Tattle-Telling on the United States: School Violence and the International Blame Game

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Abstract

Over the last few decades, schools in the United States have seen a dramatic increase in rural school violence, marked by major incidents such as Columbine. Major incidents of school violence in the world, however, are few and far between, and some foreign nations have even come to attribute those incidents to what is seen occurring in the United States. Schools in the United States must continue to implement stronger prevention policies while adhering to student rights. At the same time, parents must accept the role — or lack thereof — they play in these incidents. The media has also been put on notice, as parents of victims have come to various industries as the catalysts for major incidents.

I. Introduction

By the end of the 1990s, the phrase ‘school violence’ had taken on a meaning of its own in the United States ("U.S."). Flashes of horrified students running out of their high school and visions of six-year olds waving handguns at classmates replaced the old notions of random gang fights and Swiss army knives. As U.S. schools continue to attempt to grapple with the problem of violence in the classroom, the rest of the world has been watching. International incidents of major school violence occur so infrequently that it begs one to ask what the U.S. is doing wrong.

This comment will examine school violence in the international community, with an eye on the major incidents of school violence that the U.S. has been dealing with on a seemingly regular basis in the last decade. Parts II and III of this comment will examine major incidents of

school violence in the United States and throughout the rest of the world. Part IV will consider the preventative techniques employed by national and international schools and their effect on the rights of students. Parts V and VI examine the issues of parental and media responsibility and culpability for such violent actions, while Part VII discusses the role of the juvenile justice system in bringing violent students to justice, no matter what the ultimate cause.

II. School Violence in the United States

On April 20, 1999, Eric Harris and Dylan Klebold walked into Columbine High School in Littleton, Colorado, and took the lives of twelve classmates and one teacher, before ending their rampage by taking their own lives.1 Klebold and Harris had planned their attack for almost a year, leaving behind a hand-written journal detailing their plans, as well as five videotapes of themselves describing the events that were to unfold.2 The most troubling aspect of the Columbine shootings remains an open file: Who is to blame?

At first, the blame shifted to the parents of the shooters themselves. Investigators, after finding pipe bombs and guns in the boys' respective rooms, began to inquire how no one noticed.3 The blame then moved to the police for not acting on reports that had been filed against Eric Harris for maintaining a website openly threatening students in Littleton.4 Criticism eventually turned towards society. Klebold and Harris had watched violent movies such as "Reservoir Dogs" and played violent video games such as "Doom."5 "It's going to be like f—ing Doom tick tick tick tick. Haa! That f—ing shotgun is straight out of Doom," said Harris, as he described what he thought shooting his fellow classmates would be like.6

Sadly enough, this pattern of blame has repeated itself over and over again in the last decade. The United States has been riddled with an incredibly violent string of school shootings, all of which have left authorities with few answers to the overall problem.7 It is no secret that

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2. Id.
3. Id.
4. Id.
5. Tapes, supra note 1.
6. Id.
7. Violence in U.S. Schools, ABC News, available at http://abcnews.go.com/sections/us/DailyNews/schoolshootings990420.html (last visited October 24, 2001) (hereinafter Violence) (thirteen year-old student in Fort Gibson, Oklahoma injured five classmates when he opened fire in school; twelve year-old student shot and killed classmate in Deming, New Mexico; student shoots a teacher and guidance...
violence and school-related deaths have occurred regularly in the United States, and urban schools have seen the brunt of the violence. Federal measures were passed to ban guns from schools and to control gangs in the early 1990s. These measures were partly in response to the 1992-1993 school year, where nearly fifty people were killed in schools, the peak of the death count thus far. What has changed, and has come to light due to incidents such as Columbine, is that school shootings have become rural rather than urban in nature, and appear to have no rhyme or reason to them.

In Pearl, Mississippi, Luke Woodham of Pearl High School went on a shooting spree that left two students dead and seven wounded, citing a break-up with one of the victims as his motivation. In addition, he stabbed his mother to death prior to going to school. On March 24, 1998, eleven year-old Andrew Golden and thirteen year-old Mitchell Johnson set off the school fire alarm in Jonesboro, Arkansas. As students and faculty came out of the building, the two fired into the crowd. The pair killed four students and one teacher, and injured ten others. Michael Carneal, a student at Heath High School, fired into a prayer circle standing in the school's hallway on December 8, 1997, killing three students and wounding five others. Kipland Kinkel of Springfield, Oregon, murdered two students and injured over twenty when he walked into the Thurston High School cafeteria on May 21, 1998 with a semi-automatic handgun. Kinkel had also killed both of his parents earlier that morning.

counselor in Richmond, Virginia; honor student opens fire in school parking lot in Fayetteville, Tennessee, killing a classmate; fourteen year-old student shoots science teacher at graduation dance in Edinboro, Pennsylvania; sixteen year-old student kills principal and student in Bethel, Alaska).


9. Id.
10. Id.

12. Id.

14. Id.
15. Id.

17. Davis, supra note 11; see also Violence, supra note 7.
18. Id.
These varied incidents do not constitute the majority of the murders that have occurred in U.S. schools, but are examples of the severe occurrences that have become a frightening concern for law enforcement personnel and school officials. What authorities aspire to find, as with any trend of violence, is a pattern. In each case of this type of violence, the killers were teased, secluded or labeled at their respective institutions by other students. One of the red flags cited by the FBI for identifying a child at risk for committing violence is the experience of an event, such as rejection by a girlfriend or boyfriend, that leads to depression and possible suicidal thoughts. Some form of violent media also influenced all of the young killers: Harris and Klebold were arguably influenced by violent video games. In addition, all of the murderers had easy access to guns, either at home or in the community. Carneal, Kinkel and Harris all had a history of mental health treatment; Woodham, Johnson and Kinkel all wet the bed beyond normal age. All of the student killers gave some form of warning, often in a writing intended for use in school. Furthermore, in the majority of incidents, someone else - either a classmate or relative - was given some sort of verbal warning about what was to occur that was not taken seriously.

Beyond those factors, there appears to be a link between children who perform violent acts on animals and extreme violent behavior. In nearly all of the shootings, the killers were known to have committed acts of animal cruelty. Luke Woodham allegedly beat and set his dog on fire, noting in his journal “I’ll never forget the sound of her bones breaking under my might. I hit her so hard I knocked the fur off her neck... It was true beauty.” Michael Carneal allegedly tossed a cat into a bonfire; Andrew Golden apparently had a fixation with hunting and killing animals. Kipland Kinkel had used guns, knives, firecrackers
and homemade bombs to torture animals, while Dylan Klebold allegedly took part in shooting woodpeckers. Over two dozen research studies over the past twenty-five years have suggested that cruelty to animals is a direct link to eventual cruelty to people. According to these studies, those that commit cruelty to animals commit "five times more crimes of every type" than persons who do not engage in such acts. This indicator seems to be the most prevalent in terms of a clear warning sign for potential student violence.

III. School Violence in the World

The United States is not the only country that has dealt with bouts of serious violence in schools. Newspaper archives, however, put together the big picture: Serious incidents of school violence in other countries are few and far between.

In Japan, two of the more serious incidents reported in the last decade revolved around two boys, ages fifteen and fourteen, who attacked teachers in their respective schools. The fifteen year-old, a student at Hiroshima Prefecture, beat and kicked a thirty-four year-old teacher for a little less than an hour. The student told police that the teacher had merely "told him things" that he did not like. The student was apparently set off after the teacher reprimanded another boy for bringing a toy to school. This situation mirrored the random act committed by a fourteen year-old in Yokohama. The student held a knife to his forty-six year-old teacher's throat and threatened to kill her after she scolded him for making "onigiri" rice balls during a class on cooking "takikomi" rice.

In South Korea, just six years ago, forty-three percent of teenagers were expelled from school for violence, resulting in the arrest of 9,068 students. Various police reports said that nearly 610,000 students had been hit or blackmailed at least once, and other students had extorted the

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30. Id.
31. Miner, supra note 13. "In the case of school shootings, dozens of people, including law enforcement and school officials, were aware of the boys abusive behavior, but no one took it seriously."
32. Id.
34. Id.
35. Id.
36. Id.
37. Id.
equivalent of two million dollars from schoolmates.  

In 1999, Israel released its own report on school violence, which showed that twenty-five percent of all students defined violence at their schools as serious. Sixty percent of students had experienced some form of verbal violence, one percent had witnessed students carrying firearms at school and five percent had reported seeing knives. As a result of the study, the Knesset Education Committee pledged to take the necessary steps to reduce violence in the schools, and police began to support a movement to lower the age of criminal liability from twelve to nine years of age.

While some of the aforementioned statistics appear grim, the more severe incidents of school violence appear to occur in Europe and North America. In Great Britain, the threat of violence is taken seriously, although there have been no serious reports of school violence. A boy was expelled from Muntham House School near Horsham, West Sussex, after he pointed his fingers in the shape of a gun and threatened to shoot his teacher. He was quoted as saying, “You’re dead. You’ll get a bullet through the head. I’ve got the means to do it.” This action was subsequently upheld by the High Court in London.

In the town of Tourcoing, France, an eighteen year-old student died after being shot by a classmate during a lesson in school. The student had dared the classmate to fire what he assumed was an unloaded pistol at his head. This event occurred just two years after the French cabinet had approved a series of stringent measures to combat what they saw as an epidemic of school violence. Statistics released in 1996 showed that almost half of 11,000 French schools were experiencing some form of school violence, ranging from disturbing classroom behavior to extorting money. The measures came to fruition after two boys, ages fourteen and fifteen, allegedly stabbed their fifteen year-old classmate to death.

39. Id.
40. Id.
41. Id.
42. Id.
44. Id.
45. Id.
47. Id.
49. Id.
just outside of the school, over a pair of borrowed gloves. The measures sought to be taken by the French government after this incident included hiring an extra 2,200 supervisors for French schools, tightening security, and requesting that the French broadcasting board review limiting violence in films on television.

On December 7, 1999, the Netherlands experienced their first episode of major school violence in the southern town of Veghel. A seventeen year-old student, armed with a handgun, fired more than ten shots in the halls and in a computer room in the De Leijgraaf school. A teacher and four students were shot and wounded, though no injuries were fatal. The motive behind this attack involved a long-running family feud coupled by a failed relationship. The brother of one of the four wounded students allegedly told police that his family sought police protection from the student killers for months, including on the night before the shooting. This event aroused a sense of panic in the Netherlands, because shootings are very rare due to strict gun control: Guns are available only on the black market.

A few months later, at the back door of the U.S., a fourteen year-old boy killed a student and seriously injured another in his school in the village of Taber, in Canada. Eerily, the reports said that the boy was wearing a blue trench coat, echoing the events that occurred just a week before at Columbine High School. The student had marched into school with a .22 caliber rifle, held the gun to a teacher’s head and then shot two victims. The fourteen year-old was reportedly troubled, and had recently dropped out of school to be taught at home by his parents. This was Canada’s first fatal school shooting in twenty years.

50. Id.
51. Id.
53. Id.
55. Id.
56. Id.
59. Id.
60. Id.
61. Id.
62. Id.
The aforementioned incidents pale in comparison to the events that have occurred in the U.S. in the last decade. The fact that most of the incidents described are either "the" major incidents that have occurred in other world entities, or the very first occurrences of these types of incidents in a given country is disturbing, because it leaves the U.S. seemingly alone in its dilemma with random acts of major school violence. The worst part, however, is that the rest of the world has noticed. French teaching unions, following the shooting that occurred in Tourcoing, have urged the government to stop what they view as "American-style violence." Justice Minister Benk Korthals of the Netherlands was quoted as saying "we have to be careful not to go in the same direction as America." Canada has long prided itself on the fact that its murder rate is a fraction of that in the U.S., and wrote the incident in Taber off as a "copycat" of Columbine.

IV. Simple Preventative Techniques or an Invasion of Freedom?

Is the U.S. picture really as bad as it seems as compared to the foreign educational systems? Schools today may actually be safer than ever: The number of school-associated violent deaths dropped forty percent from 1997 through 1999. The truth regarding school violence and crime in the U.S. is that it has been steadily on the decline since 1992. In 1998, forty-three out of every 1,000 students were victims of nonfatal violent crimes while at school. In fact, serious incidents of nonfatal violence are more likely to occur away from school than during. Between 1993 and 1999, the number of students who reported carrying weapons to school — anything from knives to guns — declined anywhere from seven to twelve percent.

Schools are also taking serious action against students who dare to bring a weapon through the doors. During the 1998-1999 school year, 3,523 students were reportedly expelled in the U.S. for wielding a

63. French, supra note 46.
64. Dutch, supra note 54.
65. Copycat, supra note 58.
68. Id. at 6.
69. Id. (noting that a total of 550,200 serious violent crimes against students were committed away from school in 1998).
70. Id.
firearm on school property.\textsuperscript{71} This number was a decrease from the previous school year.\textsuperscript{72} Statistics also show that younger students, ages twelve to fourteen, are more likely to become victims of crime at school than their older counterparts.\textsuperscript{73} The victimization of teachers, however, has remained steady, averaging 133,700 violent crimes against them per year from 1994-1998.\textsuperscript{74}

The telltale data, however, still revolves around violence-related student deaths in the schools. The facts, it appears, do not match up to the overwhelming media attention that acts of severe school violence have received. Less than one percent of the 1,354 children murdered during the first half of the 1998-1999 school year died at school.\textsuperscript{75} The total number of incidents that resulted in death in 1998-1999 was thirty-four, down from a high of forty-nine during the 1995-1996 school year.\textsuperscript{76} Of those incidents, fifty students died, thirty-eight of which were by murder — and that number included the tragedy at Columbine.\textsuperscript{77} Again, this was a decline from the previous year, which saw forty-seven student homicides.\textsuperscript{78} Since 1992, however, there has been at least one multiple victim homicide per year in the U.S. in a school, including a staggering six incidents in the 1997-1998 school year.\textsuperscript{79} It is that statistic that perhaps has parents, teachers and students alike on their toes.

A. Zero Tolerance Policies

Schools have long sought to protect children from school violence. Zero tolerance policies remain at the forefront of the controversy of what steps will adequately protect students and valuable freedoms at the same time. Zero tolerance policies emerged in the late 1980s and early 1990s, due to the passage of the Federal Gun-Free Schools Act of 1994.\textsuperscript{80} The

\begin{itemize}
\item \textsuperscript{71} Annual, supra note 67, at 7.
\item \textsuperscript{72} Id. (noting the number of expulsions for the 1997-1998 school year was 3,658, and a high 5,724 for the 1996-1997 school year).
\item \textsuperscript{73} Id. at 8. (stating that younger students are those aged twelve through fourteen, and those students were more likely to become victims of crime than students aged fifteen through eighteen; in 1998 125 per 1,000 of the younger students were victimized, versus eighty-three per 1,000 of the older students).
\item \textsuperscript{74} Id.
\item \textsuperscript{75} Id.
\item \textsuperscript{76} Id.
\item \textsuperscript{77} Annual, supra note 67, at 9 (showing that thirty-eight of the fifty school-associated violent deaths were homicides, nine were suicides, two adults were killed by a law enforcement officer in the course of duty, and one death was an unintentional shooting).
\item \textsuperscript{78} Id.
\item \textsuperscript{79} Id.
\item \textsuperscript{80} Alicia Insley, Suspending and Expelling Children from Educational Opportunities: Time to Reevaluate Zero Tolerance Policies, 50 A.M. U.L. REV. 1039,
measure called for each state's adoption of the act, requiring at least a one-year expulsion for any student that brings a firearm to school, as a precursor to federal funding. The expulsion requirement can be modified on a case-by-case basis, and since its inception, many states have widened the scope of the Act to include weapons, drugs and drug paraphernalia. Since 1995, seventy-five percent of schools have enacted and kept zero-tolerance policies, and by 1998, nine out of ten public schools were reporting such policies for firearms and weapons.

The controversy surrounding these policies, however, revolves around what “zero tolerance” means for children who innocently fall under their penumbra. Karl Bauman, for example, was a nine year-old student suspended for submitting a “threatening message” in a fortune cookie for a school project. Bauman, a lover of martial arts movies, had simply scrawled “you will die an honorable death.” Sarah Boman, a seventeen year-old at Bluestem High School in Leon, Kansas, was suspended for the remainder of the year when she wrote a poem that contained the line “I’ll kill you all” and posted it on the classroom door. The three-member school district disciplinary committee found the piece to constitute a “threat of violence.” Although the school agreed to reinstate her after acquiring the clearance of a mental health specialist, Boman brought suit via the American Civil Liberties Union and was reinstated after the court found no “evidence that she was dangerous or that her art was intended as a threat.”

Zero tolerance policies have led to the expulsion of over 7,000 students nationwide in 1998, and the suspension of 3.1 million students in 1997.

82. Insley, supra note 80.
83. Id.
85. Fortune, supra note 84.
87. Artwork, supra note 86.
88. Id.
89. Trouble, supra note 20.
B. Testing New Techniques

Schools have also implemented everything from lock-down drills to see-through knapsack requirements in an effort to combat an ostensibly invisible threat.\textsuperscript{90} Twenty public school districts are field-testing a computer "threat-assessment" program called Mosaic-2000.\textsuperscript{91} The program uses a set of forty-two questions to calculate the odds of whether a child will turn violent.\textsuperscript{92} Administrators have been trained on the telltale signs that cannot be ignored, largely based off of a twenty-point profile compiled from the common characteristics of school shooters circulated by the Federal Bureau of Investigation.\textsuperscript{93} The United States Secret Service has interviewed school shooters to see what information they can obtain from them in order to gain some perspective on what makes them tick, and planned to give schools an instructional video and helpful questions to help identify problem kids before they explode.\textsuperscript{94}

Some schools have apparently enacted policies, however, that test the limits of fairness. For example, four kindergartners were suspended for three days in Sayreville, New Jersey, after an incident that occurred on the playground where the children pointed their fingers as make believe guns and apparently "threatened" each other.\textsuperscript{95} An eleven year-

\begin{itemize}
\item \textsuperscript{90} Id.
\item \textsuperscript{91} Id. (noting that Mosaic has been used by "law-enforcement and government agencies to examine threats made against their personnel").
\item \textsuperscript{92} Id.
\item \textsuperscript{93} Id; see also National School Safety Center, Checklist of Characteristics of Youth Who Have Caused School Associated Violent Deaths, available at http://www.nssc.org/reporter/schecklist.htm (last visited September 20, 2001) (listing "1. Has a history of tantrums and uncontrollable angry outbursts; 2. Characteristically resorts to name calling, cursing or abusive language; 3. Habitually makes violent threats when angry; 4. Has previously brought a weapon to school; 5. Has a background of serious disciplinary problems at school and the community; 6. Has a background of drug, alcohol or other substance abuse or dependency; 7. Is on the fringe of his/her peer group with few or no close friends; 8. Is preoccupied with weapons, explosives or other incendiary devices; 9. Has previously been truant, suspended or expelled from school; 10. Displays cruelty to animals; 11. Has little or no supervision and support from parents or a caring adult; 12. Has witnessed or been a victim of abuse or neglect in the home; 13. Has been bullied and/or bullies or intimidates peers or younger children; 14. Tends to blame others for difficulties and problems s/he causes her/himself; 15. Consistently prefers TV shows, movies or music expressing violent themes; 16. Prefers reading materials dealing with violent themes, rituals and abuse; 17. Reflects anger, frustration and the dark side of life in school writing projects; 18. Is involved with a gang or an antisocial group on the fringe of peer acceptance; 19. Is often depressed and/or has significant mood swings; 20. Has threatened or attempted suicide)."
\item \textsuperscript{94} Trouble, supra note 20.
old was also suspended in Larchmont, New York, for reciting a poem to her classmates on the playground: "Roses are red, violets are black. Your chest is as flat as your back."\textsuperscript{96}

C. Protecting Student Rights

In a poll conducted by TIME and the Discovery Channel, "fifty-three percent of parents surveyed said they approve of such measures."\textsuperscript{97} Sixty percent of their kids, however, do not agree.\textsuperscript{98} Critics of such stringent measures side with the kids: Barry Steinhardt, associate director of the American Civil Liberties Union stated: "These programs treat children as suspects, not students."\textsuperscript{99} Many psychologists suggest that programs such as Mosaic have not been given a "scholarly review," and question whether or not it has created an "open experiment" inside of America's schools.\textsuperscript{100} Bill Modzeleshi, head of the government's school-safety programs, has said that this is not where the answers to combating school violence lie: "It's got to come from the teachers in classrooms who really know the problem kids."\textsuperscript{101}

Children in school have limited protection against the type of intrusions posed by Mosaic and other programs. Many of the arguments against zero tolerance policies are that they need to include some form of due process before students are faced with such severe penalties. In \textit{Goss v. Lopez}, the Supreme Court held that minimum due process for students includes notice and the opportunity to be heard prior to a suspension.\textsuperscript{102} In \textit{Lyons v. Penn Hills School District}, the Pennsylvania Commonwealth Court held that the Board of Education exceeded its authority by denying the superintendent the ability to properly exercise his discretion.\textsuperscript{103} The School Board had expelled a straight-A seventh grade student for possession of a Swiss Army Knife, which he was using to file his nails.\textsuperscript{104} Lyons fully complied when his instructor requested that he hand over the instrument.\textsuperscript{105} The hearing examiner, however,
concluded that he had no authority to make an exception, and recommended the mandatory one-year expulsion.\textsuperscript{106} The trial court found the District’s unwritten zero-tolerance policy failed to provide the superintendent discretion to modify the expulsion provision, and this was subsequently upheld.\textsuperscript{107} The courts, however, are very likely to defer to school officials on most matters of school discipline, and aside from a few very scattered cases, students are unlikely to prevail against the school districts’ decisions.\textsuperscript{108}

Further complicating the role of school administrators in the lives of students is the leeway that the Court has given them in terms of their ability to search a student and/or their property. \textit{New Jersey v. T.L.O.} is the landmark case in this regard. \textit{T.L.O.} allows school personnel, acting as state officials, to conduct searches of students under a relaxed standard of “reasonable suspicion” versus one of “probable cause.”\textsuperscript{109}

V. Parents on Notice. . . and Trial

Parents and teenagers have varied perceptions as to what is really going on in the schools. According to a poll conducted by TIME and the Discovery Channel, in conjunction with the National Campaign Against Youth Violence, only thirty-three percent of teenagers polled feel safe from violence in their school — this is in comparison to the forty-two percent response received shortly after Columbine in 1999.\textsuperscript{110} Out of those same teenagers, nearly a third have witnessed some form of violence at their school.\textsuperscript{111} Only eight percent of parents, however, think that is the case.\textsuperscript{112} Furthermore, eight in ten parents say that they have discussed violence with their children — but only six out of ten children recall ever having such a conversation.\textsuperscript{113} According to the same poll, teenagers felt that increased counseling, mentoring programs, more police and more after school programs were some of the ways to combat the youth violence problem.\textsuperscript{114} Sixty-one percent of parents felt that by

\begin{footnotesize}
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\item \textsuperscript{106} Id.
\item \textsuperscript{107} Id. at 1075-76.
\item \textsuperscript{108} See Lyons v. Penn Hills Sch. Dist., 723 A.2d 1073 (Pa. Comm.1999); see also Lee v. Macon County Board of Education, 490 F.2d 458 (5th Cir. 1974) (holding that the school board employed an erroneous legal standard at disciplinary hearing; rather than bringing its independent judgment on the question of what penalty to assess for the girls’ misconduct, but simply followed its practice of confirming principal’s judgment).
\item \textsuperscript{109} See New Jersey v. T.L.O., 469 U.S. 325 (1985)(stating that “the Fourth Amendment’s prohibition on unreasonable searches and seizures applies to searches conducted by public school officials,” and search of student’s purse was reasonable).
\item \textsuperscript{110} Trouble, supra note 20.
\item \textsuperscript{111} Id.
\item \textsuperscript{112} Id.
\item \textsuperscript{113} Id.
\item \textsuperscript{114} Id.
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the time students are sixteen or seventeen, it is too late to change their behavior.\(^{115}\) Only twenty-nine percent of the teenagers polled felt the same way.\(^{116}\)

Perhaps the parental naivety demonstrated in such polls support proponents that seek to blame parents for kids gone wrong. A few days after the Columbine incident, a USA Today/CNN/Gallup poll showed that half of those polled felt that parents “bear a great deal of responsibility” for violent incidents.\(^ {117}\) A Newsweek poll revealed that seventy percent of its respondents cited a “lack of parental oversight” as a major factor in youth violence.\(^ {118}\) States have responded to the growing public opinion that parents should bear responsibility for heinous acts committed by juveniles. Many have reacted to the violence by enacting statutes that make parents responsible for damages caused by their children.\(^ {119}\)

A. Criminal Responsibility of Parents

In terms of criminal responsibility, “a parent may be [held] criminally responsible for acts of his minor child if they were done at his direction or with his consent.”\(^ {120}\) There are laws, however, that hold parents responsible for the criminal acts of their children based on foreseeability. In *Dinsmore-Poff v. Alvord*, for example, the Supreme Court of Alaska held that the parents of a seventeen year-old that had shot and killed plaintiffs’ child were not negligent in failing to control their child.\(^ {121}\) The Court found that the parents could not have foreseen their child’s assault with a stolen gun.\(^ {122}\) The Restatement of Torts Section 316, which was examined by the *Dinsmore* court, addresses the

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116. *Id.*
118. *Id.*
119. 59 AM. JUR. 2D PARENT AND CHILD § 103 (2002)(stating that “many states have enacted statutes making parents responsible for damages caused by willful, malicious, intentional or unlawful acts of their minor children”).
120. *Id.* § 104.
121. *Dinsmore-Poff v. Alvord, 972 P.2d 978 (Alaska 1999).*
122. *Id.* Brian Hall, who had suffered from numerous behavioral problems from a young age, murdered Mickey Dinsmore. The Dinsmore’s brought suit against the Alvord’s, Brian’s parents, alleging negligence. The Court applied a test based on § 316 of the Restatement of Torts, asking whether parents knew or should have known of the need, ability and opportunity to control their child. Although the Alvord’s knew of their son’s propensity for violence, the Court still found that they adequately responded to his misconduct by placing him in many programs and facilities, and by maintaining active cooperation with Hall’s probation from a previous conviction. The Alvords had no way of knowing or controlling their son at the time of the murder.
ability to hold parents responsible for actions of their minors, but it has been rejected by at least three state supreme courts.\textsuperscript{123}

In 1997 and 1998, at least fifteen states passed or amended some form of parental responsibility law.\textsuperscript{124} Some states are now requiring parents to pay "institutional, service or procedural costs" as a result of their child's delinquent act.\textsuperscript{125} Hawaii and Utah, for example, have passed a statute that makes parents responsible for the cost of graffiti cleanup.\textsuperscript{126} Some states have even gone so far as to impose sanctions on parents when their child commits a crime.\textsuperscript{127} These types of sanctions range from restitution payments or community service, to something as severe as fines or incarceration.\textsuperscript{128}

Many jurisdictions have taken a proactive approach in their parental responsibility laws by requiring parents of delinquent children to attend court ordered treatment, such as parental responsibility courses.\textsuperscript{129} Along these lines, some courts require parental attendance at the trial, and will charge parents who fail to do so.\textsuperscript{130} There are some states, however, that have struck down parental liability statutes because of the vagueness of

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\item See id. at 980-81. (quoting § 316, which "requires parents who know of their children's violent propensities to keep them from harming others, by imposing a duty to exercise reasonable care so to control [one's] minor child as to prevent it from intentionally harming others or from so conducting itself as to create an unreasonable risk of bodily harm to them, if the parent (a) knows or has reason to know that [the parent] has the ability to control [the]child and (b) knows or should know of the necessity and opportunity for exercising such control).
\item \textit{Id.} (stating that in Illinois, parents or guardians must pay room and detention board; in Florida, parents must pay the cost of their child's criminal prosecution; in Tennessee, parents are charged with medical exam, treatment and preadjudicatory placement costs of their children).
\item \textit{Id.}
\item \textit{Id.} (stating that Oregon courts may require parents to make restitution for damages; New Jersey orders parents to complete community service if their child violates a curfew law; Oklahoma requires parents to complete community service or pay fines up to $2,000, or both, if their child possesses a firearm on school grounds; California enacted the Street Terrorism and Prevention Act, which fines and imprisons parents that fail to adequately supervise their children; Alabama and Wyoming require parents to be held in criminal contempt and receive fines or imprisonment if they fail to help their child comply with court-ordered terms; Louisiana fines or imprisons parents that fail to control their children; Hawaii fines or imprisons parents for a curfew violation by their child).
\item Lee, \textit{supra} note 124. (noting that Arkansas and Colorado require parents to take parental responsibility training; New Mexico has a statute that has parents participating in probation or treatment programs; Pennsylvania requires parents of a delinquent child to attend treatment, counseling, education or rehabilitation; Oregon and Idaho require parents to sign actual contracts with the court, agreeing to probation provisions).
\item \textit{Id.}
\end{enumerate}
\end{footnotesize}
the definition of parental negligence or incompetence.\textsuperscript{131}

\textbf{B. Arguments Against Parental Blame}

While blaming parents may seem the likely recourse for victims with little in the way of a concrete explanation for major explosions of violence, many are beginning to postulate that parents are not at the top of the list of reasons that children commit these crimes. Some experts look to genetics as an overall influence: University of Minnesota psychologist and researcher Thomas Bouchard stated that in studies on twins, it has been shown that psychological characteristics are fifty percent inherited.\textsuperscript{132} The American Psychological Association’s (“APA”) official position is that violence is “learned behavior.”\textsuperscript{133} But former APA president Frank Farley maintains that parents bear a heavy responsibility.\textsuperscript{134} When referring to the parents of the Columbine shooters, he remarked, “You cannot build a pipe bomb in the basement and go undetected in ninety-nine percent of American homes.”\textsuperscript{135} Many experts, however, are heavily looking towards a pop culture that glorifies violence.\textsuperscript{136}

\textbf{VI. The Media as Culprit}

When asked whether the media’s portrayal of violence is a contributing factor to youth violence, sixty percent of teenagers said no, while fifty-nine percent of parents said yes.\textsuperscript{137} What is certain is that the media has played a significant role in elevating the fears of students and parents alike with its over-extensive coverage of violence in the schools, especially in the wake of Columbine. Even though statistics are showing a decline in the number of incidents of school violence, public fears surrounding this type of violence have actually increased.\textsuperscript{138} Part of this increase may be attributed to the media coverage that focused in on a relatively few number of incidents that occurred in the schools.\textsuperscript{139}

\begin{itemize}
\item \textsuperscript{131} \textit{Id.} (stating that Connecticut, Louisiana, Oregon and Wyoming have all struck down statutes that hold parents responsible for their child’s acts, finding that the statutes do not define parental negligence or incompetence adequately. California’s Supreme Court has upheld a statute that was challenged on this vagueness principle).
\item \textsuperscript{132} \textit{Lesson, supra note 117.}
\item \textsuperscript{133} \textit{Id.}
\item \textsuperscript{134} \textit{Id.}
\item \textsuperscript{135} \textit{Id.}
\item \textsuperscript{136} \textit{Id.}
\item \textsuperscript{137} \textit{Trouble, supra note 20.}
\item \textsuperscript{138} \textit{Symbiosis, supra note 95.} (noting that the portion of Americans who believed that a shooting was likely in their neighborhood school rose from forty-nine percent to seventy percent during the same one-year period).
\item \textsuperscript{139} \textit{Id.}
\end{itemize}
Forty-three percent of teachers, who are least likely to rely on media accounts of school violence, deem classrooms “very safe and orderly,” in contrast with only twenty-four percent of the public — a good example of the influence of the media on the public’s perceptions. In terms of youth, extensive media coverage of events such as Columbine may have a direct correlation with the number of ‘copycat’ incidents that arise thereafter.

The media has started to take the blame for ‘inspiring’ incidents of school violence. Everything from movies, to books, to video games, to music has taken some degree of heat for exposing children to extreme violence. Parents whose children have fallen victim to incidents of school violence have begun to take action against the media. The best example of this is found in the case of James v. Meow Media, Incorporated. In James, a civil action was filed in West Paducah, Kentucky, against various defendants who collectively created and distributed a movie, numerous video games and Internet materials. The action was filed by parents in response to the school shootings committed by Michael Carneal. In their complaint, the parents alleged that these materials caused the deaths of their daughters. The Court ultimately dismissed the parent’s claim of negligence against the defendants’, finding that the actions of Michael Carneal were in no way foreseeable, and the defendants’ therefore owed no legal duty of care. The Court also dismissed the claims under a theory of strict liability and RICO, finding that thoughts, ideas and expressions within movies, games and websites do not constitute “products” for statutory liability purposes. Clearly this case steps eerily close to the First Amendment line, an issue the court did not have to address. But the case is best utilized as an example of how the media is beginning to shoulder the blame in the eyes of society — and especially the victims — of major incidents of violence.

VII. Juvenile Justice Gets an Upgrade

140. Id.
141. See id.
143. Id.
144. Id.
145. Id.
146. Id.
Whatever the direct cause for these major incidents of school violence, the laws have begun to reflect a changing need to treat serious violent youth offenders as adults — especially those juveniles that commit homicide. Forty states have modified their transfer provisions to make the transfer of jurisdiction from the juvenile courts to the adult criminal courts easier.  

Different states generally adhere to one of three transfer mechanisms: Judicial waiver, statutory exclusion and concurrent jurisdiction. With judicial waiver, a hearing is held in the juvenile court system, and the judge is asked to waive jurisdiction for the particular incident, putting the case into the adult criminal courts. Statutory exclusion involves nothing more than the state legislatures statutorily excluding certain youth offenders from juvenile court jurisdiction, usually on the basis of age or the actual offense. Statutory exclusion tends to be the most effective manner in which to bring a serious youth offender to adult justice — in 1996, for example, approximately 218,000 cases involving youths under the age of eighteen were tried in adult criminal court. Finally, under concurrent jurisdiction, state statutes allow actual prosecutors discretion in where they choose to file the case. The statutes limit prosecutorial discretion according to the age of the offender and the seriousness of the actual offense.

Research studies have shown that a juvenile is most likely to be transferred based on the seriousness of the offense committed, and any type of previous record. Some states have seen dramatic increases in the number of judicial waivers, including Pennsylvania, which saw an eighty-four percent increase between the years 1986 to 1994. This increase more than doubled the percentage rise in juvenile crime during the same period. All of this demonstrates that the legislatures and

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148. Id.
149. Id.
150. Id.
151. Research, supra note 147.
152. Id.
153. Id.
154. Id. at 11. (stating that the research was based on studies conducted in South Carolina and Utah. “Although the decision-making process in each State differed significantly, in both States certain common criteria — including a juvenile’s court history and the seriousness of his or her offense — were strong predictors of whether the youth would be transferred.”)
155. Id.
156. Research, supra note 147. (stating that the increase in waiver derives from the
court systems of the U.S. have begun to take measures to ensure that justice is served on youth offenders who commit crimes, the caliber of which continue to haunt schools.

VIII. Conclusion

All eyes seem to be on the U.S. as countries continue to do battle with an invisible enemy. How is it ever possible to know when and if a child is going to snap? Dylan Klebold and Eric Harris, for example, while labeled members of the famed "trenchcoat mafia," were not loners by any stretch of the imagination. They had a circle of friends and Harris played soccer while Klebold was in the drama club.\textsuperscript{157} Klebold even went to the prom the weekend before the rampage and Harris joined him at the post-prom parties.\textsuperscript{158}

With facts like these, student profiling, while becoming a popular mechanism for school systems across the country, seems a fruitless waste of time and money. In July of 1998, the United States Secret Service issued a guide regarding threat assessments and, specifically, highlighted the fact there is no overall profile for an attacker or assassin.\textsuperscript{159} The same applies to children who may be apt to commit such horrible acts of school violence. The Federal Bureau of Investigation cautioned, when they published the common traits of the killers involved in the last six incidents, that "none of these characteristics alone necessarily describes a potential shooter."\textsuperscript{160} The only people who will really be able to tell if a child has the propensity to erupt are the teachers, their parents and classmates. Student profiling does nothing more than red-flag individuals who may or may not be harmless adolescents.

The facts are clear: School violence statistics of all kinds are on the decline. While by and large the U.S. has more major incidents of school violence than any other country in the world, the picture truly is not as bad as it seems. Many other countries, realizing that violence in the schools is becoming a common trait, have begun to take action to ensure that their schools do not begin to mirror the perceived problem in the

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\textit{increase in juvenile crime, but the research conducted by the OJJDP also suggested that a large number of juvenile drug offenders received waivers in the juvenile courts. "The research also suggests that Pennsylvania courts began to believe that a greater proportion of adjudicated delinquents were no longer amenable to treatment within the juvenile justice system."}
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157. \textit{Tapes, supra note 1.}
158. \textit{Id.}
160. \textit{Id.}
\end{flushright}
U.S. The European Commission granted five million euro in 2000 to aid in financing a large number of projects whose goal is to combat violence against women and children — including some that deal with violence in the schools.\textsuperscript{161} Due to the dramatic and seemingly unstoppable increase in juvenile crime, France, who once heralded itself as a humanist in terms of its juvenile justice system, has had to turn away from its traditional approach of rehabilitation and pass laws that call for swift punishment of youth offenders.\textsuperscript{162} The U.S. has stepped up to the plate as well, researching, funding and implementing numerous programs to ensure that parents, schools and the community are all aligned in the fight to ensure that nothing like Columbine ever flashes across our television screens — or those a thousand miles away — again.


\textsuperscript{162.} Calvin Peeler, Always a Victim and Never a Criminal: Juvenile Delinquency in France, 22 N.C. J. INT’L LAW & COM. REG. 875, (1997), available at LEXIS (recognizing that on July 1, 1996, the French legislature enacted Public Law No. 96-585 over the signature of French President Jacques Chirac, which recast the original “spirit” of France’s laws regarding juvenile delinquents).