	Violent Offenses (Level 2)	Violent Offenses (Level 3)
Unauthorized presence of students during school hours (school or private property)	Damage, destruction or vandalism of property	Assault on a School Employee, Student or Other Person
Possession or use of tobacco or electronic smoking devices	Harassment	Weapons or Dangerous Instruments
Academic dishonesty	Fighting	Drug Offenses
Misuse of computers/electronic device	Bullying/Cyberbullying	Arson
Undesirable group activity	Hazing	Aggravated Hazing
Profanity & vulgarity/verbal altercation (to student)	Physical aggression/Altercation	
Profanity & vulgarity/verbal altercation (to staff)	Theft/Robbery	
Inappropriate sexual behavior	Inciting a Disturbance or Melee	
Repeated Level 1 or 2 non-violent infractions		
Terroristic threats		
Threats/Intimidation		

Some of the behaviors that could fall under “disorderly conduct” appear to remain under “non-violent offenses” such as “profanity and vulgarity” or “undesirable group activity.”<sup>89</sup> It

remains to be seen how commonly some of these violations are used as reasoning for exclusionary discipline. Both level 2 and level 3 violent offenses may be grounds for out-of-school suspension.<sup>89</sup> Suspensions for non-violent offenses are discouraged.<sup>89</sup> Furthermore, suspensions are prohibited for students in kindergarten through second grade for non-violent offenses.<sup>89</sup> Any additional recommendations on how to respond to either non-violent or violent offenses is absent from the Code of Conduct.<sup>89</sup>

School policing policy is also outlined within the code. PPS administrators are advised within to consider six factors before making a referral to school police.<sup>89</sup> They are:

- 1 the seriousness of the situation
- 2 the school's ability to defuse or resolve the situation
- 3 the student's intent
- 4 the student's age
- 5 whether the student has a disability, the type of disability and its impact on the student's behavior
- 6 any other factors the administrator believes to be relevant<sup>89</sup>

School police are trained in Restorative Practices according to the code as well.<sup>89</sup> There is no clear guidance on when to refer to police or if PPS requires referral to law enforcement for any particular conduct violations.<sup>89</sup>

Fortunately, PPS has review plans for disciplinary data and plans to report on intervention implementation.<sup>89</sup> First, the code states “District Assistant Superintendents will review data on a periodic basis to ensure the non-violent suspension ban is implemented with fidelity across all PPS elementary schools.”<sup>89</sup> This is to ensure that no student in K-2 is suspended for a non-violent conduct violation. Second, is an established discipline committee which reviews discipline data monthly.<sup>89</sup> Last, there are plans for an annual report to the Office of Student support Services to review the interventions and their effectiveness.<sup>89</sup> This report is to be made available to parents, students, and personnel.<sup>89</sup> With these three strategies for data and intervention review in place, a

new program that focuses on diversion from juvenile legal system referrals could easily be incorporated.

## 4.0 Approach

Harm reduction is a strategy that unites public health and social justice. Born out of activism, harm reduction has been utilized most notably within the drug use advocacy community. The practice became more prominent during the AIDS epidemic of the 1980s as a community-led effort to reduce spread of the disease particularly among people who use drugs (PWUD).<sup>91</sup> The political climate of the time, namely the War on Drugs, made it difficult for any program that could appear to be condoning drug use to find mainstream support.<sup>91</sup> Harm reduction advocates navigated the fraught political situation in order to develop life-saving services. In the late 1980s, syringe exchange programs began in the United States.<sup>91</sup> According to the Kaiser Family Foundation, there are now 402 sterile syringe exchange programs operating within the US.<sup>92</sup>

Harm Reduction International defines harm reduction as “... policies, programmes and practices that aim to minimise the negative health, social and legal impacts associated with drug use, drug policies and drug laws.”<sup>93</sup> Drug use continues to be framed as a moral failing. Many view what happens to PWUD (e.g., overdose, death) as a lack of morals instead of systemic failure (e.g., poverty, trauma, inadequate mental health support). This response seems to mirror how many adults view youth, especially those who repeatedly break rules or commit crimes. Youth who misbehave are often treated by larger systems as though they are inherently bad. There is a lack of compassion for their navigation of the world and even less effort to understand why they feel or act the way they do. As the report *Just Kids: When Misbehaving is a Crime* from the Vera Institute of Justice explains, “The justice system is not designed to support kids as they grapple with developmental changes or to address the underlying issues that may be causing them to ‘act out.’”<sup>94</sup>

Particularly following the War on Drugs during the Reagan administration, harm reduction has been endorsed as a response to the zero tolerance policies of the era whose impacts can still be felt today.<sup>95</sup> As zero tolerance grew in popularity as a potential solution to drug use in the United States, it also became policy in schools around the country.<sup>15</sup> Zero tolerance policies led to increased suspensions and expulsions, which were disproportionately carried out on Black youth.<sup>15</sup>

Harm reduction is successful in its approach and could see similar success within the school space. The 2021 American Rescue Plan allocated \$30 million dollars to the Substance Abuse and Mental Health Services Administration (SAMHSA) suggesting that harm reduction may be gaining more mainstream support.<sup>96</sup> The benefits of harm reduction include decreases in overdose rates, greater uptake to addiction treatment, and cost-effectiveness.<sup>97</sup> Harm reduction's continued, well-documented success prove that it is a valuable approach that could succeed in a variety of sectors of public life, including schools.

The program will be rolled out in all 58 Pittsburgh Public Schools. Using the approaches outlined by Hawk et al. for harm reduction in healthcare settings, activities have been adapted for and subsequently will be implemented across the school space.<sup>82</sup>



## 5.0 Activities and Deliverable

The activities of the program are adapted from Hawk et al. and will be based on the six harm reduction principles outlined in their work.<sup>82</sup> Each principle will have a corresponding activity and dedicated PPS community members to complete the activity. The six principles are: humanism, individualism, autonomy, pragmatism, incrementalism, and accountability without termination.<sup>82</sup> All of these principles are meant to support those who may cause harm to themselves or others by understanding what brought them to these behaviors initially. For this program, the intention is not to determine which youth have experienced trauma or adversity but to understand that these things are common and that many youth within the PPS district, especially those at higher risk (i.e., Black youth, youth of low SES, and youth with disabilities) will have experienced some form of trauma in their young life. If the school environment is made safe through these principles, all youth will be better supported. The table below outlines each principle, its meaning, the suggested school response, activities to fulfill that response, and who is responsible for the activities described.

**Table 2 Program Outline**

HR Principle	Dimensions of principle	School response	Activities	School community member responsible
<b>Humanism</b>	<ul style="list-style-type: none"> <li>- Students are supported and treated without judgment.</li> <li>- All students are treated with respect, dignity, and care despite past incidents.</li> </ul>	Adults should refrain from judgment and not punish the same youth repeatedly	<ul style="list-style-type: none"> <li>- Complete an exercise with youth to identify adults with whom they feel safe. Those adults can then be notified of issues with the student and work with them on the behavioral issue(s)</li> <li>- Immediate options counseling and reminder there is no punishment in the moment</li> <li>- Learning opportunities for teachers and students about harmful behaviors</li> </ul>	Students, faculty, and staff
<b>Individualism</b>	<ul style="list-style-type: none"> <li>- Each student has unique needs which are identified</li> <li>- Every student has unique strengths which are nurtured</li> </ul>	Elimination of all zero-tolerance policies that disproportionately harm youth of color and youth with disabilities	<ul style="list-style-type: none"> <li>- School policy revision(s) to reflect harm reduction approaches that will be carried out by all school employees</li> </ul>	School administration
<b>Autonomy</b>	<ul style="list-style-type: none"> <li>- Students will continue to make their own choices</li> <li>- Students and school staff/faculty should work to learn from one another</li> </ul>	Students participate in determining how they are held accountable	<ul style="list-style-type: none"> <li>- New incident reports that include accountability questions for both staff/faculty and student. Both parties identify what accountability looks like with follow ups to ensure agreement is followed.</li> <li>- If another youth is involved as a victim, their perspective is welcomed and included in the process of determining accountability.</li> <li>- Accountability partners to help process along</li> </ul>	Students, faculty, and staff
<b>Pragmatism</b>	<ul style="list-style-type: none"> <li>- Student choices and behavior modification are influenced by social and community norms</li> <li>- Students' behavior will not change overnight. Behavior modification will take time and students may have repeated incidents</li> </ul>	Youth are supported in goal setting to ensure that their needs and influences are taken into consideration	<ul style="list-style-type: none"> <li>- Help youth set realistic goals for behavior modification</li> </ul>	Students, faculty, staff, and administration

<b>Incrementalism</b>	<ul style="list-style-type: none"> <li>- All positive changes by students should be celebrated</li> <li>- Lack of progress and setbacks should be expected and planned for</li> </ul>	Students should be praised for any positive change.	<ul style="list-style-type: none"> <li>- Students who have 3 or more incidents will meet with their identified trusted adult to discuss progress</li> <li>- Connecting youth to supportive adults</li> </ul>	Students, faculty, and staff
<b>Accountability without termination</b>	Schools should help students understand harmful behaviors without punitive responses	Students will not be referred to the juvenile legal system for the majority of offenses	<ul style="list-style-type: none"> <li>- Referred to other services</li> </ul>	School administration, faculty, and staff

## 5.1 Humanism

Under this principle, all youth will be supported and receive care without judgement. Previous school response disproportionately impacted youth of color and youth with disabilities and this principle is intended to counter that.<sup>86,87</sup> Students, faculty, and staff will be responsible for this principle and completing the activities outlined. When a youth have a behavioral issue or other conduct violation, they will have the opportunity to receive options-counseling. What this looks like in the moment is staff or faculty who intervene will provide the youth with a set of options that are supportive and not punitive. These can include going to a designated quiet space, talking with a trusted adult, or taking a walk on school property. Students will be reminded in the moment that they are allowed to calm themselves down in a manner that works for them, and they will not immediately face punishment or discipline.

If youth continue to have issues and the same faculty or staff find themselves addressing the same issue, an exercise can be completed wherein youth can identify an adult support. This person can be within or outside of the school system. Although within the school system is preferred, outside of the school system is offered because some youth may not feel safe or supported in the school environment. The intention is to provide someone with whom both the student and the faculty or staff member can work with to help the student in times of need. This will reduce the staff or faculty pressure to more harshly punish or discipline the youth.

## **5.2 Individualism**

This principle will require changes to the student Code of Conduct. Under this principle, school administration will remove all zero-tolerance policies from school codes. These types of policies continually and disproportionately harm youth of color and youth with disabilities and their elimination is necessary to creating a safer school environment.<sup>86,87</sup> The updated code will include action steps based on the harm reduction principles outlined here to help students, faculty, staff, and community members to better understand how to utilize these activities and program tools.

## **5.3 Autonomy**

Autonomy focuses on understanding that students will continue to make their own choices whether those are harmful to themselves or others. Youth who have experienced adversity and trauma may repeatedly engage in high-risk behaviors like fighting, drug use, and more.<sup>67,68,98</sup> This activity involves the implementation of new incident forms wherein students and faculty/staff work together to determine the causes of the incident, how all parties involved felt during and following the incident, and what accountability should look like. Allowing students who have caused harm to directly be involved in their own accountability is meant to encourage adherence while also protecting their autonomy.

As PPS already has Restorative Practices in place, the additional piece of this activity would include the possibility for two additional perspectives: a student or other PPS community member who was harmed and an accountability partner for the staff/faculty member. If another

student is harmed during the conduct violation, they will have the opportunity to provide their perspective as well as what they believe accountability could look like. It is important to note if the youth are particularly young, they may require guidance or parental support during these discussions. Furthermore, staff or faculty who are helping the youth with completing the incident report will have an “accountability partner” who is another PPS employee who can attend the meeting and help ensure that all parties are heard, and the plan follows the harm reduction principles outlined.

#### **5.4 Pragmatism**

The principle of pragmatism addresses behavior and how it likely will not be modified quickly. Some students will continue to have behavioral issues despite having received either punishment or support. Youth with a trauma history will take time to build trust and learn new coping strategies that they can use when needed. The activity here is intended to help youth create realistic goals for behavior modification. Students, staff, faculty, and administration should help one another with developing and setting realistic goals that youth can stick to. Even if they are unable to or have setbacks those are to be expected (principle 5: incrementalism), the point is to set them up for success. Giving unrealistic goals for behavior change will only set youth up to feel like they have failed when they cannot meet expectations. PPS needs to be pragmatic and prepared for youth, especially youth who have experienced trauma or adversity, to have repeated behavioral issues.

## **5.5 Incrementalism**

This principle focuses on positive feedback and being prepared for setbacks. Any and all positive change is acknowledged and celebrated. Under this principle, students will meet with their identified trusted adult to discuss their progress. Setbacks will not be punished any more harshly, although they can be addressed with incident reporting as needed. Positive change is rewarded. This can be carried out by students, faculty, staff, administration, and even PPS community members. Reminding youth that they are capable of change and healing while simultaneously demonstrating that they can move forward without severe punishment or discipline is beneficial to all parties involved.

## **5.6 Accountability without Termination**

The final principle is accountability without termination. Here is the main goal is to greatly reduce referrals to law enforcement, school police, and the legal system. In place of those referrals, youth will be provided with referrals to community organizations that can provide them with supportive services like therapy, support groups, and after-school activities. A new hotline has been introduced to Pittsburgh schools called Caring Connections 4 Youth.<sup>99</sup> This can be utilized to help find resources for youth and connect them to services that will benefit them as opposed to criminalize them. This will greatly impact youth who are far more likely to be referred to the legal system, especially Black girls. It is necessary to understand that simply removing a youth from school and putting them into the juvenile legal system does not solve the problem. Youth instead

experience further trauma, fall behind in school, and risk a future of law enforcement encounters.<sup>74,79,100</sup>



## **6.0 Plan for Evaluation**

Evaluation will be completed in several ways. First, there will be yearly reviews of PPS data including data on suspensions, arrests, and other exclusionary discipline. Currently, PPS does not keep data on arrests, but that data is required to be provided to the federal government. Data that PPS reports to the US Department of Education will also be evaluated. Race, gender, disability, and socioeconomic (qualifies for free lunch) status will be collected and stratified. In addition to annual data, the program can be reviewed monthly by the newly established discipline committee to measure the program's fidelity and school adherence.

The program will also track incident reporting. This will include the following elements: (1) was it a single incident or have there been multiple incidents by the same student? (2) What is the severity of the incident? (Is it a non-violent or violent offense? Were others involved or harmed?) (3) was the youth connected to resources? These incident reports will be reviewed quarterly.

Feedback will be received from all parties involved. Any participant can provide feedback at any time through an anonymous form. Feedback provided will be used to address issues in implementation, cultural sensitivity, evaluation and other program areas as needed. All feedback is welcomed to ensure program adherence and relevance.

Lastly, if any staff/faculty members or schools at large are struggling with the program based on these above evaluations, they will be connected to employees from schools where the program is successful. Schools who have successfully implemented the program and are shown to be doing well based on program evaluation will become mentor schools who can provide support to schools where program implementation needs assistance. Striving schools will receive

community support, advice, and mentorship to better manage the program in efforts to improve program outcomes.

## 7.0 Sustainability

Sustainability is essential to the success of any program. Public school staff and faculty have busy workdays filled with lessons, meetings, grading, planning, and more. To ensure the proposed program's success and its future, the activities need to remain simple and easy for students, staff, and faculty to complete. Shared decision making has been shown to improve teacher buy-in.<sup>101</sup> Teachers and staff will have the ability to be involved in the program from its introduction and are encouraged to provide feedback. Feedback from participants will be reviewed and can be used to make necessary changes to program implementation.

The program will be low-cost for Pittsburgh Public Schools to implement, as most of the activities only require time and paperwork. All of the programmatic materials can be shared among schools and adapted easily as necessary. The program's intent is to make the system simple for all participants to engage in and to lessen the time and effort spent referring youth to the juvenile legal system. The program should also create a safer school environment and support school-connectedness for all youth, which in turn should lessen the burden of behavioral issues. Schools will not be able to eliminate the trauma that students face outside of their doors, but they can do their best to mitigate the effects by upholding the principles of harm reduction.

Considering the costs of juvenile legal system involvement and public school education, the program is far more sustainable in terms of costs to the state of Pennsylvania. As previously mentioned, the cost of education for one student in PA is over 13 times cheaper than incarceration in the juvenile legal system.<sup>102</sup> Lessening the burden of the juvenile legal system in both cost and effort will make the system more efficient and allow it more time to spend on proper rehabilitation for the small portion of youth who could benefit from court intervention.

## **8.0 Limitations and Future Directions**

### **8.1 Limitations**

Limitations to implementing a new program should be considered. The first to consider is staff and faculty willingness or ability to implement new programmatic requirements. PPS employees may want to change school climate but have limited time to dedicate to new programming. Teachers experience high rates of burnout and may not have the necessary capacity for the activities required.<sup>103</sup> This is due in part to a staffing shortage across the country which is wearing teachers thin.<sup>103</sup> Once the program is introduced, over time it should be expected that behavior overall improves and less intervention is needed but early on, there is more required of staff and faculty to commit to implementing.

A second limitation to consider is that the program will be implemented simultaneously across 58 schools. While all of the schools share the same administration, codes, etc. it is a large undertaking. There will be great variety among the participating schools and likely unforeseen difficulties. Because problems are district-wide, it is important to implement across all schools at once. However, working with the number of students, staff, and faculty required could make for complications or missed opportunities simply due to the amount of people involved.

Third, school safety is a contentious topic that has many viewpoints from parents, students, teachers, and communities. Policing of schools and school property has supporters, especially considering the increased risk of gun violence in schools. In addition, parents may have issues with schools limiting the use of exclusionary discipline if they believe their child's safety is at risk by keeping accountable students in school following behavioral issues. Shifts in the safety model of

PPS could see pushback due to attitudes of school community members which could inhibit implementation.

A final and possibly most crucial limitation is that harm reduction is still highly controversial.<sup>104,105</sup> Because of its best-known association being with drug use, it is possible that many within and outside of the program will fear being associated with or outright disapprove of the program's framework. Gaining approval and trust will take time and could stall potential progress.

## **8.2 Future Directions**

If the program finds success within PPS, it could be adopted more widely. Pennsylvania public schools could incorporate harm reduction approaches in their codes of conduct and beyond. The Pennsylvania Department of Education could also find ways to incorporate harm reduction into rules and regulations that will in turn be adopted by all Pennsylvania public schools. Beyond the state of Pennsylvania, the program could become a national model that public schools throughout the United States could adopt.

## 9.0 Conclusion

The juvenile legal system has seen significant change since its inception in the 19<sup>th</sup> century. Many of the societal ills that have marred the institution since that inception persist. As the United States incarcerated population skyrocketed, our reliance on carceral systems and approaches grew in lockstep. Our juvenile legal system, although built on the promises of rehabilitation, mirrors our adult criminal legal system inflicting harm and trauma on youth who are pushed through.

The disparities in the juvenile legal system are growing even though arrests and incarceration rates continue to decline.<sup>38</sup> Youth who experience trauma and childhood adversity are more likely to be sent into the juvenile legal system.<sup>72,106</sup> As ACE research has shown, most people have experienced some kind of adversity and many experience cumulative trauma.<sup>60,62,65</sup> Cumulative trauma and its effects are compounding, making youth who have experienced significant early life stress at even greater risk for negative health outcomes, including legal system involvement.<sup>60,62,70,106</sup> Experiencing trauma impedes youth development and causes significant, persistent distress.<sup>59,68,98</sup> Youth who act out in school due to unregulated emotions and activated stress responses are often criminalized and referred to law enforcement.<sup>67,98</sup> Schools, especially those with police presence, are a considerable referral source of youth to the juvenile legal system.<sup>14,107,108</sup>

Harm reduction is a successful framework that has not been applied frequently in the school setting. Implementing it in a school district like PPS would be a novel approach to reducing school-initiated juvenile legal system referrals. Supporting school communities in alternative approaches to discipline is vital to supporting youth who have experienced trauma and reducing disparities in health outcomes.

Beyond initial implementation, harm reduction seeks to change culture. By modeling harm reduction principles in school conduct, culture shifts. The spaces youth inhabit will be more supportive and less punitive. Keeping one youth from the carceral system benefits more than just that child. It saves their family, their future, and their community. Youth deserve better than what we have created for them. They deserve a safer world, and it is vital to their futures that we cultivate safer spaces; spaces that are guided by harm reduction, trauma-informed care, and restorative justice. Creating those spaces creates safer communities. Safer communities mean less violence, more support, and better care for all.

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