National Criminal Justice Reference Service

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MR. HARRIS: If we can call the meeting to order, please.

First, let me state on behalf of the Task Force, we are delighted to be here in Chicago today.

As most of you know, who have copies of the agenda, what we plan to do in between now and 10:30 is to consider changes to the commentary accompanying the recommendations, which we voted on in Los Angeles.

We hope to be able to adopt a final report here today.

Beginning at 10:30, the rest of the day will be taken up with public testimony and that is stated on a printed agenda, which is available.

First, let me state that, for those of you who have not been following what we've done, over the last 2 months we have been developing recommendations for the Attorney General, which will, hopefully, make the Department more effective in fighting street crime and violent crime.

And in our first phase, which ends here today in Chicago, we have been tasked with coming up with recommendations that do not involve statutory changes, or funding changes. We are to consider both of those,
beginning tomorrow, in Detroit, and conclude that section
of our deliberations in August.

We voted recommendations at our last meeting
in Los Angeles, and today those recommendations are
accompanied by a discussion and commentary on each rec­
ommendation, and we are hoping to be able to finalize
them this morning.

Since our meeting in Los Angeles, I've had
suggestions for changes in the commentary from two of
our members, Frank Carrington and Bill Littlefield.

And, for the members' information, the draft
that you have before you today encompasses both gentle­
men's suggested changes.

I suggest what we do this morning is open it
up for discussion and if anyone cares to -- Perhaps it
makes sense to go through the report in the order in
which it appears and ask if there are any general comments
and then specifics.

MR. THOMPSON: Can I just say a word?

MR. HARRIS: Sure.

MR. THOMPSON: Before we begin a discussion
of this morning's agenda, I would just like to say a
personal word of welcome to the Attorney General's Com­
mission and to the Staff members of the Department of
Justice, which aid us in our efforts; to my home city
of Chicago, and to my home State of Illinois. I'm very
proud that the Commission is meeting in this city, in
this State.

We are not proud of our crime; but we are
proud of Illinois' historic, Chicago's historic, and
Illinois and Chicago's current-day efforts to protect
our people from the ravages of violent crime.

I think you would find, if you were able to
ask the citizenry at-large, especially in this area
of the State, that we have for the past several years
had extraordinary cooperation between state, local and
federal levels of Government in working together to pre­
vent, and if not to prevent, to punish crime. And that
we have done so without partisanship and without very
much concern for turf.

And I have been a part of that law enforcement
process in this city for a long time. I'm very proud
of the reputation that all of us have helped to build.

And you will see some of those people appear
before you today as witnesses.

I would like to add one personal acknowledg­
ment. I'm pleased to see in the audience today the man
who really started me on my whole career in the field
of criminal justice, and who is responsible not only
for anything that I have ever done in that field, he's
MR. HARRIS: Recommendation No. 1. (No verbal response.)

MR. HARRIS: No. 2. (No verbal response.)

MR. HARRIS: Recommendation No. 3, having to do with the use of abandoned military facilities to site state and local correctional institutions.

MR. BELL: Yeah, I would like to comment on Recommendation 3.

The Supreme Court decided a case within the last few days in which they held that you could put two prisoners in a cell, and they made a comment that when you're sentenced to prison, you're not sentenced to a life of comfort, or some such thing.

And I think it would be well to mention that decision in this recommendation in a discussion of it. That's not to take away from the recommendation that we make these facilities available on an interim basis. But I think it gives a tone to the prison problem that we've not had in this country in a long, long time. And we ought to take note of it.

MR. HARRIS: Anybody have a problem with working up some language to that effect?

Judge, let me see I understand what you were suggesting we put in.
It would be a mention of the decision?

MR. BELL: If you just want to footnote it, it would be all right with me.

MR. HARRIS: Fine.

MR. BELL: But, I think we got to get it in here. And, despite that salutary holding, the problem still will exist. Just double-celling won't solve it, because most prisons double-cell now.

But, I just want to take note of the decision.

MR. THOMPSON: I think that's important.

One of the things I'm going to have to do, in the next several days in Illinois, is to make final decisions on construction of new penitentiary facilities for this State. Perhaps the conversion of an existing mental health facility, as well.

It's going to be a very expensive, long-term commitment for the people of Illinois to make. And though we were cheered by the Supreme Court's decision, as a matter of sound prison administration, it is important that facilities be constructed so that those who administer the prisons don't run into the difficulty engendered by inhumane conditions, and that a person's not to be forced into any inhumane conditions.

And it is important for the Attorney General to recognize, as well as for the whole nation to recognize, as the Judge said, that just because the Supreme Court has held that under the circumstances of that case, double-celling was not constitutionally impermissible. That there is suddenly a great wave of relief among Governors and prison administrators in this country.

To the contrary, the problem will continue to exist. And I think it important that the Attorney General take note of that.

MR. HARRIS: The next recommendation, No. 4, is that the FBI establish the Interstate Identification Index.

And the only comment I have on the commentary is to point out to you that our last sentence, which reads: "Our recommendation does not preclude additional Phase II recommendations on this subject."

However, it takes note of our discussion in Atlanta, Georgia, in which we discussed the question of whether or not we ought to recommend to that the FBI maintain a national data bank, and that that discussion would be postponed until Phase II.

And that last sentence just alerts people that this may, or may not, be our last word on this subject.

MR. BELL: I would like to comment on 4, the second paragraph, in the discussion. I don't understand
it. That's my comment.

(Laughter.)

MR. HARRIS: Well, let me read it myself again.

MR. BELL: Whatever it was that you intended does not come across to me. I have a faint glimmer of what it may mean.

(Laughter.)

MR. HARRIS: Well, I'm still reading it, Judge.

MR. THOMPSON: I've had a feeling you've used that line before to Counsel appearing before you on appeals; is that right?

MR. BELL: Right.

MR. HARRIS: Well, the notion of the paragraph is to statistically identify the number of cases each year which this index might have some impact in.

Does any -- Do other members -- Bob, do you have any suggestions with regard to that?

MR. EDWARDS: No. I think possibly the explanation that the Judge is looking for is maybe a further explanation as to the fact that statistically from what we can determine 70 percent of all offenders are single state offenders. And the 30 percent factor applies to those individuals that could be multi-state offenders in which you would have to go to more than one state.

And that's the intent there, is to express the fact that the concept allows the records to be maintained within the individual states.

But, in 30 percent of the cases, that individual might be a multi-state offender, and you need somewhere to go in order to determine where he has a prior record from.

MR. BELL: But the FBI would have to keep all of the offenders, the names, in the national registry --

MR. EDWARDS: That's correct. That's quite true.

MR. BELL: -- for it to be effective.

MR. EDWARDS: That's correct.

MR. BELL: So, in fact, the 370,000 would be a -- if there was that many offenders, would have to be listed in the national registry.

MR. EDWARDS: Yes, sir.

MR. BELL: Is the point I'm trying to get around.

MR. EDWARDS: That's exactly -- That is correct.

MR. BELL: But that's not -- come -- does not appear here to say that. It sort of denies that idea.
It takes away from it. It makes it appear that only a fraction would be listed, and then the system wouldn't work.

The reason I'm so intent on this is I've battled this in Congress for 3 or 4 years, you know. And it's still going to be a battle, and you might as well put the cards on the table.

MR. HARRIS: The subject of this paragraph, I guess, could succinctly be stated as that there are 370,000 per year. They would all have to be listed in the index. However, of those 370,000 adults who are arrested, about 30 percent of them are involved in more than one state and, therefore, requests for information from the index would involve 30 percent of the adults arrested in any given year.

That's the concept that we're trying to express, and I think we can do that a little more clearly.

MR. BELL: Yeah, but that's not right.

You've got to list the names, all of the offenders, in the national registry.

MR. HARRIS: That's correct.

MR. EDWARDS: Yeah, but that's all of them.

MR. HARRIS: All the names would have to be listed. But what this paragraph is trying to say is to give some idea of how often states would use this.
MR. HARRIS: 7. The Attorney General --

MR. BELL: Okay. Hold up a minute.

Somewhere in here -- it's in the 4, about
the interstate identification. We get off in talking
about the Technical Services Division of the FBI and
the Identification Division. And I'd like to ask this
question, because I can't find it in the report: Have
the fingerprints that are registered at the Bureau been
put on a computer, or do you still have to sift through
by eye to find out -- to match up a fingerprint?

I think it's important for the American people
to know the answer to that question, because it may
cost a tremendous sum of money. It may take great
scientific minds to get the fingerprints on the computer
so you can get a quick answer.

We talked somewhere yesterday in here about
delays. But it takes a long time sometimes. As we
mentioned in a meeting, I think it was the James Earl
Ray case in the slaying of Dr. King that it took them
so long to match up the fingerprints. But they
finally did do it.

But, it's a -- Unless the fingerprints are
on a computer, we can expect delay, I think.

As a society, we're used to getting quick
answers, because we can get 'em off the computer.

MR. HARRIS: Well, the effort to computerize
fingerprints is one which has been under discussion
for 15 years, and the Bureau has trying to do that.
The answer is that we are not computerized
fully. There is an effort to automate, and until that's
done there are still a number of cases in which you have
people going through this process manually.

MR. BELL: But the public will say: Any
country that can put men on the moon, surely you know
how to computerize fingerprints.

MR. HARRIS: Well --

MR. BELL: And the answer can only be that it
costs money. Well, we -- That's a very good way to
fight violent crime is to have a way to identify
criminals.

MR. HARRIS: I think that we may specifically
want to consider in Phase II whether we think that
there ought to be money earmarked to the Bureau for
this purpose. Not to be used for any other purpose,
but to make sure that this happens.

Because, you're right. As most people who
have looked at this know, it's a minimum of 25 working
days to get a set of fingerprints back from the FBI.

MR. BELL: Could we put in our -- where -- two
places in the report we discuss the delay. Could we mention in there that the delay -- What we have in mind is reducing the delay, but we recognize they've not computerized the fingerprint files, which would be one way to completely end the delay.

But, pending that, pending that, they ought to make every effort to reduce the delay.

MR. HARRIS: I think that we should put that in under the commentary of Recommendation No. 9.

MR. BELL: All right. Somewhere. That's all I ask.

MR. HARRIS: Anybody have a problem with mentioning that under Recommendation No. 9?

MR. LITTLEFIELD: I have just something with respect to 6, the second paragraph.

In the second paragraph, I really think that we should qualify that somewhat. It says: "A survey of the present situation." And the situation in a number of jurisdictions is great right now. So, if we couldn't just change that to qualify it a little bit.

MR. HARRIS: Perhaps we could say: A survey of the present situation reveals that a satisfactory level of cooperation between federal, state and local law enforcement does not exist in every jurisdiction.

MR. LITTLEFIELD: Yeah, that's fine.

MR. BELL: Going back, still, to 4.

MR. ARMSTRONG: Judge, before you leave that.

On Recommendation 5, on page 22, I thought it was the Task Force's recommendations that the wording of "mandate" as opposed to "direct" on paragraph 2, of that page, should be the proper wording for that.

Is there a reason why that's been changed?

MR. HARRIS: I did not recall that specific direction from the Task Force. Clearly that can be done.

The sentence we're talking about is: "We recommend that the Attorney General direct United States Attorneys to establish a law enforcement coordinating committee in each Federal District."

Mr. Armstrong's suggesting that at some prior discussion the word "mandate" was selected as opposed to "direct".

Anyone have a problem with the word "mandate"?

MR. BELL: I have a problem with the chart --

MR. HARRIS: Would you let --

MR. BELL: -- when we get to that one. We haven't gotten to that yet.

MR. HARRIS: So, let's make that change, then.

MR. THOMPSON: Could I go back to the first page of the Recommendation? The use of the word in that
second paragraph, "survey", bothers me a little bit. Because it implies that we have either formally surveyed something, or have been given a formal survey of some kind. And I don't recall that as being the case in the record before this Commission. Could we choose a different word? "Understanding" or something like that, or "review", I mean -- Well, what is says is it's now amended. It's known to all of us. But I think it's misleading to say that there was a survey. Because some people are going to say: Where is that survey, I'd like to read it. And we don't have one.

MR. HARRIS: We could either say: "A review of the present situation reveals" or "our understanding of the present situation reveals".

MR. THOMPSON: Our understanding would probably be closer to the truth. In fact, it would be the literal truth.

MR. BELL: Well, I wouldn't be able to agree to that. And I'm glad the Government picked that up. They have some districts that have a satisfactory level of cooperation.

MR. HARRIS: That's right.

MR. BELL: And I know some that I set up myself.

MR. THOMPSON: Well, we've already changed the last part of that sentence, Judge.

MR. HARRIS: Now, we'll read -- and I -- Sue, do you have the language we selected for that sentence?

Judge, we've changed that to now read that: "A satisfactory level of cooperation between federal, state and local law enforcement officials does not exist in every jurisdiction."

MR. BELL: All right. All right.

MR. THOMPSON: And on the first sentence, on the last paragraph on that page, on the federal, state, local law enforcement committee, since we deal with it later on in telling the Attorney General to mandate the U.S. Attorneys to do these things.

Where we say: "The precise number of federal, state, local law enforcement committees in active operation is unknown." It strikes me that's something could be known pretty quickly.

There are, what, 94 U.S. Attorneys, and all the Department's got to do is ask each one of them: Do you have such a committee? And get a response from them. And then we'll know precisely how many there are. And I think since that's something easily within our reach of knowledge, by asking that question, we should find that out and answer it, instead of saying we don't know
what it is.

MR. HARRIS: Well, I think the thought that was trying to be expressed there -- and let me explain it. Maybe it's not clear -- is that there are a number set up. Some are best described as dormant, set up in form only and not fulfilling the purpose that we would like to see with these committees.

That was the thought we were trying to express.

MR. THOMPSON: I see. So, your emphasis is on the phrase "inactive operation"?

MR. HARRIS: That's correct.

MR. THOMPSON: Rather than on the number?

MR. HARRIS: Yes, yes. Now -- that -- That is right. Because there are shells in some places, which have met for a chicken dinner on occasion, and there are others which do more than that.

And that's the thought. Not that we don't know the number, where, at least, there is some piece of paper setting up such a committee.

MR. THOMPSON: Maybe -- maybe -- Maybe the phrase at the beginning, "the precise number" is the one that misleads me. If we could somehow work that around to indicate we do know how many committees there are. But, what we don't know is how many of them are working?

MR. BELL: Now, on -- Wait a minute.

MR. HARRIS: 6.
MR. HARRIS: 6.

MR. BELL: 6, that chart. I've got to know a good deal about the declination break.

(Laughter.)

MR. BELL: Because, if there’s one thing the Government said, it’s the FBIs that go out and work on a case, and the U.S. Attorney won’t prosecute it.

Now, there’s 2 reasons, though, to decline the prosecution: One is, of course, there’s not enough evidence; and the other one is because there’s a matter of policy. The Justice Department may shift the type of crimes that are being prosecuted.

Now, that’s not clear to me on this chart, which this was based on.

And, I’m wondering if the chart doesn’t cause more harm than good?

MR. HARRIS: Anyone else have any comment.

I -- I’m -- I should tell you. When I --

MR. ARMSTRONG: What’s the purpose for it being there?

MR. HARRIS: Excuse me.

MR. ARMSTRONG: The purpose for it there, to begin with.

MR. HARRIS: It’s merely an illustration and if it serves to confuse or mislead, then we ought to get rid of it.

MR. BELL: I’m just suggesting that. I mean, if nobody else has a problem with it, I don’t object to it.

But, given the background that I have, that doesn’t tell me much.

MR. CARRINGTON: Jeff.

MR. HARRIS: Yes.

MR. CARRINGTON: I’d also be interested to see if built into that figure -- and this is for our future discussions of the exclusionary rule -- what amount of declinations were made because the prosecutors felt that the evidence would not be admissible because the police had committed either a willful or technical violation of the laws of search and seizure.

MR. HARRIS: The study on which this chart is based wouldn’t give you that information. There may be other sources we can get it from.

MR. CARRINGTON: This could be really important when we get to talking about the exclusionary rule later on.

MR. THOMPSON: I think both the Judge and Frank are right.

If we’re to -- If a chart like this is to be useful, as indicating that U.S. Attorneys decline cases
and that some are presented to local prosecutors and
taken up and some are not, it really isn't useful unless
it tells us why.

I think in the present context that the chart
really tells us just little enough to be, maybe, mis-
leading. Certainly, U.S. Attorneys would take exception
to it. And, I assume -- and local prosecutors would
take exception to it too, because it contains no place
for an explanation of why the case was declined, no
further action was taken, or why the local prosecutor
wouldn't take it from the Federals.

I just don't think it really tells us very
much.

MR. HARRIS: If that's the feeling, let's get
rid of it. I mean, if it is not -- If it does not
advance the ball and merely suggests more questions than
it answers, then it is not useable.

MR. BELL: I'm proposing we'd better take
it out.

MR. HARRIS: Is there any objection to that?
MR. LITTLEFIELD: No. We'd better take out
the third paragraph then on line 20.

MR. HARRIS: Is that the one that begins:
"The impact"?

MR. LITTLEFIELD: Yes.

MR. HARRIS: Page 20.

MR. LITTLEFIELD: Page 20. That's just an
explanation of the table, so if the table isn't there
it'd better go out.

MR. HARRIS: Yeah. It ought to go out.

So, the chart is eliminated, as is that para-
graph which purports to be a coherent explanation of it.

MR. BELL: See, the declination -- In the
Justice Department, declination is a term of art. And
they keep a chart at the FBI on all the U.S. Attorneys.

(Laughter.)

MR. BELL: Or they used to, to see how many
cases they declined. 'Cause they're wasting their re-
sources if they're making a lot of cases, and then
they can't get 'em prosecuted.

MR. HARRIS: Charts go both ways, Judge.

(Laughter.)

MR. BELL: Yeah. I want you to bet.

(Laughter.)

MR. HARRIS: All right.

Recommendation No. 7: "The Attorney General
should expand the program of cross-designation that would
assist the United States Attorneys and the state and/or
local prosecutors."

Any discussion of that commentary?
MR. BELL: But that could be one of the charges given to these committees?

MR. HARRIS: I think that is one of the things they would consider doing.

MR. BELL: And the Attorney General could call on all the U.S. Attorneys to report back on what he's done to accomplish that.

MR. HARRIS: No. 8.

MR. BELL: Why don't you put that in a footnote? Well, that'll be done anyway. You don't have to do that. All right.

MR. HARRIS: No. 8: Create a criminal program recommendation.

Any comments with regard to the commentary on that?

MR. BELL: You didn't use the word "repeater" or "recidivist" anywhere in there.

Now, what you've done, you've taken the Justice Department from the LEAA. It's changed our terminology that every American understands and come up with a new word called "career criminal".

I think we, at least, ought to tip our hat to the old language of recidivism or repeater.

MR. HARRIS: Perhaps we could simply write in the first paragraph, add in a sentence after: "These individuals are commonly referred to as career criminals," indicating that in the past they have been known as repeat offenders, or recidivists.

MR. BELL: There you go.

MR. HARRIS: And that's the concept we're trying to address.

MR. BELL: That's right, hurrah.

MR. ARMSTRONG: Can we do that in the first paragraph, the discussion of the second sentence, or third sentence: Well organized programs for prosecutors, etcetera, to these repeat offenders, herein after known as career criminals?

MR. BELL: Something like that would be good.

MR. HARRIS: That's fine. Yeah, I think we just want to identify the --

MR. BELL: That we're talking about the same thing. 'Cause in all the literature in the country is based on repeaters or recidivists.

MR. HARRIS: Yeah.

MR. BELL: I find when I was Chairman of the Crime Commission in Atlanta, years ago, that not anyone -- that very few people knew what a recidivist was. So, I had it changed to "repeater". But, it seems to me that "career" doesn't help much over "repeater". Everybody ought to know what a repeater is.
But, at any rate, I don't object to it. I'd just like to connect it.

MR. ARMS THONG: But that recidivist might be now known as a foreign national who we're training over priorities of local law enforcement officials.

(Laughter.)

MR. HARRIS: The commentary for Recommendations 9 and 10: The delay in the reduction of fingerprint identification applications and the provision of other technical services by the Bureau are combined in a common discussion.

Any change there, other than the one that Judge Bell has previously suggested?

MR. BELL: As a matter of form, there's a great deal of overlap between this and 4.

Recommendation 4 gets off into something that's not addressed to, rather than putting it here.

I just suggest that.

MR. HARRIS: The reason I think that we went separately as 4, which is the Interstate Identification Index, which is a new prototype system.

Even if that were to be implemented, it would not reduce the delay in the processing of fingerprint identification applications. I think, while they are clearly related and do both relate to the provision of information to states about the offenders before them, there are two separate problems.

MR. BELL: All right.

MR. HARRIS: And, I think we ought to keep it the way it is.

MR. BELL: All right. I'm not -- I'm just commenting.

MR. HARRIS: Yes, sir.

11: "The Attorney General should expand, where possible, the training and support programs provided by the Federal Government to state and local law enforcement personnel."

The discussion here, any comment?

(No verbal response.)

MR. HARRIS: 12.

MR. THOMPSON: I just had one recommendation on 12.

MR. HARRIS: This is -- let me -- For people who may not have the report.

This is the one where we recommend the Attorney General take a leadership role in promoting the principle that schools should not be safe havens for criminal conduct. And where such conduct is taking place, the law enforcement should pursue them with vigor."

MR. THOMPSON: I agree with the Recommendation
and I agree with the discussion.

And the discussion, I think, more than adequately answers the concerns that I've had from the beginning that we begin in the Task Force to try and find an ultimate solution in which the Federal Government can satisfactorily participate in the fight against drug abuse in schools.

But the Recommendation, the language of the Recommendation, itself, does not refer to drug abuse, although the discussion does repeatedly. I think that could be cured simply by inserting the phrase: Drug abuse, comma, in front of the word "crime".

Then the commentary would be consistent with the Recommendation.

MR. BELL: Yeah, good.

MR. HARRIS: Any objection?

(No verbal response.)

MR. HARRIS: So, after the word "that" --

MR. THOMPSON: Right. Drug abuse, comma.

MR. HARRIS: Drug abuse, comma.

MR. BELL: All right. Now, I've got two comments about this Recommendation.

MR. HARRIS: 12.

MR. BELL: 12. In the third line of the discussion, we say that crime is a serious problem in rural schools. I didn't know that. I thought that we were talking about urban, suburban schools. But I hadn't heard about any crime in any rural schools. Have we got some basis for saying that?

Are we trying to equalize treatment for marijuana?

(Laughter.)

MR. HARRIS: The basis for saying that, I believe is the same report from which the statistics which are cited in the discussion are based. And that is that 1976, '77 study -- whose name escapes me, but it may be in your earlier draft --

MR. BELL: It's right over here.

"A 1976-'77 national survey by the National Institute of Education." Where is that organization out of? Is that in Washington?

MR. HARRIS: Yes. They're a part of HEW.

MR. BELL: I see.

MR. HARRIS: Or, now, I guess --

MR. BELL: They found the crime rate was high in rural schools.

MR. HARRIS: As well.

I must tell you that I share your surprise.

MR. BELL: I hadn't realized that this had
become a great national problem.

MR. LITTLEFIELD: outhouses last night.

MR. HARRIS: You know, I think we ought to consider removing that, and I'll tell you why. And I hadn't focused on it until you had, Judge.

That the kind of problem we're talking about is the kind of narcotics-dealing, and extortion, sexual crimes that make most public, or some public high schools in the city, the place at which you find yourself at greatest risk.

If you want to place yourself in the greatest risk, chose a high-crime city, and then go to a public high school in a poor neighborhood.

That's what the statistics tell us. If that's the concept we're trying to get across, rather than a few kids smoking cigarettes in the bathroom kind of thing, then we probably ought to remove that. Because I think most people --

MR. BELL: Yeah. Now, my major comment on this section is something altogether different.

We say that the Attorney General has a major leadership responsibility to inform the American public as to the extent of the problems of violent crime.

If you ask anybody -- If you stop anybody in this country on the street and ask them about violent crime, the first thing they talk about is street crime. They're afraid to go on the streets. They are burglarized, robbed, or those sort of things. You wouldn't find one in 20 that would mention the schools.

Now, we know schools is a problem for another reason, and that is that they have become sanctuaries in some places. That's what we're really getting at.

But we ought to say in the commentary that the Attorney General has a leadership role in all of these areas of violent crime, not just in the schools. And then talk about the schools. Because, we're giving undue emphasis to one thing and may end up being criticized, the Attorney General or us, for that matter.

We could be criticized because we focus on one thing and didn't say anything at all about street crime, the home burglarizing, and those sort of things. Just mention it, so that the report gives a full picture of where we think the Attorney General ought to speak out.

Do you get what I mean?

MR. HARRIS: I'm trying to find where it is in the commentary we now --

MR. BELL: We don't say anything about it anywhere in the commentary. I mean, I want to put it in there.
MR. HARRIS: It is in the first sentence in the Recommendation -- the Recommendation, itself: "The Attorney General should exercise leadership in informing the American public about the extent of violent crime."

MR. BELL: Where is that?

MR. HARRIS: It's up in the Recommendation, as opposed to the commentary.

MR. BELL: Well, right. But then we've denigrated that by simply pointing to one thing. And I don't want to put it in the Recommendation, I just want to put it in the commentary, or the discussion.

MR. HARRIS: So, you would then remove the first sentence of the Recommendation and work that into the commentary?

MR. BELL: Well, I could hear some reporter asking the Attorney General: Look like the Task Force came up with a mouse. They were looking for an elephant, and the only thing they could find was that we're having crime in the schools. Do they know anything about the city streets, or about the burglary rate?

And then we got -- We can't get into that position. We got to cover the whole thing, every time. I mean, it may be redundant, but, nevertheless, in my judgment, it's necessary.
say we -- This is a range of violent crime that most Americans know and fear. We've discovered another. And the Attorney General should include this other one in his leadership role as well, something like that.

MR. BELL: There you go; that's good.

MR. THOMPSON: I had just one other comment on the first paragraph on page 36. Because the last sentence of that paragraph is the literal language of the Recommendation, we should add the words: Drug abuse, comma, in front of the word "crime" there.

MR. HARRIS: That's 3 lines from the bottom of the first full paragraph on 36?

MR. THOMPSON: Yes.

MR. HARRIS: Recommendation 13: "That the Attorney General take a leadership role in ensuring that victims of crime are afforded their proper status by the criminal justice system."

Any comments on the discussion following that Recommendation?

MR. BELL: Which one are we on?

MR. HARRIS: No. 13, Judge.

MR. BELL: I just hate to use the word "client".

MR. CARRINGTON: I think I know what they're getting at there, and perhaps we could delete the words "as clients" and insert the words "as the ultimate consumers in the criminal justice system". That is what the victim really is, a consumer.

MR. HARRIS: I guess, another alternative. Does not the sentence read well without any just "victim's rights are protected"?

MR. BELL: Well, victim's rights --

MR. HARRIS: Are protected.

MR. BELL: Yeah, that's all you need to say.

MR. HARRIS: I think that word -- The term "client" is used there in a generic sense, not in the -- (Laughter.)

MR. BELL: It's not a -- They're not a -- A victim is not a client. If we want to be engaged in a rhetoric, we'd possibly think of something else.

I think -- You know, this is a good recommendation.

MR. CARRINGTON: Judge.

MR. BELL: I'm not complaining about it, but I just hate to use the word "client".

MR. CARRINGTON: I think I know what they're getting at there, and perhaps we could delete the words "as clients" and insert the words "as the ultimate consumers in the criminal justice system". That is what the victim really is, a consumer.

MR. HARRIS: I guess, another alternative. Does not the sentence read well without any just "victim's rights are protected"?

And then we would not have to make the characterization, either -- any characterization. And we get the same impact in the statement?

MR. BELL: Well, victim's rights --

MR. HARRIS: Are protected.

MR. BELL: Yeah, that's all you need to say.
MR. HARRIS: Mr. Carrington, would that be satisfactory?

MR. CARRINGTON: Sure, that's fine. We'll get to that in Phase II.

MR. HARRIS: Recommendation 14: "Executed to ensure that all relative information not otherwise provided is put before the court."

If you recall in our discussion of this, Judge Bell suggested that we check whether or not there is no such direction already extant in the Department.

And we cite in our discussion now the direction that -- He's exactly right. There was such direction -- and indicate that where it is not being followed, the Attorney General ought to make sure it is.

MR. BELL: Yeah. That's the whole principle of the federal prosecution. Something that was developed by Professor Meador, at the University of Virginia. I think he was with the Department.

MR. HARRIS: Lastly, Recommendation 15: "That the Attorney General should direct responsible officials in appropriate branches of the Department to give high priority to testing systematically programs to reduce violent crime and inform state and local law enforcement and the public to that effect of programs."

And comment on the discussion of 157

Professor Wilson.

MR. WILSON: I apologize to my colleagues for being late, but the earliest flight from Boston only arrived now.

I would like to propose a substituting language for the commentary of Recommendation 15, existing paragraph 4. The purpose of the substitution is not to change the meaning of the Recommendation or the arguments in support of it, but to clarify the relationship between research, demonstration, and evaluation on the one hand and practical programs designed to deal with crime on the other hand.

I have prepared copies for each member of the Task Force, if you'd like to distribute it, and see whether this language is, in your judgment, an improvement.

As I say, by offering examples, and by spelling out a bit more clearly the ways in which research can, or cannot, contribute to dealing with violent crime, I think we increase the force of the Recommendation and make it seem, perhaps, less likely a mere genuflection in the direction of the research community and the existing budget of the National Institute of Justice.

MR. HARRIS: Since we're working with a later draft here at the table, let me just say that this would...
in lieu of -- since the pagination is different.

MR. WILSON: In lieu of the paragraph that
now begins: "The research process must" --

MR. HARRIS: All right.

MR. WILSON: Which is the fourth paragraph
of the clean text.

And the two paragraphs I've written would sub-
stitute for that paragraph and the paragraph that im-
mediately follows it.

So, we would take out those two and replace
it with these two, if it meets your approval.

I have some earlier language changes, which
you already covered. I hope there's some way I can sug-
gest them also.

MR. HARRIS: Anybody -- Oh, I'll wait.

MR. BELL: Would you take out the part about
the "research process must be one that has integrity"
and then "it shows their responsiveness to the problem
of serious violent crime at the local level"?

MR. WILSON: Ah, I'm very much in favor of
integrity, responsiveness, and I'm very much opposed to
crime at the local level.

I didn't mean to detract from the force of
that sentence. If you feel that that sentence contains
important substance, I would simply put it back in at

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MR. BELL: Yes.

MR. WILSON: Narrowly interpreted, that is correct.

MR. BELL: Well, we'd be glad to take that out.

(Laughter.)

MR. WILSON: But, it -- yeah -- But the problem is that many things that now turn out to be most useful in dealing with crime, such as the career criminal program, began as a research for the sake of research, much of it conducted by the person who will be our luncheon speaker, Professor Marvin Wolfgang, of the University of Pennsylvania.

MR. HARRIS: Well, let me see if I -- I think I hear -- It doesn't sound like we have a disagreement.

That we could leave in the first sentence of the fourth paragraph, on page 41. The one that begins: "The research project must be one that has integrity," etcetera.

MR. WILSON: I agree.

MR. HARRIS: And then take out the next sentence.

Judge, and you're suggesting, then, leave in the last sentence in that paragraph: "Research should be a vehicle for educating the public and the criminal justice community."

Any problem with leaving that one in?

MR. WILSON: No. And then to make it complete, I would make that paragraph, with the middle sentence deleted, a paragraph by itself --

MR. HARRIS: Itself.

MR. WILSON: And pick up my text immediately thereafter as a new set of two paragraphs.

MR. BELL: Yeah, I think that would be good.

MR. ARMSTRONG: Would you delete the paragraph on page 41, the last paragraph?

MR. WILSON: Yes. Because my paragraph is meant to repeat most of that language, David.

MR. ARMSTRONG: That covers the same thing, yeah. So, delete that?

MR. WILSON: Right.

MR. HARRIS: Now, if we could just take -- We are -- We all have a schedule here.

If we can take a few minutes. I know that Professor Wilson expressed to me on the telephone some changes he'd like to suggest to you.

Number one, I think, in the Letter of Transmittal; is that correct?

MR. WILSON: Yes.

And I distribute some more reading material for you.
If you'll refer to the draft Letter of Transmittal to the Attorney General, which is on the first page of the edited text, my proposed substitute is meant to substitute for the first 3 paragraphs of the present text.

Again, it is not meant to change substance, it is meant to clarify the context in which our work was to proceed.

And I think that's important from the point of readers and reporters reacting to our set of recommendations.

We have to make as clear as possible the mandate we have, and the restrictions within which we work, in order to not allow the existence of the report to raise false expectations. We are, after all, an entity of the Department of Justice, reporting to the Attorney General, not reporting to the President, or other Cabinet officers.

And, in addition to that, we operate under the restriction of, in Phase I, no new legislation and no additional funding.

I hope my language doesn't create any problems. It's not meant to. It's simply meant to clarify what I think is a widely understood set of understandings about the nature of our mandate.

MR. WILSON: Okay.

MR. BELL: I mean, I don't -- I don't mean it's the substitute I don't like, but the -- When you raise all these questions about what other departments of the Government can do, it seems to me we just put the Government, the Administration, in a bad position. Because the press would say, if I remember the press: Well, why didn't you -- Why don't you deal with all of the other parts of the Government? Why don't you compel them to do what they ought to do about crime?

See, you -- The way you've written this, it sounds like the Department of Justice is one little facet of the Government, which is true. And that they can do...
what they can do, but there's a lot of other people that are not doing anything.

MR. WILSON: It certainly wasn't meant to imply that. I'm thinking --

MR. BELL: Well, but I'm like your wife, though, I'm just a --

(Laughter.)

MR. BELL: -- just a ordinary reader.

MR. WILSON: You see, but not as perceptive, because she didn't get that.

MR. CARRINGTON: Jeff.

MR. HARRIS: All right.

MR. CARRINGTON: At the first meeting of this Task Force, on the first day, the Attorney General specifically charged us not to get into root causes of crime. And I think we could do this by just saying:

As you instructed us at the first meeting, quote from whatever was said, and then it takes care of everything.

But, it puts it in the format that we were not -- we were charged, specifically, to address what can be done.

MR. WILSON: That's the only point I was trying to make, what you just said.

MR. CARRINGTON: So, we could just put it in the terms that we were so instructed.

MR. HARRIS: Now, just so I'm clear, and the steps are clear on what we should be about here.

On the substitute. I assume that there is no problem with the substitute paragraph 1.

MR. WILSON: No, since it repeats, very largely, what you already have.

MR. HARRIS: Well, I'm trying to pinpoint where we think we are going to change your substitute, Professor Wilson.

MR. WILSON: Well, I think the only issue that's been raised so far is paragraph 3 --

MR. HARRIS: 3.

MR. WILSON: -- of my proposed substitute.

MR. HARRIS: And what Mr. Carrington is suggesting, I assume would be a substitute for the first sentence?

MR. WILSON: No. I think that it would follow from the first sentence. If I understand what Frank said, he would like us to -- in order to help put this in context -- remind the reader what the Attorney General reminded us of, namely, that our mandate was not to research or to think about the causes of crime, in any fundamental sense, but to think about federal programs which deal with crime as it appears as a daily fact of life; and to do so within the context of options currently available to the United States Department of
Justice.

Now, if you can think of a better way of saying that, I am all in favor of it. It's not my intention to embarrass those who appointed us.

MR. BELL: Well, I don't know of any reason for us to remind the Attorney General of what he told us.

MR. WILSON: It's not to remind the Attorney General.

MR. BELL: He knows what he told us.

MR. WILSON: I can assure you that from the press commentary that has already appeared about the direction our report is likely to take, that many persons in the press -- perhaps because they have not yet had a chance to read the report. But, I think, perhaps because they have had a chance to read it. All these recommendations are widely circulated among the media -- their first reaction is: Why are you drawing your focus so narrowly? Why are you looking at things like the Posse Comitatus Act, or the Fugitive Felon Act.

Well, the reason for that is a perfectly good and understandable reason. Those are the sorts of things we are asked to look at, and it's an important thing to deal with that matter.

So, I'm not trying to remind the Attorney...

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be asked to sign the Letter of Transmittal. Today I hope we can take a look at it and see if there are any problems with regard to what we come up with.

How would that be?

MR. WILSON: That'll be fine.

MR. THOMPSON: Could I raise one more small thing that I skipped over on page 13, and I should not have.

It may sound a little silly, but sometimes silly things lead to misunderstands. You have to explain later.

Down at the very bottom paragraph, page 13, it says: "1 to 3 months may be a tolerable time to wait for an employment check."

If you read that really quickly, and don't think about it --

(Laughter.)

MR. THOMPSON: -- you might be suggesting to somebody that they could wait 1 to 3 months to be paid.

Now, in the context of where it is, they'll know that employment check means a background check for somebody about to be employed.

But, even when you think of that and understand the context that this is a statistical quest for information of somebody asking for a job -- Even in that context, I think it's gratuitous to say that. 'Cause I'm not sure that that -- And, obviously, there are priorities and criminal justice comes ahead of employment checks, or requests for employment information.

But, we shouldn't be setting up anything that's intolerable, if I could be improved at any time in the future.

Why don't we just say: 1 to 3 months is an intolerable delay for the criminal justice processing system, and not make any reference to employment checks?

MR. BELL: I agree with that. Omit that.

MR. THOMPSON: -- may be intolerable.

MR. BELL: But, it wouldn't be tolerable to wait 1 to 3 months on an --

MR. THOMPSON: Right.

MR. BELL: The job would be gone by that time.

MR. THOMPSON: That's right.

I guess I'm reminded of this by reading the headlines this morning, when the President charged back to the microphone yesterday to say to the world that he did understand the working and he grew up in poverty.

And I don't want any similar misunderstandings coming out of this Commission on this sense.

MR. HARRIS: Then we will turn that around, then, to the --
MR. THOMPSON: All right.

MR. HARRIS: All right. I think where Professor Wilson had a comment with regard to Recommendation 1 --

MR. WILSON: Right.

MR. HARRIS: -- relating to the fugitive recommendation.

MR. WILSON: And, I'll inundate you with more paper. Professors love generate reading lists. And, so I'm happy to have a captive audience for them.

This, which you are now receiving, is meant to substitute for the existing paragraph 1, in the discussion of the first recommendation. And it's designed to achieve two purposes:

Now, first, it's designed to change the focus a bit. That is to say, it's not clear to me that fugitives represent failures of the criminal justice system, and I don't think this Task Force should be in a position of condemning the whole criminal justice system.

Sometimes people become fugitives, despite the very best efforts of the criminal justice system.

Secondly, the fugitive problem is an extremely serious problem when you consider the need to allocate scarce resources, and you ask yourself: Given limited dollars, where in the law enforcement process can those dollars yield the greatest gain?

And, I am suggesting in this language, what I think many of us have said all along, that probably the greatest gain can be obtained from apprehended persons who have already been apprehended once, or perhaps even convicted once.

There, when you find somebody, you know you are spending dollars on a person who has, in fact, committed a crime. Whereas when you are spending money on the investigation of crimes reported to the police, important as that is, you're spending money, the return on which is going to be much less.

So, if the object is to allocate funds, in terms of a sense of priority, this paragraph urges that fugitives are not to be considered important, simply because they've disappointed us, or they fled a jurisdiction, or they represent a failure of the criminal justice system -- I'm not sure they do.

The reason why fugitives are important is because by bringing them back into the hands of the law, we are making the most cost-effective contribution we can make to dealing with the reduction of crime.

On the assumption, which I think is plausible, that fugitives tend to be repeaters, and if left free...
MR. HARRIS: Any discussion on the substitute? Governor, do you like it?

MR. THOMPSON: Yeah, I like it.

MR. HARRIS: Anyone have a problem?

MR. BELL: None. I think it is good.

MR. WILSON: Could I just mention one or two other things, and these will be the very last, and there is no paper to read.

MR. BELL: Let me ask a question --

MR. WILSON: Certainly.

MR. BELL: -- before we leave this section -- that I meant to ask.

How many of the -- We use this big -- We like big figures. We got 180,649 fugitive warrants. And then over here on the next page we mention that some of them are traffic violators. I wonder how many are traffic violators of 180,000?

MR. HARRIS: I think --

MR. BELL: What are we doing dealing with traffic violators?

MR. HARRIS: And we're not suggesting we deal with that. I think the statistics tell you that about 40,000, of those 180,000, are people who have been involved with violent crime, or violence in the past.

MR. BELL: I saw that. But we mention traffic violators.

MR. HARRIS: Well, I think that what we're trying to say here, and not to fool anyone -- I want to point out that those 180,000 are not people that are worthy of the FBI's concern. But, still, of the 180,000 there are still a substantial amount who are.

And, we're just trying to give the range of the types of people that are likely to be found in the NCIC computers.

MR. BELL: Well, let me ask, turn it around another way.

Could you tell me if the FBI is wasting personnel keeping up with traffic offenders?

MR. WILSON: I think --

MR. BELL: That's what it says here. They...

MR. LITTLEFIELD: Aren't those on federal reservations. I think that is what it must be.

MR. BELL: Well, even the FBI ought not to be working on that.

MR. ARMSTRONG: Well, I think, you know, the NCIC has -- The offense must be an extraditable offense.

And the traffic violation, as a misdemeanor in most states, would not be an extraditable offense. And I'm not sure why that's even in there.
MR. BELL: But, it says in the second line, first sentence in the same paragraph. Excuse me.

We get this 180,649 figure, and it says that's according to the FBI's National Crime and Information Center.

Then, later on, there's something about -- now, where is this thing about traffic warrants?

MR. THOMPSON: Judge, I believe -- No, no, no. It doesn't mean that, Judge.

MR. EDWARDS: That's the Marshal Service. It was talking about prioritization.

MR. BELL: But, is the FBI spending time listing a lot of traffic warrants up there in the FBI building?

MR. HARRIS: No.

MR. BELL: That's what I'm trying to find out.

MR. HARRIS: No. What that paragraph is telling you is that the Marshal Service has a way of prioritizing their fugitives and that, obviously, that the lowest priority would be for misdemeanor warrants and traffic warrants.

It is just explaining that the Marshal Service has developed a priority system in which they are not going to waste their time on misdemeanors and traffic warrants. That is what that tells you. That they have done some --

MR. BELL: Doesn't that imply, though, that they're keeping up with traffic warrants?

MR. HARRIS: If there are traffic warrants on a federal reservation, all federal warrants end up in the Marshal's files. It's simply a place where all warrants are responded.

And the Marshall -- This paragraph is simply telling you that the Marshalls have looked at the warrants in their files, assigned priorities, and obviously assigned the lowest priority possible to misdemeanors and traffic warrants.

MR. THOMPSON: I think we ought to -- If we're going to talk about it, I think we better explain what we mean by traffic warrants. People are going to be confused about the traffic warrants issued by the local police. I mean, they don't do that.

MR. HARRIS: We could simply say: Traffic warrants on federal reservations. I mean, that's the -- That's how a traffic warrant would get into a federal file, if it was on a federal reservation.

MR. BELL: If that's what this means?

MR. ARMSTRONG: Do we have to even put that in there?

MR. THOMPSON: Why do we have to talk about it?
MR. THOMPSON: Period.
MR. WILSON: Instead of trying to explain what a traffic warrant is.
MR. HARRIS: Fine. Let's just end it there, then.
MR. WILSON: My last comment, Mr. Co-Chairman, is a matter simply of personal privilege.
On page 42, the last page, and perhaps elsewhere, as well. But, I know on page 42, the word "prioritizing" appears twice. And I have recently heard two my colleagues on this panel use it.
Priority is a noun; it is not a verb --
(MR. WILSON: It is not a gerund; it is a noun.
I will not sign any document --
(MR. WILSON: -- that has the word "prioritizing" in it.
(Laughter and applause.)
MR. BELL: What about finalizing?

MR. WILSON: I have equal objections to that.
There is a rule in the Federal Government that all nouns must be used as verbs: You task things; finalize reports; prioritize action. This is gobbledygook.
MR. HARRIS: Well, I think we can sanitize the report of those two words.
(MR. WILSON: It is not a gerund; it is a noun.
MR. HART: You can make sanitary the document. (Laughter.)
MR. BELL: Don't leave out: Impact on. (Laughter.)
MR. WILSON: Yes, that's another one of my favorites.
MR. HARRIS: Well, I think that proves the adage that the last comment is not necessarily the least. (Laughter.)
MR. HARRIS: And with that we will take a break. We will reconvene at 10:30, to begin public testimony. (Recess.)
MR. THOMPSON: Okay. Our friends and guests, in the back of the room could resume their seats, so that we could stay on schedule. Our first witness is here.

Our Executive Director, Mr. Harris, has to be
absent for an hour, or so, and he has asked me to begin
the agenda, with the testimony of the witness.

I would like, if I might, to be allowed the
personal privilege of introducing the first witness to
the members of this Commission.

Ty Fahner is the Attorney General of the State
of Illinois. Normally we elect our Attorney Generals
in Illinois, but occasionally vacancies do occur in
Constitutional offices, and under our Constitutional,
the Governor is obliged to fill those vacancies.

Under some rather tragic circumstances that
vacancy occurred in the Attorney General's Office, of
the State of Illinois, and I searched the State of
Illinois for the very best person that I could find to
appoint to the Office of Attorney General.

Knowing that that was not only my Constitu-
tional duty, but that since I had spent most of a
professional lifetime in law enforcement, the people of
Illinois would expect no less of me in an appointment
to an important, perhaps the most important, law enforce-
ment position in the State.

The Attorney General was once a graduate student
of mine at Northwestern University, along with Professor
Inbau, and once served in my Cabinet, as the Director
of Law Enforcement for the State of Illinois.

STATEMENT
OF
THE HONORABLE TYRONE C. FAHNER,
ATTORNEY GENERAL,
STATE OF ILLINOIS.

Mr. Fahner: Thank you, Governor. Thank you
for those kind words. Judge Bell, members of the Task
Force, ladies and gentlemen, thank you for inviting me
to testify today. I can hope that unlike previous
efforts to attack the epidemic of crime in this country,
this panel, with the information and recommendations
provided to it, will respond with action that we, at
the state level, can use to better our society.

Although the Governor, with his kind remarks,
has already done so, I plan to acquaint the members of
the Task Force, whom I do not know personally, with a
little bit of my background, just so you could weigh
the value of any remarks I'd make today.

I've spent most of my professional life working in law enforcement, prior to becoming the Attorney General.

I've served as a federal prosecutor, and at various times in those responsibilities serving, in fact, under Governor Thompson, who was U.S. Attorney.

I was in charge of the Consumer Fraud Section, the Official Corruption Section, the Civil Rights Section of the U.S. Attorney's Office. And I further served as the Director of Law Enforcement for the State of Illinois.

In those various job responsibilities, I've seen the full gamut of violent and nonviolent crimes and their effects on individuals and in our communities.

And, as each of you know, the view is not a pretty one.

Too often we have become myopically concerned with protecting the so-called rights of criminals at the expense of taxpayers and, more importantly, the victims of crime.

We have strained our court system, overburdened our law enforcement officials, and grievously turned our backs on victims of violent crime to the great advantage of criminals themselves.

Let me give you an example of what this

In Illinois last fiscal year, the state spent more than $500 million for law enforcement -- parole, court, and correctional functions combined. This does not include the price tag, which is immense, paid by counties and local units of government.

How much did we spend on the victims of crime to help them with their financial loss? $2 million. Or about $10 million since Illinois first started its Crime Victims Compensation Program back in 1974.

Now, we, as government officials cannot take away the emotional pain of losing a loved one, who was the victim of crime, or soothe physical pain or injury. But, we can help ease the financial burden caused by violent crime that can potentially put families out of their homes and into debt for years to come.

And that was the purpose of the Illinois General Assembly, that they had in mind 8 years ago, when they approved the Crime Victims Compensation Act. 30 states now have similar programs.

Under the Illinois Law, crime victims who sustain physical injury, or suffer the death of a family member, are eligible for compensation. Costs of medical and hospital expenses over $200, and not otherwise
covered or included, along with the loss of earnings up to $750 per month. Now, total recovery may not exceed $15,000, and no recovery can be made for property loss or damage.

The most important feature of our program, however, in my judgment is not simply the money. A vital provision is that our victims do assist us in fighting crime, as well as treat its effects.

To qualify for assistance, a victim must first report the crime to the proper authorities within 72 hours of its occurrence.

Second, they must demonstrate they were not involved in and did not provoke the crime.

And, third, the victim must be willing to cooperate with the authorities toward the apprehension and conviction of the criminals involved.

Compensation, then, is not a governmental giveaway. Our program assures that society get what it needs from its victims to help protect itself.

Our victims program is growing in Illinois. We recently stepped up our Public Service Announcements to let more people know about our efforts and how to contact us.

We have distributed 30,000 plasticized cards and posters to police and hospital emergency rooms.
And we have laws protecting witnesses to a crime from being fired by their employers for taking time off to testify in court. That's happened all too often.

The law needs to be expanded, I believe, to protect witnesses from the financial Catch-22 of having their pay docked for time spent in court appearances.

The bottom line, however, is not necessarily more crime victims legislation. As simplistic as it may sound, what we need to help crime victims most is less victims. Not more money, but less crime. And that, obviously, is what you are here for today.

I've spoken, necessarily, in large figures and broad policy strokes. But let me tell you for a moment about one single woman.

An application for victim's assistance came to our office recently that particularly caught our eye. A 98-year-old Chicago woman sought recovery of medical expenses and loss of earnings. We were amazed at someone of such advanced years was still in the workforce, and we were particularly interested in her story.

The woman worked 5 days a week earning what Social Security allowed her by packaging food and clothing for Catholic Charities of Chicago.

She was coming home from work one winter evening when two juveniles beat her, crushed both of her hands, stole her purse, and left her to freeze in the gutter.

Now, while her age, 98, may be unusual, her case is not. And that is the reason why my second topic, youth crime, is so important to your consideration.

Youth crime has become a pressing problem in our society. First, because it is growing at an astounding rate; and, second, because the juvenile who is a criminal today will be with us for many years as a criminal unless we change his behavior.

And our task, then, is to make our communities safer, while at the same time redirecting, wherever possible, the lives of these young people.

Let me begin by briefly suggesting why we must care about these youth. They threaten the safety of others in the community, obviously. We are spending large, indeed tremendous, amounts of money containing but apparently not correcting their behavior.

Even if incarcerated, almost all of them will eventually return to the community.

And, finally, and perhaps most importantly, in my judgment, many, if not all of these young people are salvageable.

Now, the question of who are these youth within
the total violent crime picture, is a difficult defin-
tional problem. The FBI defines violent crime as
including murder, forcible rape, robbery, and aggravated
assault. Others expand its definition to include kid-
napping, arson, and arson of an occupied structure. Still
others count different combinations of offenses.

But, rarely do any of these definitions con-
sider the chronic nature of the offenses, a factor many
in the field believe very significant.

And, needless to say, the inclusion or exclu-
sion of specific crimes influences greatly the estimate
of the incidence of violent crime in our society.

If you include arson in the violent crime, it
appears that persons under 18 are arrested for about
25 percent of all violent crimes in the U.S. today.
This figure is even more startling when you realize that:
in 1979 young people, the ages 10 to 17, represented only
13.8 percent of the nation's total population.

Historically, the violent juvenile offender
will be a 16 or 17-year-old black male. He is likely
to be poor; he is not likely to be a good student. He
may or may not have been arrested for a violent crime
previously.

Recent research suggests that this description
may be changing, as figures show a tendency toward a
rise in white males in the juvenile criminal population.

No profile of the serious youth offender would
be complete without some mention of gangs. Almost half
of the youths arrested for serious offenses are gang
members. I don't want to elaborate, because I know
you're going to be hearing more on that in greater
detail later on today.

And though gangs are disproportionately repre-
sented in the nation's largest cities, there is an in-
creased probability of finding gang problems in smaller
cities throughout the country today.

Illinois data for 1980 shows a marked increase
in the arrests of juveniles for robbery, in particular;
while the arrest of juveniles for murder and aggravated
assault have decreased slightly.

From 1970 to 1979, juvenile arrests for violent
offense has increased 41 percent. Nationwide, 5 to 6
percent of all delinquents are responsible for 9 percent
of the nation's murders, 34 percent of the nation's
robberies, and 16 percent of both rapes and aggravated
assaults.

These figures and other data are covered in
more detail in the materials I've submitted to you for
your further consideration. And upon reviewing it, you'll
also see that since 1978 arrests of juveniles for violent

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crimes nationwide has risen over twice as much in suburban areas than in the cities, and even more in rural areas than in the suburbs.

This is a particular problem socially and financially in cities such as Chicago with huge population growths. And, obviously, to the people in this state who are not used to such problems, it creates a dramatic change in attitudes about violent crime and what they must do about it.

The Illinois figures indicate the rise to be attributable to a jump in the number of robberies and burglaries, in particular.

As I have already said, these have increased alarmingly; while murder and rape by juveniles has remained almost constant.

I've told you who these young people are, what they're doing, and what they've been doing. But, what is presently being done to address violent crimes by young people, and how do we begin to stem the tide of young, or youth people -- young people crime. Excuse me.

The success of programs, such as Denver's New Pride and the Unified Delinquency Intervention Services here in Illinois suggest to me, at least, it is feasible to maintain many high-risk youth in their own community.

New Pride provides participants directly with a range of services. And the Unified Delinquency Intervention Services contracts with local service providers across the state who obtain help and services for the young people. Both programs emphasize the need to address the youth individually.

Now the cost per youth seems high. UDIS averages $7,000 a year, but that's not nearly as costly in Illinois as keeping the youth in the correctional facility at an annual cost of about $24,000 per person. And it affords no assurance that the youth will be reformed into a productive member of society when that person leaves the institution. And, obviously, our statistics are contrary.

While some have advocated programs like UDIS and New Pride, others have argued that the juvenile offenders must be subjected to stiffer penalties.

There is no question that some young people must be removed from their communities for their own safety and, more importantly, for that of others.

This does not, however, say that all young people must be sent to institutions where they expand their knowledge of criminal activity. And at least one study has shown that incarceration accelerates a criminal
career as periods of incarceration were followed by
succeedingly shorter periods between release, the next
arrest and subsequent incarceration.

Let me close with some brief thoughts to go
from here.

Good federal legislation to deal with the
problems we've talked about already exist. I recommend
that current efforts under the Juvenile Justice and De-
linquency Prevention Act be continued. And, as recently
proposed by Congress, more narrowly focused on serious
youth offender.

Affording the problem is recognition, allowing
the states to work in partnership with the Federal Gover-
ment. And, by the way, this is something that I've
already had firsthand benefit of learning; that the U.S.
Attorney General, William French Smith, is behind, and
he's demonstrated here in Illinois by assisting me and
having his people assist me in various matters.

But, working in partnership with the Federal
Government will maximize any impact we can have on our
young people.

Secondly, the need to remove youth from society
continues. And I recommend that some means of identifi-
ing, and effectively handling, this small population be
developed.

Simultaneously, efforts to deal with the larger
population of youthful offenders who can be treated in
their own community should continue. Such efforts also
reduce exposure the youth would otherwise have to hard-
core criminals, who often seem to have control over
penal institutions.

Properly implemented, community-based programs
also build on the young person's strength, and encourages
him to find productive outlets for his energy.

I want to digress from my prepared remarks
for just a moment, because about a week ago I gave a
speech to a group called "Build" here in Chicago. It's
a group that deals with gang crime. It's the only one
of its kind. And after I gave that speech, there was
some publicity on it. And I got a letter from a young
man, named Van Ross, who I had defended when I was in
the graduate program that the Governor gave me the oppor-
tunity to serve in, back in the late 60s.

And I got him out of Cook County jail, assisted
him in getting a job, lost track, have subsequently been
a prosecutor, but in law enforcement; and he had fol-
lowed up on my career, and is now asking me to help him
see if I can't have the bar requirements waived to get
into law school. He's going to Northeast University
here in Chicago. He's been working with the Safer
Foundation. And it's an incredible story of a gang
member, who really got a little help 12 years ago, who
reappears as a good member of society. And, I think
that's proof positive that it can work; it's not just
an abstract theory.

Of course, in the best of all world's we'd
be able to identify these young people before they become
serious habitual offenders.

So, some resources should, therefore, still
be invested in early intervention efforts which are
intended to prevent further delinquent activity.

Finally, we must explore an area where crime
meets crime in the lives of youngsters. I'm talking about
the problem of child abuse.

You cannot intelligently speak of juvenile
crime without discussing its counterpart, crime against
juveniles.

A recent study conducted in Philadelphia indi-
cated that 62 percent of juvenile offenders have a history
of being physically or sexually abused children.

Violence is not just learned, on the street and
in the alley. It is often learned at home. Child abuse
affects the mentality of our youth and they, in turn,
abuse us in society.

Now the name Sirhan Sirhan, James Earl Ray,

Arthur Bremmer, John Wayne Cacy, and Richard Franklin
Speck are names that we're all familiar with. I simply
call to your attention that they were all abused children.

Thank you very, very much. I'd like to answer
any questions you have for me on this topic.

MR. THOMPSON: Thank you, General.

Any questions.

Judge.

MR. BELL: I'd like to ask you two or three
questions.

MR. FAHNER: Sure.

MR. BELL: Page 7, of your statement, next to
the bottom line, you say something about the "chronic
nature" of the offenses.

Is that word "chronic" used in the sense of
a recidivist or a repeater?

MR. FAHNER: That's right, Judge.

MR. BELL: Multiple offender.

MR. FAHNER: Well, no, I mean it in a sense
of our crime statistic. From my experience, the Illinois
Department of Law Enforcement and the FBI crime statis-
tics don't always indicate -- in fact, seldom indicate --
whether or not the increasing rising crime reflects that
one person has moved up the ladder from young to old,
and has committed the same or similar crimes several
times. So, I'm talking about a chronic offender, rather than a person who is convicted of multiple offenses in this context. That's my intention.

MR. BELL. Is there any problem in Illinois in taking a juvenile offender's records on into his subsequent activity?

MR. FAHNER: There are great problems.

MR. BELL: It might be he may have robbed 10 people as a juvenile, and then he robs one -- commits one other robbery after he becomes an adult. Would the law enforcement people be able to have a list of 11 robberies?

MR. FAHNER: The law enforcement status in Illinois is complex and not clear in that area. There is legislation pending that would make that possible. But right now there are a number of protections that those who's primary focus is on protecting the juvenile don't permit that information to be carried forward.

Just recently I had to issue an advisory opinion from my office that would enable that information to be made available under certain circumstances to local officials, so they could help a youth offender.

But the law is very, very complex in the area. The basic answer is that, for the most part, a juvenile's activity is not carried through and readily accessible to the criminal system.

MR. BELL: So that if we had a national registry of all offenders, it would really not be accurate because it would not include any juvenile crime.

MR. FAHNER: That's my understand.

MR. BELL: Yeah.

MR. FAHNER: Which is a great problem.

MR. BELL: It's like society has blinders on. We don't really want to know the facts.

MR. FAHNER: Well, I think we want to know the facts, but I think the other side -- and it's not one that I particularly ascribe to -- is that there is concern that the single offender, the one-time offender, doesn't carry that with him the rest of his life.

And we have to be able to say --

MR. BELL: Yeah. I wouldn't make the juvenile record available until they committed one felony as an adult. At that time, it seems to me, you ought to have a tag-on of the true record.

MR. FAHNER: I think that would assist in making the determinations I have suggested in my comments to screen out those that are salvageable youth versus those that are already, by the time they are 17 or 18 years old, habitual offenders who have committed serious violent crimes and have been able to beat the...
system because of their age alone. I agree with you.

MR. BELL: Turning now to your victim assistance program. And I'm going to give you an example of something that happened last week in Georgia and see how this would fit in.

A man was acquitted of murder in 1978, by reason of insanity. He was placed in a mental institution where he was held for 2 months and was dismissed on the grounds that he was a psychotic and there was nothing they could do for him.

In 1980 he went to the Probate Court and asked the Probate Court to see if they could get him back in a mental institution, he was worried about himself. Effort was made, but they would not take him.

Last Friday, he went into a bar in Savannah, Georgia, and killed 3 people. I'm told by state prosecutors in Georgia that sometimes when someone is acquitted by reason of insanity, frequently he or she are released within a month, 2 months, 3 months, and they're on the streets.

We say that they're bad people on the streets, but they're sick people also on the streets. This means that there's a non-system of criminal justice in those states where this kind of condition can exist.

It seems to me we are in what -- and this is a question. It seems to me we may -- I'd like to get your advice to me -- It may be that we dodge the issue by taking care of the victim rather than let the victim sue the state for just general damages because it did not have a system.

They were negligent in that they did not provide a system of criminal justice.

Could you comment on that?

MR. FAHNER: Well, first of all, by our crime victims program, we don't attempt to do anything except ease some of the financial burden that often grows out of the commission of a violent act on a victim of crime.

Using your example -- and that certainly doesn't preclude anyone from suing the state or other officials. I wouldn't encourage that, because that gets to be a vicious circle for the state. As a state's lawyer, I already represent the state officials in their respective capacities, and we are taken to the cleaners daily by having 16 of our lawyers out of 200 statewide do nothing except represent correctional officials, forgetting about the -- The Governor, who, from time to time, I'm called upon to represent, as well.

MR. BELL: Well, I'm not a --

MR. FAHNER: But, my point is --
MR. BELL: It's just an idea. I'm just wondering if we are --

MR. FAHNER: Judge, in all seriousness, what I think we have to do is to get our laws on line that preclude -- and we've had a similar, or at least an analogous situation here in Illinois that's gotten constant notariety over the years.

We have to be tough enough to enforce laws with our mental health codes and our criminal system that mesh, that have as a primary goal -- getting away from all the other aspects -- the basic and primary goal of protecting the great majority of people who are nonviolent, or nonsick, and do violent things in society.

And we don't do that right now.

And I think that's the kind of thing that the Chief Justice of the U.S. Supreme Court has been talking about that I ascribe to in terms of how our whole criminal justice system has to be turned around.

MR. BELL: What would happen in Illinois if a person was acquitted by reason of insanity, and would they be sent to a mental institution?

MR. FAHNER: Could be, and has been. But, we've also had controversial releases, very analogous to what you're talking about.

MR. BELL: I think that goes on all over the country.

MR. FAHNER: I think it does.

MR. THOMPSON: If I could interject.

There is a bill now moving through the Illinois General Assembly, which was part of a crime package that I submitted to the General Assembly in the middle of its session this year that speaks to this problem that toughens up the laws of the State of Illinois on keeping in some kind of institutional setting those who have been found either not triable or acquitted by reason of insanity; whereas substantially changing the law in Illinois on the definition of not guilty by reason of insanity to ensure that persons who should not be on the streets because of a jury's finding of no criminal violation under our current insanity law, are not just dismissed back out into the general population.

And I believe that bill has passed the Senate, General, and is now in the House, the G. O. Karis Bill.

MR. BELL: Well, that would be, I think, a useful thing for the Task Force to look into. Because I believe --

MR. THOMPSON: I'd be glad to furnish the Task Force with a copy of the legislation.

MR. BELL: I think -- Yeah, I believe it's a
national problem.

One last question: Is the Juvenile Justice
and Delinquency Prevention Act operation at the Justice
Department now a part of what they call OJARS, which
used to be the LEAA?

MR. FAHNER'S AIDE: That's correct.

MR. BELL: Have you had any personal experience
with that office?

MR. FAHNER: I have not. I've talked to
people in our state system that have.

MR. BELL: Yeah. There was not much going on
there when I was Attorney General.

(Laughter.)

MR. BELL: I'm just wondering if anything is
going on?

(Laughter.)

MR. FAHNER: I'm informed -- I'm informed --

MR. BELL: I saw in the paper the other day
they had made a grant to Atlanta. Not to having anything
to do with the court system, at all, or violent offenders,
but to have some summer programs in the parks.

MR. FAHNER: Judge, I'm informed that the
Juvenile Justice Program is now separate from what you
referred to as OJARS and LEAA.

MR. BELL: Yeah. You have some kind words
here to say about the program, and I was just wondering.

MR. FAHNER: Well, I have kind words about the
program, because I know a lot of people in the state
who work with it, and I think we do so effectively.

And I think that whatever the misfortunes in
the federal level, when it's boiled down in the State
of Illinois, they've done some pretty good things.

MR. BELL: Yeah. You make good use of the
money.

MR. FAHNER: Well, I feel we do. I feel we
do. The Governor appointed a very wise man to run that
whole system, so --

MR. BELL: Well, I think that the money's
there. And I think that Congress has probably given a
direction, as you say, that the program direct itself
to violent offenders, which would be a good thing, and
leaves a better focus than any case in the past.

MR. FAHNER: Yeah. We have to be able to do
what you were suggesting. We have to separate out those
who are first-time or second-time young people in trouble
versus those who, because from a very early age, are
just plain violent. And we have to treat them as violent
people, not as 15 or 18-year-old violent people, but just
plain violent, dangerous people. It's that simple.

MR. BELL: Yeah. The child abuse program that
you touched on, of course, if a very serious thing. Because these people lose hope; they despair. And they become irresponsible to ordinary rules of society for that reason.

I don't know -- That gets down at the root causes of crime, something we're not dealing with.

MR. FAHNER: What we're doing in this state --

MR. BELL: What kind of a program do you have on child abuse.

MR. FAHNER: Well, Director Kohler, Department of Children and Family Services is working hard to deal with those once they are identified as battered children.

What I did, when I was Director of Law Enforcement, was to hold seminars with all of the state policemen in the state, criminal investigators, and with various hospital people, so that they could more readily identify and call to our attention at an early stage problems of child abuse.

There's a great reluctance of people to get involved in that sort of thing.

And now that we have better reporting procedures, I feel that we can try and -- or, Director Kohler can do a better job of getting some of those young kids, and young people, out of their homes before they become a Richard Franklin Speck, or some other crazy.
lot of money into a computer system, and literally taking
records of child abusing people out of shoe boxes and
putting them on computer and making them available to
law enforcement agencies and DCFS personnel 24-hours-
a-day, 7 days a week, instead of just 9:00 - 5:00,
Mondays through Fridays, as was the case not too long
ago. That we have made great strides in this state.

Unfortunately, the literal results of that
is to drive up the statistics on child abuse and neglect
to record high numbers. And, sometimes the press and
the public misperceive that we have more abuse and neglect
now than we've ever had before.

And I think this is one of those cases where
it can clearly be said that we are uncovering previously
hidden abuse and neglect much more rapidly and more
effectively than we ever have before.

That iceberg's always been there. It's just
rising to the surface as more people, and the use of
data processing, and greater awareness on the part of
law enforcement, school teachers, hospital personnel,
the people who may be the first to see and spot this;
and a greater willingness to report has come about.

MR. BELL: Well, it had to be faced, and you
faced it by keeping accurate records.

Well, there's a lesson to be learned from that

for all of law enforcement, I think.

MR. THOMPSON: That's right.

MR. BELL: Okay. That's all I have.

MR. THOMPSON: Professor Wilson.

MR. WILSON: I have two questions, Mr. Attorney
General.

First, are you familiar with a study of
juveniles and their experiences in UDJS in Cook County,
or State of Illinois Department of Corrections that was
written by Charles Murray and Louis Cox entitled,
"Beyond Probation"?

The reason I mention it is because, in my
judgment, though not without fault, it is the most
sophisticated study we now have of the consequences for
serious, not casual, serious juvenile recidivists of
exposure to different correctional programs.

And my reading of that study suggests that
once you focus on serious offenders as opposed to those
casual, or first-time ones -- where, of course, we all
want to get them out of the system as quickly as
possible -- that community programs work less well thun
the State Department of Correction. That incarceration
does not accelerate the rate of crime, but reduces it.

That institutionalization is not the equivalent of a
school for crime.
Until that study is adequately refuted, it seems to me it ought to be something that we all pondered. I'm trying to think of how to make that a question.

MR. FAHNER: Well, I can respond without a question.

I think that that is a study. And, like all studies, it has its problems, as you pointed out.

But, I can only tell you, once again, the way I operate most affairs in my life and people that I deal with in this State. And I used to — When I was in graduate school, I took a number of undergraduate law students to the institutions and helped give counsel to people. I helped young people out of all sorts of problems. And some have turned up terribly bad, and some have turned out, as I mentioned Mr. Ross.

Studies will say anything we want them to say. That's one of the most important functions of this Task Force is to separate the good from the bad, and to use a little bit of common sense in terms of things.

And I can tell you that it makes more common sense to me to spend $7,000 a year to try and identify people capable of help, at least to make that effort, than to immediately pump them into a system and automatically start spending $24,000 and go on from there.
and here I think there's complete agreement — would
benefit by community treatment, because they are not
hardcore recidivists.

The other point I wanted to ask, which is
related to the first — and I'm not trying to single out
Illinois. Because my own State of Massachusetts, it
seems to me, is even more derelict in this respect.

The report submitted to us by the Illinois
Law Enforcement Commission on Statistical Analysis of
Violent Crime in Illinois concludes on page 19 with
a set of observations about what we don't know in
Illinois.

Let me just, for the benefit of the audience,
read some of them:

"We don't know if this study
is to be believed, how many individuals
accused of violent offenses are prosecuted
in Illinois.

"We don't know how often
individuals released on bail for one
violent crime are rearrested for a second
violent offense.

"We do not know how many
individuals prosecuted for violent crimes
are given lenient or harsh sentences.

"We do not know how many
persons who are incarcerated for com-
mittting one violent crime are re-
arrested or convicted for a second
violent crime."

This is a problem that exists in many states.
I am not surprised it exists in Illinois. It exists in
my own. It seems to me that whenever we ask what the
Federal Government, which is our responsibility, can
do for local law enforcement, to me, I am unable to give
an answer to that question until the state authorities
and the local authorities have produced the information
that will tell us with some precision what the problem
is.

Aggregate figures won't do. Those states in
which we have more precise data that track individual
offenders through their juvenile and adult careers, with
some precision, are those states, it seems to me, which
are in a position to make best use of resources from
other instrumentalities, including the Federal Government.

Am I -- and this I will now try to convert
this into a question, Mr. Attorney General -- Am I cor-
rectly interpreting the state of criminal justice
statistics here, or has this condition been misrepresented
to me?
MR. FAHNER: No; it has not. And the conclusions in 19 deal with adult offenders. They are to the extent that no statistics presently exist for youthful offenders available. But, there is a program -- and, by that I mean, a computerized program -- and an effort made so we can give you the kind of information you're seeking. Because, obviously, we recognized the need for both youthful and adult offenders.

But the conclusions on page 19, by the Illinois Law Enforcement Commission are with respect to adult offenders.

MR. WILSON: I understand. Thank you very much.

MR. BELL: I'd like to say something here. These are problems raised by lack of statistics was very much on my mind when I created a Bureau of Statistics at the Department of Justice. I think it's still there. It's just getting started. Just, just, just getting started --

(Laughter.)

MR. BELL: But, if it does its job, we will end up with the right kind of statistics for a whole criminal justice system. There is no such thing today.

MR. FAHNER: There is --

MR. BELL: And it'll be the -- The Department will be working with the states on that.

MR. FAHNER: That's right, Judge, and if I can comment for a moment.

That did begin under your tenure, and I had the privilege of working with members of the FBI and their Crime Statistical Section and the members of the Department of Law Enforcement with our crime reporting responsibilities, when I was Director, to try and achieve an improvement on what our conclusions are on page 19.

But, Professor Wilson's quite correct. It's a great, great shortcoming. It makes it difficult to assess our needs.

MR. WILSON: Good luck.

MR. FAHNER: Thank you.

MR. HARRIS: Any other questions?

MR. LITTLEFIELD: General Fahner, I assume that your courts, if they place a violent offender on probation, would make restitution a condition of probation; isn't that correct, sir?

MR. FAHNER: Not in all cases.

MR. LITTLEFIELD: How about, has there ever been any thought in Illinois, or if you know anywhere else, to make restitution a condition of parole?

MR. FAHNER: I cannot really answer that with
any degree of knowledge.

I do know that when I was in the federal system here -- and then we were talking about nonviolent crimes, for the most part, unless they occurred in federal reservations -- but we worked very hard in every sentence to make restitution a condition of both a sentence, whether it was jail or not, or a condition of probation or parole at a later time.

MR. LITTLEFIELD: Thank you.

MR. THOMPSON: Following up on that, what would be your notions of the advisability of legislation that would allow restitution payments to be deducted from those sums, small though they may be, earned by prisoners who work in prison industries across the nation?

Which I -- At least, in Illinois, and I suspect in other states as well are increasing in size and number, as we attempt to make prisons as cost-effective as possible.

MR. FAHNER: I think that would be a tremendous idea, and I've been saying so to the extent of when I give talks on the general topic.

And I recall back to the early '60s when, something that's very basic, that we used to manufacture our own license plates, rather than pay an outside concern money to do it. At least that people were getting back a few things. The jobs program -- When Justice Burger, a short time ago, a couple of weeks ago, suggested the same thing in another speech before the American Bar Association, one of the sections.

So, Governor, I think that would be a tremendous idea, and we have to have some legislation accordingly.

MR. THOMPSON: Frank.

MR. CARRINGTON: General Fahner, is there any flexibility in that 72-hour rule on reporting a crime?

MR. FAHNER: There is, Mr. Carrington, and Pat Goldman, who is seated to my left, to your right, administers the program. And there is great flexibility.

We try to administer the program in a rational basis. We have lawyers and investigators to help us make judgments as to how we can effectively use the funds. But there is flexibility.

MR. CARRINGTON: If, for example, a woman who is raped and the physical trauma was not that great, but the mental trauma was such that she might not even confess the rape to her husband a week, and then it all breaks loose. She would not be automatically precluded?

MR. FAHNER: She would not be precluded; no, she would not.
MR. CARRINGTON: Thank you, sir.

MR. FAHNER: Professor Carrington, I should say that I've read your book and you, probably, can say more about the whole topic than I could in a long, long time. It's nice to be before you.

MR. CARRINGTON: We're all working on it together.

MR. FAHNER: Yes, we are, sir. Thank you. Governor, and members of the Task Force, I appreciate the opportunity to be before you. Thank you very much.

MR. THOMPSON: General, thank you.

Our second witness this morning is Judge Sylvia Bacon, who is the Chairperson-Elect of the American Bar Association, Section on Criminal Justice.

Judge, welcome to the Commission's hearings, and we look forward with interest to your testimony.

STATEMENT OF JUDGE SYLVIA BACON,
CHAIRPERSON-ELECT OF THE AMERICAN BAR ASSOCIATION,
SECTION ON CRIMINAL JUSTICE;
ACCOMPANIED BY MS. LORI ROBINSON,
EXECUTIVE DIRECTOR,
CRIMINAL JUSTICE SECTION.

JUDGE BACON: Distinguished members of the Task Force, as you know, I am Sylvia Bacon.

I am appearing on behalf of the American Bar Association this morning, and I have with me at the witness table Ms. Lori Robinson, who is our very able Executive Director, Criminal Justice Section. She will be assisting me in responding to some of the details which might be prompted and necessary in light of your questions.

As you know, it's customary for a witness who appears before a distinguished body like this to express pleasure at having an opportunity to present views. And, indeed, I am grateful for that opportunity. But, I think many of you who are here as Task Force members today know that I appear with a rather large measure of regret.

It's regret that a nation is still plagued with violent crime; it's a regret that projects on which many of you and I have worked have been less efficacious than we might have hoped.

Nonetheless, I appear with a degree of optimism. It's founded in part because you've accorded us the time today to address juvenile justice and juvenile delinquency prevention, as well as the plight of the victim and witness in crime.

I'll turn first, if I might, to matters of
juvenile justice.

The American Bar Association, as I am sure you are aware, is working in the area of juvenile delinquency and juvenile justice. Obviously, some of its members have been victims. The Association, itself, has recognized that the nation's best hope for reducing crime lies in the control of juvenile crime.

I think the data we gave you on page 1 or 2, of the Statement, indicates that virtually 1/2 of the nation's serious crime is committed by persons who are under 18 years of age.

Regrettably, however, juvenile crime has never received its fair share of time, attention, or allocation of resources from this nation.

I think there are those of you on this Task Force who can think back with me to 1965 and '67, when this nation put millions of dollars into a National Crime Task Force and produced one small volume on juvenile crime.

Some of you will also recall with me the millions that have gone into LEAA and the very limited amount of those funds that went into juvenile justice.

And as I think we suggested in our statement, there were some juvenile justice agencies that weren't even capable of making good grant application to LEAA.

We then saw a '72, '73 period in which we had, again, another national Commission on Criminal Justice, Goals and Standards, and a very slim output with regard with what can or should be done about juvenile justice.

It was not until 1975, when they had a Task Force sponsored by LEAA on Goals and Standards in Juvenile Justice that we finally got down to a documented volume and some national thinking that resulted in 200 or 300 pages of recommendations with regard to juvenile delinquency prevention that required in this nation to bring attention to the problem of juvenile justice and juvenile delinquency.

A separate entity created out of the Juvenile Justice Delinquency and Prevention Act of 1974, before we finally focused. But that's coming almost a whole decade behind the national attention to crime and is illustrative of the lack of attention which this area has received by most task forces similar to yourself.

Now, each of you also knows, I think, out of your personal experience, the truths that lies behind the questions we put in our statement.

Judge Bell, you'd recall with me, I am sure, the number of our colleagues who say: They've never been to Kiddie Court.
I think Governor Thompson, if he was present, would remember the vast debate over whether or not prosecutors even belonged in the Juvenile Court to protect the interest of the public.

And, my colleague, Mr. Littlefield, recalls, I am sure, the number of public defenders and others who train their newest and least experienced public defenders on juveniles.

Now, the point I make today is that in the view of the American Bar Association, juvenile justice deserves a first priority with this Task Force.

And I further suggest to you that if it does not receive such a priority, that history will probably repeat itself again, and in 15 years, if some of us are still here, we will be discussing the same things that we were discussing in 1965 and 1967.

But, as a Task Force on the federal level, you might legitimately ask: What is the federal role in juvenile justice and delinquency prevention?

Admittedly, crime is a local problem; and local problems, we know, have not been solved by merely throwing money at them.

I suggest to you that the American Bar Association can present from its experience a proper role for federal money and federal leadership in the area of juvenile justice.

Now, the experience of the American Bar Association, as you know, stems from 9 years of working on the standards of juvenile justice with the Institute of Judicial Administration.

We also have had a special committee on Youth Education, which has devoted itself to teaching law -- lawfulness, let's call it -- to the young citizens of this community.

We have most recently had a Task Force on the Implementation of Juvenile Justice Standards.

Further the ABA has had an opportunity to watch the development of the Office of Juvenile Justice, Delinquency and Prevention. It makes note of the problems which have beset it. It also notes its new focus.

And, I think there are 3 programs, which I will discuss with you, which illustrate an appropriate federal role.

Now, these programs are set out for you on pages 6, 7 and 8, of our prepared testimony. And we advise you that we have submitted to the staff an amplification of the testimony, particularly as it relates to the Youth Education Program.

Now, the first program to which I would call

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your attention is the implementation of standards.

Now, why is standards a particular federal program? Well, pretty obviously, it's something that each state could not do for itself. And, which would be, indeed, duplicative and costly if each state were to undertake it.

And, generally, there are several purposes to these standards. For those of you that are familiar with the ABA work, I don't think I need to outline them. They do achieve a uniformity of law. They provide some of the linkages, including standards, I would suggest, which Professor Wilson might find important in the area of tracking persons and providing the statistical analysis from which cities and states may develop their own plan.

Now, I would like to highlight 2 facets of the ABA Juvenile Justice Standards for you:

The first of these relates to dispositions. The ABA Standards recognize that the system has dealt inadequately with the serious juvenile offender. Standards urge uniformity in selecting the ages at which youth will become fully responsible.

They focus adoption on determinate sentences, and a greater certainty for punishment of the serious delinquents.

Another area is the area of court administration. And the Standards suggest that there needs to be a rethinking of that concept of the Juvenile Court, with which so many of us dealt, following the patterns of the 1899 Illinois initiation in that area.

We would suggest to you that Standards implementation would ensure efficiency and accountability in the juvenile court system.

The Standards program is now in midstream. Additional federal assistance is needed to facilitate the thoughtful examination by states, and other entities, police administrator, judges, legal and juvenile justice professionals in determining how their states may come into compliance or make the appropriate adaptation.

I also want to call your attention to a second role that we have observed on the federal level, which suggests a continuing role. And that is in the removal of the juvenile offender from the adult institution.

And I think this is a point different from the one that Professor Wilson spoke about earlier.

The ABA Standards fully recognize the folly of mixing juveniles and adults. A recent National Institute of Corrections study revealed that most juveniles housed in adult facilities were accused or
convicted of property, not violent crimes. And the young offenders were sent to adult facilities for reasons other than the seriousness of the offense for which they had been convicted.

And, surely, there is a proper federal role in alerting states to the folly of the mixing of juveniles and adults and advise them on ways to disband this form of school for crime.

Now, third, OJJDP displayed a proper federal role, I believe, in the Youth Education for Citizenship Programs. Now, through this joint effort nearly every state in the Union now has, or can participate in, a successful program in this area.

There have been cooperative efforts on national projects for which the ABA played a coordinating role. And the initial evaluation on the projects indicates the law-related education has a positive impact on delinquency prevention.

And we have provided to your staff the material that set forth some of that evaluation.

I would also commend to you, as a guideline for an appropriate federal role in juvenile area, the ABA IJA Standard relating to planning for juvenile justice. It goes as follows:

"Federal policy in juvenile justice should be concentrated in two areas: The development of new ideas, both in the form of basic research and through the process of evaluating the form strategies; and the funding of states, localities, and private agencies in the support of programs oriented toward innovation."

Now, there is little doubt that we could bring to your attention some additional ways and illustrations in which there is a proper federal role. But, I would summarize it as follows:

That there should be an entity like OJJDP within the Department of Justice. That it should operate with modest funds in such program areas as standards, removal from jail, and youth education for citizenship. And that it should specifically include a national research component.

In closing my remarks about juvenile justice, let me merely reiterate that the states cannot do it alone. To do it alone is duplicative and costly. Particularly, in national programs such as the education program or the standards program. Federal leadership is required.

If we, as a nation, do not now make up for our
past neglect in this area, I fear that we are ignoring almost 50 percent of the crime problem and our own futures.

Now, if I might, I would turn next to a few comments on victim witness assistance.

This panel has its own in-house expert in Mr. Frank Carrington. He has served as our Vice-Chairman of the Victim's Committee. He's familiar and, in fact, responsible for a number of the ABA programs that have grown out of the Criminal Justice Section.

I would also note for you that the Criminal Justice Section is not the only American Bar Association unit that has been concerned about the problems of victims and witnesses. They have also included the Young Lawyers Division and the Section of Individual Rights and Liberties.

Each of you on the Task Force, as persons familiar with the criminal justice system, knows the tremendous pain which the system inflicts upon the victim. You're also familiar with the perception that the system is geared for the defendant and not the victim.

But, here again, I think this Task Force serves its purpose best if it looks to the question: What can the Federal Government do when it deals with only a very small fraction of the victims and a very small fraction of the cases?

Well, as we set forth in our testimony that has been prepared and distributed to you, it's the American Bar Association's view that the Federal Government plans a very important role in leadership in recognition of the problem.

No new laws or money are required for a federal role in calling attention to the problems of crime victims. There are countless opportunities which exist in the various branches of the Federal Government to help raise the public consciousness, both as to the specific problems and as to the solutions.

We had a recent example of this national leadership in President Ronald Reagan's proclamation of the week of April 19th as Victim Rights Week.

A number of organizations, including the American Bar Association Criminal Justice Section joined in calling attention to the problems and needs in this area.

Further, the Federal Government here again has a role in standards. I call your attention, for example, to the American Bar Association Standards on Pleas of Guilty, which provide that a prosecutor be advised of the victim's attitude before agreeing to a plea bargain.
I call your attention to the possibility of pretrial release conditions that would prevent witness victim contact with the defendant -- or, I should say the defendant's contact with them -- a part of our standards on pretrial release.

I also call your attention to standards of the American Bar Association recommending enhanced penalty, based on the status of the victim. A person who was particularly vulnerable, or who was treated with particular cruelty.

Now, in addition to federal recognition of the problem, we respectfully call your attention to 3 areas where the Federal Government could be of aid and importance:

The first of these is in victim witness intimidation. The American Bar Association, after its 1979 hearings, developed a package of recommendations to reduce victim witness intimidation.

A model statute has already been adopted in California, Pennsylvania, and Rhode Island.

We continue our private efforts to secure national recognition and adoption in this area, but, most of us working in the area of volunteer organizations. And I would suggest to you that a small amount of federal leadership, and a small amount of federal funding would assist in that area.

We would also call your attention to the continuing and pressing need for attention to the problems of victims and witnesses in rape and domestic cases.

Finally, I would call your attention to the whole area of victim compensation.

At this time there are a number of proposals which prevent the victim from being out of pocket: Compensation for testimony, compensation for transportation, some additional assistance in terms of social service.

Few organizations have yet addressed the question of liability, which Judge Bell had raised with regard to possible state responsibility.

Now, obviously, the states in any one of these areas that I point out to you must shoulder the major responsibility. But I believe a good illustration of what a little federal funding can do arises from the cooperation of the law enforcement assistance administration and the ABA in developing responses.

For the modest sums that are set forth in our materials, you know that we have been able to produce, with the assistance of many others, 2 manuals, or packages, which assist state and local governments, as
well as prosecutors' offices and other police personnel
in developing their victim witness assistance.

Now, I guess the message that I close with
concerning victim witness assistance is that federal
recognition of the problem means a lot. Federal leadership
is necessary. And for a very little money, a lot
can be obtained, and there can be a vast improvement
in the manner in which the system continues to abuse
the victim long after the initial impact.

Now, let me suggest that I could answer
questions for you.

As I suggest that, however, I do want to ask
you to bear in mind some remarks that were made by
Chief Justice Burger. He was speaking of crime as an
illness, when he was before the American Bar Association
at Midwinter Meeting, and he said:

"This illness our society
suffers has been generations in develop-
ing. But, we should begin at once to
divert the next generation from the
dismal pounds of the past, to the end
that our homes, and schools, and streets
will be safe for all."

I think I could, without fear of contradiction
interpret those remarks of the Chief Justice as

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MR. BELL: Well, so the project is still going on?

JUDGE BACON: Yes, sir. There will be a meeting this next week with regard to implementation efforts and cooperation in those implementation efforts.

MR. BELL: At NYU?

JUDGE BACON: Yes, sir.

MR. BELL: Yeah, I was invited.

JUDGE BACON: We will hope to see you there. Because, as you know, standards can sit on the shelf from now until next time we have occasion to meet in a session such as this.

I think federal funding, some funding, for the implementation of those standards is absolutely essential.

MR. BELL: Well, I would think so.

The other question is on victim assistance. I'll ask you much the same thing as I asked the Attorney General, who preceded you.

I held the view that if you will allow suits against the federal and state governments, not against individuals where there is some negatives involved in something happening to a victim, that we'd get more relief than we're going to ever get by victim assistance. We wouldn't have as many victims. I suppose you have to do both.

I'm sort of like the Government, I guess. I'm a little sensitive about these suits. Because I got about 50 pending against me at this time. Well, I have to give it to an attorney to -- It seems to me that all people in the Government aren't sued.

The suit ought to go against the state. Go against the Government, state or federal, whatever it is. You'd still get a lot of these things straightened out.

And I've always -- I've had some trouble bringing myself around, being a great advocate of victim assistance. Because I always have had the feeling that this evades the question. That we ought to not have as many victims. But, I'm beginning to see it again that the two principles can coexist.

And, though, what's your view about our making it possible for a victim to sue the city, or the -- We'll say, suppose you were downtown in the city, and something happens to you, and then you can show that there's not a policeman within 1 mile of where you. It seems to me you ought to be able to sue the city for negligence. Their duty is to have police protection -- afford police protection. Does that seem drastic?

JUDGE BACON: The American Bar Association.
has not taken a position on this.

Let me suggest, as I am sure you are aware --

MR. BELL: No, I'm not trying to get the
American Bar views. I'm not worried about that. I'm
trying to get your views.

JUDGE BACON: Fine.

MR. BELL: You know, if you think -- If you
feel free to give your views.

If we waited on the American Bar to --

(Laughter.)

MR. BELL: -- solve all these problems, we'd
be in a bad shape. That's 400 people, isn't it, in the
House of Delegates?

JUDGE BACON: Indeed so.

MR. BELL: All the committees working. Well,
no, I've been trying -- We're trying to do something by
August.

(Laughter.)

JUDGE BACON: Let me just suggest that I
enjoy these opportunities to come to speak to you, but
I've got to remember my mandate --

MR. BELL: Oh, that's all right.

JUDGE BACON: -- if I'm going to get another
one.

MR. BELL: Well, I'll withdraw the question

MR. HARRIS: Governor.

MR. THOMPSON: No, thank you.

MR. HARRIS: Mr. Edwards.

Mr. Littlefield.

MR. LITTLEFIELD: Judge Bacon, I couldn't
agree with you more that juvenile delinquency is our
biggest problem. Our adult offenders are generally
formerly juvenile offenders.
The problem that always concerns me is that I really believe that perhaps we're spending our money at the wrong end of the system.

Do you think if money were available, it would be better to put it at the front-end, when someone is just starting out, or in prevention, rather than spend the millions of dollars that we on juveniles who have 10, 12, and 14 convictions before anything is done to put them away?

JUDGE BACON: I would concur in front-end money, and as my remarks indicated, I think we have to do that now.

We, unfortunately, last time around with LEAA spent most of our money on the adult end of the process.

MR. LITTLEFIELD: Thank you.

MR. HARRIS: Mr. Carrington, Mr. CARRINGTON: Judge Bacon, have you ever had the opportunity to view at any length at all the New York State Victim Compensation Board proposed legislation creating a Victim's Bill of Rights?

JUDGE BACON: Prior to coming here I had not.

But our very able Executive Director, Ms. Robinson, brought it to my attention. And before coming here, I took an opportunity to review it and noted a substantial number of the proposed rights, of which there are 15 are absolutely consistent with the ABA policies and the model code which we have included in our Victim Witness Package.

MR. CARRINGTON: That Bill of Rights, it deals with what might be considered small things, like:

Having a separate witness room, so a rape victim doesn't have to sit in a room with the friends and family of the person who raped her.

Victim input into sentencing.

Victim input into plea negotiations and sentence negotiations.

My impression of reading it -- and I'm going to make it available to the Staff and the members of the Task Force -- is that it does an awful lot for victims without really requiring expenditure of any money at all.

Do you concur with that?

JUDGE BACON: I concur, and I might add my own personal experience as a Judge in just seeing on the faces of witnesses who come to the courtroom, not only the terror of that experience of being exposed to the public, but the terror of knowing that the defendant's family and friends are present, and the individual who inflicted harm upon them is sitting right there at Counsel table where we assume he or she is going to
remain. But it looks like a pretty fragile protection system to that witness.

And, plainly, the hours that are spent waiting to be called to the witness room, if spent in the same room as the defendant and/or his or her witnesses, must only add to that pain and terror.

Many of them here were, indeed, very, very good. I, particularly, noted the one of keeping the witness, or the victim, informed of the progress of the case. What we might just call a basic courtesy. But in the rush of the prosecution process, and the court process, often does not happen.

MR. CARRINGTON: Some jurisdictions have gone so far as to have a victim hotline, where if a victim knows their case is going to come up within a day or so, they can call in and get a prerecorded statement saying that Case No. 1234, People vs. Jones has been postponed, or something like that.

This is the sort of thing that really helps move the path of the victims through the system.

JUDGE BACON: And another thing that's extremely important to the Judge is the victim impact statement in a probation or a presentence investigation.

MR. CARRINGTON: Thank you, Ma'am.

MR. HARRIS: Chief Hart.

JUDGE BACON: I enjoyed your presentation. The effort you put into it was a good presentation.

I have one question that most states have in the area of juvenile prosecution. As you've described, and Mr. Littlefield hit upon it also, that the police pick up a youth several times before we even get this record that we can't use when he becomes an adult.

For instance, in Michigan we'll -- The police, being do-gooders, will arrest a youth, juvenile, 5 or 6 times and take him to his parents, or have the parents come to pick the youth up. It's not even filed upon. It's just pick 'em up and call the parents. And after that the Judge begin to get the youth and they might look at him 4 or 5 times before he'll get a record.

And, then, on top of that, the Department of Social Services have the final say, even after you convict and decide to put the youth in a home or incarcerate him.

Do you have that problem in Illinois, that even when a juvenile judge decides to incarcerate a hardcore youth that the Department of Social Services have the final word?

JUDGE BACON: I cannot answer for Illinois. I can answer for the District of Columbia, to which the
One specific question to follow up on what Chief Hart asked you. I get the sense that we often incarcerate near the end of their criminal career, because it is only after a person has accumulated a substantial adult record anything is done. As a result, many people in prison -- certainly, not all, but many -- may be at that point in their career in which they are actually beginning to reduce the rate at which they commit crime and those who are on the ascending part of the curve are still out in the street. In part, because we do not have a merged juvenile and adult integrated record of, at least, serious offenses, so that early on we know whether we're dealing with chronic recidivists or not.

What, specifically, does the ABA say about the feasibility, desirability, legality of having for all offenders a merged record that does not segregate the records by juvenile status and adult status?

JUDGE BACON: Professor Wilson, I have to think through 18 volumes of Standards until I --

MR. WILSON: Well, could you tell us later on and --

JUDGE BACON: I can't cite you chapter or verse.

My recollection of the Standards is that the record of the juvenile becomes available if he commits an offense...
within 2 years after, whatever his juvenile involvement may have been?

MR. BELL: What's that Standard? Do you have the number of that Standard?

JUDGE BACON: No, I do not have the Standard number.

MR. WILSON: Could your Associate --

JUDGE BACON: Certainly.

MR. WILSON: -- send us a Xero of that Standard.

I'm very interested in that because it seems to me there's an enormous amount of disparity across the country in this policy. And if we can formulate a federal guideline for states to consider, we might help law enforcement agencies.

MR. BELL: Right.

JUDGE BACON: The ABA IJA Standards have a rather extensive volume on information and whether or not records should be sealed, and a whole series of related matters.

But I would like to follow up on one thing, if I could, Professor Wilson.

You spoke about something that suggested to me maybe a question about should people be -- in the vernacular -- "popped into the pokey" soon?

And I have often reflected on whether or not there is some value of a short period of time in custody early in the career.

When I reflect on that problem, I am run immediately into the disastrous state of the facilities to which they might be sent. And, I believe in most jurisdictions now one would have to resolve the issue against a short, but certain, early incarceration, because of the disastrous state of the institution.

MR. WILSON: Well, speaking as a person who just turned 50, I've been, generally, in favor of releasing all persons over the age of 50 from existing institutions, which would relieve the overcrowding somewhat.

MR. THOMPSON: Could I follow up on that just a little bit.

This is a problem that my Corrections Director and I have often discussed. It's hard to resolve it satisfactorily, at least from the standpoint of a Governor. And maybe I have a bias from being a former prosecutor. I tend not to think so. But, he, obviously, has a bias from being a Corrections Director.

He supports, if I understand him, the notion that there is a significant portion of the prison populations in this nation who are burned-out, either by...
having served a long time on a long sentence, or by
having reached a certain chronological age, or both,
who could be released as safely as we now release people
on parole, or early release, both of which carry inher­rent risk. I mean, anytime somebody's released from
a penal risk, there is inherent risk. The question is
degree.

And, we could, therefore, make room for the
younger, more violent, offender. Or, perhaps test this
theory that short periods of incarceration early in
a criminal career, rather than probation, might be
enough of a jolt to get somebody back on the right path.

The obvious problem, of course, is that people
who are serving long, long sentences are usually serving
long, long sentences because they have committed
terrible, terrible crimes to which recourse will im­mediately be taken: memories will be recalled -- murders,
or particularly violent armed robberies, injury to the
victim, just outrages that provoke sentences of 50, or
75, or 100, or 150 years. And, though the papers may
now be dusty in somebody's file, if victims, or relatives
are still alive, you can be sure that the horror of the
crime will leap off those dusty files if that person
is released.

Do you share that notion, and do you see any

JUDGE BACON: Let me say that there are indeed
degrees of disastrous conditions within the institutions.
Some are now virtually in control of the prisoners,
as distinguished from guards. And I suppose my views
would depend on the institution and what I know about
it.

I would advise you that the views of the ABA
and the ABA Standards are ones which have a level that
ordinarily would begin with a probationary opportunity,
barring the circumstances for the enhanced penalty.

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way out of that circle?

And, then, just as a commentary. I'm not
sure I agree with you on coming down on the side of
not incarcerating simply because a lot of our institu­tions are not the standards that we'd like to see them.

If they are at least to the stage where a
person's life or health is not in danger, I'm not so
sure that I would come down on the side that you do
against incarceration at an early period in a career.

Because I've been tending lately toward the jolt theory
and wondering whether we haven't gone too far in the
use of probation the 1st, and the 2nd, and the 3rd times.

I know that's much more of a speech than it
is a question. But, I'd like your views on that, if
you would.

JUDGE BACON: Let me say that there are indeed
degrees of disastrous conditions within the institutions.
Some are now virtually in control of the prisoners,
as distinguished from guards. And I suppose my views
would depend on the institution and what I know about
it.

I would advise you that the views of the ABA
and the ABA Standards are ones which have a level that
ordinarily would begin with a probationary opportunity,
barring the circumstances for the enhanced penalty.
Second, with regard to turning persons out of custody, obviously there is a severe political with that old, horrible case.

There is also the potential that Judge Bell mentioned of should there be a mistake in determining whether or not that person had burned-out. Correctional officials and others may well be liable.

So, it's not only a political problem, it may be a financial problem as well.

But, I think we could learn something from, particularly, our European colleagues. Although I am not an expert in comparative prison theory, or penal theory, it is my understanding that European sentences are sooner and shorter than those that you find in the United States. And that it does not contribute to an increase in crime if the individual is turned out of custody at a much earlier time than we ordinarily do.

Though that may relate to the homogeneity of those societies as distinguished from our own.

MR. THOMPSON: Thank you.

MR. HARRIS: Mr. Armstrong.

MR. ARMSTRONG: Judge, usually when it gets down to this end of the table every question imagineable has been asked. But I have a couple.

In the 18 volume set of Standards on juvenile justice, has the standard on status offenders been resolved, and do we have within the ABA a standard dealing with status offenders in the juvenile justice system?

JUDGE BACON: No; we do not.

MR. ARMSTRONG: Can you tell us why we don't have such?

JUDGE BACON: Well, the February 1980 House of Delegates rejected that standard.

MR. ARMSTRONG: Was there a rationale for the rejection of it?

JUDGE BACON: Excuse me. Lori tells me, tabled it indefinitely.

(Laughter.)

MS. ROBINSON: Same result.

JUDGE BACON: Same result.

MR. ARMSTRONG: As a former Juvenile Court judge, having left that position because I felt extremely impotent to try and make a rational change in the system in which we were asked to operate within Kentucky, has the ABA developed a position with regard to the Family Court concept versus the traditional Juvenile Court concept; and if you know what that position is and can you tell the Task Force?

JUDGE BACON: Yes. The ABA IJA Standards create a unitary court, of which juvenile and family
matters are one branch. Recommend that persons serving on them all be judges, not referees or quasi-judges, and that there be service in rotation.

MR. ARMSTRONG: Do you know how many states have adopted Family Court systems?

JUDGE BACON: No; I do not. If I were going to name true Family Courts -- that is, unified with regard to domestic relations, juvenile and other family problems, I would probably name 3 states and the District of Columbia.

MR. ARMSTRONG: Thank you.

MR. HARRIS: Judge Bacon, thank you very much. Ms. Robinson, thank you. We appreciate your taking the time to come here today.

JUDGE BACON: We do thank you for this opportunity and thank you also for the opportunity to present written testimony with regard to the exclusionary rule and the other subjects that you'll be addressing in the next hearings.

Thank you.

MR. HARRIS: Our next witness is Mr. George C. Stimeling, who is the Superintendent of Schools in Bloomington, Illinois.

Mr. Stimeling, welcome. We're pleased to have you with us today.

STATEMENT OF GEORGE C. STIMELING, SUPERINTENDENT OF SCHOOLS, BLOOMINGTON, ILLINOIS.

MR. STIMELING: Thank you.

MR. STIMELING: What I have to say may not have a great deal of impact, because what I have to say in my school district we seized upon an opportunity to do something in a rather positive way, rather than to line up at the wailing wall waiting for Roman numeral federal monies to come down, and to begin to think about possible solutions to problems.

I'm not talking about millions of dollars, I'm talking about tens of thousands of dollars spent addressing substance abuse and vandalism in our schools in Bloomington, Illinois.

I do want to compliment my Governor for his interest in these activities, because I believe there's more than a passing relationship between what this group is addressing and the problems faced by schools across the country.

Lastly, having my staff assembled where they
belong, that's in my district running the schools, rather than accompanying me and my bride of 31 years, I was assigned that task this morning.

(Laughter.)

MR. STIMELING: To place my remarks in proper perspective, and from my frames of reference, please understand that I am not before you as an expert in the field of alcohol and drug abuse, not as an expert concerning violent crimes in the schools.

I am a practicing school superintendent, having served 3 communities in that capacity for the past 23 years, and as a classroom teacher before that. I do believe, however, that direct cause and effect linkage exists when we view permissiveness and destructive behavior.

Persons who believe the youngsters' attitudes and values have not changed in the past 30 years just are not in tune with the times.

Our students come to school today, in the main, with greater potential for learning than ever before in our history, yet the outcomes seem to fall far short of our expectations. For this, schools have become the heavy, certainly the easy institution to blame.

I do not feel that the problems being addressed by this august body are that simply explained, nor are they reserved only for urban cultures.

Studies show infinitesimally small deviations in substance usage between males and females and by age group when comparing SMSAs and rural samples. I am not a great user of statistics, yet I marvel at their predictive accuracy. For example, 2 hours before the polls closed, the TV networks with their statistical samples, that were based on poll exit interviews, predicted the Presidential landslide.

Application of these methods to teen use of alcohol and marijuana reveal that 60 percent have used marijuana, 93 percent have used alcohol before they exit high school.

Now, because of the constraints of time, I will limit my following remarks to these substances in one urban high school; the actions taken by our community; and the results we have seen to this point.

This may not be on point with the items being addressed by this group; however, this is as I saw my charge in coming before you.

Our community is made up of the twin cities of Bloomington and Normal, with a population of approximately 90,000. We have a public Illinois State University with 20,000 students, and the private Illinois
Weslyan University with 3,000 students.

We have a diversification of industry, as exemplified by the presence of State Farm Insurance Company's corporate headquarters, Firestone Tire and Rubber, General Electric, General Telephone, Eureka-Williams, Beich Candy, Beer Nuts, Illinois Agricultural Association, International Tapetronics, to name just a few of the diversified businesses in our community.

Education, and the attainment of the same, is looked upon as a necessary commodity in our community. Yet, the problem of substance abuse is part of our teen culture in our community. Perhaps in more propensity, if only because of our affluence.

We saw increasing presence of alcohol and marijuana on our campus. We saw increasing vandalism in our buildings.

Concern for the welfare of young people caused Robert Bryant, Bloomington High School Principal, to discuss this issue with his Parent-Teacher Board. That initial discussion gave birth to the community-wide Teenage Liquor Concern Committee, TLC.

This group has been valuable in helping increase the consciousness-level of liquor establishments concerning the sale of alcohol to underage purchasers.

They completed parenting courses offered by the University.

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I cannot overstress the value of a closely knit parent group working in conjunction with the schools to effect lasting change.

During the 1978-79 school term, TLC became a dedicated community action force. Pamphlets were distributed pointing out the law regarding adults serving alcohol to children; telephone hotlines in order to discuss children/parent conflicts; work with the Liquor Commission in controlling sale of alcohol to minors; and the creation of the BUNCC Council, which is an acronym for the Bloomington University Normal and Central Catholic high schools, the 4 schools in our community.

They searched for positive group activities beyond the confines of the 4 individual high schools.

Unfortunately, the 1979-80 school term found student abuse of alcohol and drugs more blatant and more open. Substances came to school on and in individuals with greater frequency. In my opinion, there were several contributing factors:

The two universities and the presence of these substances in their cultures; the geographic location of Bloomington-Normal, with I-55 North and South, I-74 East and West intersecting in Bloomington-Normal; and...
the reality that schools represent a concentration of people, a need in bringing suppliers and users together.

At that point in time our concern and awareness was not unlike the vast majority of schools and school people. We were concerned that public disclosure would cause a further erosion of public support.

For you must understand, the schools, according to the media, dutifully reporting their facts, are totally responsible for declining test scores, increased dropout rates, and increasing violent crimes by adolescents.

Little exposure, except in professional journals, is given to the alarming increases in single-parent families; alarming increases in families where both parents work; alarming decreases in constructive leisure activity for students. These conditions may -- they just may have something to do with the phenomenon that we are discussing here today.

The National Merit Scholar is always crowded off the front page with a $50 window with a brick through it. And, without question, in my opinion, contributes to the decline and esteem that the general public holds for public education.

Through the Casper Milktoast approach, schools have allowed the public to assume that we can replace the church and home in implanting moral values; replace the home and the community in directing leisure time and respect for others and their property; always be nice places for students to assemble.

We agonized over our dilemma. We knew our students were bringing substances to school; yet, should we risk public exposure of the concern?

Here, gentlemen, lies a critical element for change: The Board of Education.

I am proud to say, my employing Board gave a resounding and uniform, "Yes!"

All other areas of concern are shared with our constituents. We share the good and the bad, in order to make the bad better. Why not in this area?

No matter how tender the issue may be, it was full speed ahead.

Again, like other districts, students who were found with substances in school were dealt with as quietly as possible. We searched for alternatives, involved performance contracts, alternative education, in-house suspension, out-of-school suspension; and, yes, even occasionally for the most disruptive student, expulsion.

Public discussion of the issue of drugs and alcohol in our schools in December of 1979 certainly...
peaked the interest of the media. It beat the hell out of Wednesday night television.

(Laughter.)

MR. STIMELING: An outgrowth of that meeting was a letter that we sent to the parents of 3,000 junior and senior high school students urging parents to closely monitor pupil behavior during the Christmas holidays.

Less than 48 hours following the posting of that letter 2 brothers returning from a party, where one had played Santa Claus, were hit by a drunken driver. The impact sent our student's car through a fence and onto our high school athletic field. The 19-year-old lad, who had graduated the previous Spring, was killed; the brother, half-way through his senior year, was paralyzed from the chest down. The very field where both had excelled had become--of one, and the life-changing catalyst for the other.

A paradox became apparent. Was it okay, since the driver of the car was 27 years old, and legally drunk? I think not.

Well, that will make those kids behave. Unfortunately, that was not the case either.

4 of our high school students were stopped for illegal transportation of alcohol, returning from a hospital visit to their paralyzed classmate less than 4 weeks following the accident.

Early in the Spring of 1980, and in public session, I was directed by our Board of Education to develop a policy addressing ways of combating drug and alcohol abuse by students. This was done.

We realize that legislation, in and of itself, does not bring about change. Wouldn't life be wonderful if it did? The policy once developed, and prior to asking Board approval, became a roadshow. I presented the policy to our parent groups in our 8 elementary schools, and in our junior and senior high schools, and to every civic club in Bloomington-Normal.

I asked for their written support. I presented it to our faculties and asked for their support.

The policy: It is really very simple.

"Thou Shalt Not At Our House" is the theme.

I asked the Board to financially support uniformed police officers to patrol our parking lots, even to the point of painting a line to segregate full-time students cars from work-cooperative student's vehicles that had to come and go at various times.

Hall monitors, to keep the halls clear, except during passing periods. Inclusion in our Student Handbook that every student found to be in possession of, under the influence of, or dealing in any illegal...
substance, would be immediately suspended from school
with a recommendation to the Superintendent for expulsion.

The due process for students was afforded
in that each hearing is decided on the individual merit
of that case.

That every student signs for his or her Student
Handbook is a part of the registration process. The
signature card states that: "By my signature, I take
full responsibility for the knowledge of the content
of the Bloomington High School Student Handbook."

Creation of an educational program for our
Staff to learn about substances. We arranged for this
to be taught by Project OZ, a federally and state-
supported drug abuse referral agency. University credit
was granted for those teachers completing the course;
the tuition was paid by the Board. The credit became
a part of credit hour generation in our salary schedule.

We provided release time for our 6th grade
staff to take the course; all others were on a voluntary
basis, and on their own time. More than 50 percent of
our Staff completed the voluntary course.

Contracting with OZ to provide 36 hours of
instruction from codeveloped curriculum to our 6th
grade students, with our teacher as an observer.

The focus of the instruction was how to deal

with peer pressure, constructive choices, modelling
behavior and these type of activities.

Here we learned a lesson from the disasters
of sex education, where we gave them a crash course,
went them into the classroom and closed the door, and
expected nice things to happen.

We contracted with Project OZ to provide time
in each building for student self-referral and as a
contact for classroom teachers.

We contracted with Project OZ to present
parenting programs of 10 hours each in each of our
school facilities.

The Board agreed to fund these components
at a cost in excess of $65,000 for the 1980-81 school
term just past. $20,000 was for the parking lot officer
and the hall monitors and that could be spent at our
discretion. By this, I mean, that if the $20,000, or
some portion of it, was not needed for surveillance,
then the money could be reappropriated for positive
student activities.

Mr. Bryant and his Assistant Principal for
Operations met with me and the elected student leaders,
16 class and Student Council officers during the summer
preceding the 1980-81 school term.

The students wanted to start the school year

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with the surveillance people in place, I think says something for their maturity and for their understanding of the problem.

I met with one teacher's Speech Communications classes frequently during the school year just past. His sections, Advanced to Remedial, I asked their views. Consistently, 80 percent of the students that I talked with in those sections supported the policy.

Other observations include: Our teachers --

They found different kids showing up for class. A child whose handicapping condition is beyond his control is one thing; the child whose potential for learning vacillates dependent upon his activities 12 hours before class is something quite different. The teachers wholeheartedly support the policy.

Individual students: The fringe behaviors, if you will, who need reasons to resist the peer pressure for experimentation have found a valid excuse, at least at school. They, likewise, support the policy.

Parents who seized the opportunity offered by our parenting classes give outstanding marks to the experience.

Some of the other accruing advantages, from my perspective, include: Increased community awareness relative to the problem. Increased community support,
had 20 students expelled this year from Bloomington
High School. The issue: Is it a student's right to
present himself as he chooses, or is it a privilege
to attend school?

I hope the 20 will come back next year with
attitudes that will allow them to live within the pub-
lished rules.

A second: Are we imposing our values on all
of our students? We prefer to view the dilemma this way:
We are not telling our students they cannot use these
substances, but we are telling them they cannot use
them on our campus. And we are telling them upfront
what the consequences will be.

And, finally, 3 weeks ago a Freshman boy
alleged to be in possession was suspended from school.
The next day he hung himself.

The agony we feel is too close to allow us
objectivity. To be sure, the if-then postulate came
into media reporting for: If he would not have been
suspended, then he would not have committed suicide.
A case can be made that: If he had not been suspected
of possession, then he would not have been suspended.

I think it is sufficient to say that we have
come full circle. A death caused our policy to come
into play and a death will cause it to submit to the

halogen lamp-lit glare of scrutiny.
I will be happy to answer any questions you
may have.

MR. HARRIS: Thank you Mr. Stimeling.
Governor Thompson.

MR. THOMPSON: Mr. Superintendent, thank you.

I think it's obvious to the members of the Commission
why you were asked to come after that testimony.

Let me ask you a question: Earlier this year
I became concerned as we began these hearings about the
rising incidents that we saw, not only in Illinois but
across the nation, of substance abuse in and around the
schools. And not wanting to wait until the legislative
session had ended, and until we had concluded our final
hearings here, but, hopefully, at least in the effort
of starting Illinois down the path towards resolution
of the issue, or exploration of the issue, I caused to
be submitted to the Illinois Assembly a bill which
modelled on the bill which requires teachers and other
school personnel to report suspected incidences of
child abuse and neglect.

It required them also to report to law enforce-
ment authorities suspected instances of substance abuse.
On the theory that substance abuse by youngsters in or
around schools actually had the potential for double
abuse -- abuse, certainly of the youngster, himself or herself, and a diminished opportunity to obtain education; and the possibility that continued dependence, or abuse, of a substance, substances, would lead to crime to obtain funds, or lead to irrational behavior while under the influence of substances, and thus risk the infliction of abuse on an innocent second party.

The bill provided that teachers and other school personnel who failed to report instances would lose their license to teach. The bill also gave teachers and others immunity from lawsuits, even if they turned out to be wrong, so long as their actions were not willful; and provided for confidentiality of their reports, except upon order of a Court.

One thing I did wrong, in retrospect, was to have that bill introduced hastily -- we were up against legislative deadlines -- without sufficient consultation with the educational community, the teachers, particularly.

But, nevertheless, the bill went ahead. In the Senate it was changed to become a voluntary program and the protections for teachers and school personnel were maintained -- immunity and confidentiality.

It died a quick death in the House the other day.

Now, we're not going to abandon the notion, unless we're convinced it's wrong on reflection.

Now that we have the opportunity to look at this over the course of the Summer and the Fall, with a view to coming back to the Illinois General Assembly next January, I wonder if you might give me your views on the bill, as it was originally drafted.

If you believe in the concept, how it might be improved; or, if you don't believe in the concept, tell me that, too.

You and I have not previously discussed this, so I have no idea what you're going to say. You might tell me it was a lousy bill, a lousy idea, and I ought to get off of it. But, if you think so, I'd appreciate knowing that too.

MR. STIMELING: It was on record, and I'm sure that they still retain the tapes, from the shows that I was on WJBC, in Bloomington; they asked me my response to what was termed in the educational community the "Thompson Fink Bill".

MR. THOMPSON: It was also termed the "School Snitch Bill" much to my dismay.

MR. STIMELING: I wholeheartedly supported it from right at the inception; I still do. I don't believe that school people have the luxury of choosing
which of the laws of the land that they are going to support.

It is illegal for youngsters to possess, to purchase, to be in possession of, or to use these types of materials. There is no way that I can balance it off in my mind that because I am a teacher, and I am responsible for those youngsters while they are under my jurisdiction that I should have any other obligation than to report if I feel they are using or abusing these substances.

I wholeheartedly support it, Mr. Governor.

MR. THOMPSON: Can you tell me if the provisions for immunity for being wrong, but being wrong in a right spirit, in confidentiality, are important to school personnel to be in the bill, as they are in the child abuse and neglect area?

MR. STIMELING: I think so; yes, sir.

MR. THOMPSON: One of the comments that was raised in the Senate, as the bill went from a mandatory program to a voluntary program, was that for many school districts the school personnel did not have the capability, or perhaps even the understanding of the availability of programs to make teachers and others in the school community aware of what substance abuse was like. I mean, to be able to spot substance abuse and to differentiate it from legal behavior or being under the influence of medication, or something of that sort. Now, it seems to me that you, on your own initiative in Bloomington were able to find something like Project OZ to assist you in the development of your policy. I assume it would be important to have in place educational programs for teachers and other school personnel to give them the tools to work with if this were to become the policy of the State of Illinois; is that right?

MR. STIMELING: I would hope that the vast majority of teachers and school personnel in the State of Illinois can read. I think there is something there that can be self-taught. I think we could liken it to general practitioners. That we aren't necessarily supposed to finitely diagnose. And I could relate that to a farmer's wife doesn't have to have a liter of pigs to know how to raise them.

I think that if we spot something that is obtuse or irrational behavior on the part of a child, we should know where to go to get the clinical diagnosis; we should not try to make it ourselves.

MR. THOMPSON: Thank you, sir.

MR. HARRIS: Judge, anything?

MR. BELL: Yeah, I would -- I'm sorry I had
to leave the room. I missed hearing your testimony.

I've just scanned the --

You actually have security officers stationed

at the schools now?

MR. STIMELING: Yes, we do.

MR. BELL: They're not regular policemen?

MR. STIMELING: Yes. They are off-duty, regular policemen.

MR. BELL: Off-duty.

MR. STIMELING: We also have in conjunction

with the City of Bloomington -- and we have had for 10

years -- we have a Resident Police Counselor. He is a

policeman assigned by the City, paid for by the City,
in our schools, and a youngster who is caught breaking

and entering into someone else's locker, stealing from

someone else, we are not selective and it is not our

prerogative to shield him from the law. He has broken

a law of our land and he is arrested and stands that

just --

MR. BELL: Well, what about smoking marijuana

during the recess?

MR. STIMELING: That child is charged and he

is also, then, suspended from school immediately with

the recommendation to me for expulsion. As an expulsion

hearing is convened, and that turns on the individual

merits of that hearing.

We will not tolerate these substances on our

school ground.

MR. BELL: Would not be better for the policing
to be done by the Police Department, rather than the

School Department?

MR. STIMELING: I fail to see at --

MR. BELL: The police function at the school

is now being run by you as much as a private police

force. Would it not be better just to include that in

the duties of the regular Police Department of Bloomington.

MR. STIMELING: We would gladly do that.

However, they are into some budget --

MR. BELL: No, I am asking you which way

would be better?

MR. STIMELING: I think that when the policeman

is on our property that we would prefer that we

have a direction as far as where he is located, what

he is doing.

As far as him functioning as a policeman, that

is his responsibility to serve within that area. We

don't have --

MR. BELL: We have so many security officers

in the country now that I wonder if it wouldn't be better
to have them all organized under a Police Department.

You know, every city has got -- every neighborhood has got security officers, almost.

That is the reason I asked the question.

Well, I see you expelled 20 people last year.

MR. STIMELING: Yes, sir.

MR. BELL: I have been under the impression that had gone out of style, that you didn't expell anyone anymore from school.

MR. STIMELING: Well, we had -- We received --

MR. BELL: 20 is not very many, but more than none.

MR. STIMELING: We received considerable statewide recognition, Midwestern recognition, for the policy our Board put into play.

We were invited various places to talk about this. It was interesting, the scholarly interest that other schools has, because the rooms would be flooded to overflowing. But the other schools really didn't have the public problem.

MR. BELL: Yeah. I've had the view that schools were for people who wanted to learn. And, if there are people there who have no interest, they ought to be put out. And, you haven't gone that far, but you're down to -- you -- at least you expelled 20 people.

I assume, for wrongdoing.

MR. STIMELING: Our position is that it is possible for a classroom teacher, skilled in subject matter and skilled in the art of teaching, to do a very adequate job so long as youngsters bring some degree of receptivity to education to the classroom.

MR. BELL: One last question: Do you engage in social promotions, and --

MR. STIMELING: No, sir.

MR. BELL: Okay. Thank you.

MR. HARRIS: Mr. Littlefield.

MR. LITTLEFIELD: What percentage of the parents attended the parenting programs that the OZ people put on?

MR. STIMELING: We had, depending -- and we really don't have a very firm handle on that.

Obviously, the further along in school, our high school parenting programs were the poorest attended. Those that were in our K-6 buildings were best attended.

But, that isn't all bad, because, I think, that many of our youngsters are developing these attitudes far before high school.

MR. LITTLEFIELD: Fine. Thank you.

MR. HARRIS: Mr. Edwards.

MR. EDWARDS: Yes. A program such as you have
in Bloomington is predicated on community support and
well articulated policies and how those policies will
be carried out.

Have you done any comparisons between the
Bloomington juvenile crime and drug abuse as compared
to towns of similar size in other geographic-related
comparisons?

I guess I'm trying to --

MR. STIMELING. There is --

MR. EDWARDS: Has there been comparisons?

MR. STIMELING: Yes. And these are not sig-
nificantly different.

MR. EDWARDS: You would say, then, the rate
of crime is very similar, no differentiation there show-
ing --

MR. STIMELING: For communities our size,
very similar.

MR. EDWARDS: Very similar. That's all.

MR. HARRIS: Chief Hart.

MR. HART: Superintendent, I admire you that
you have the courage of your convictions. I think it's
great that an administrator will recognize a problem
and take care of it; involved the community -- that's
usually how you get the support -- and did a wonderful
job.

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MR. STIMELING: Yes, sir.

MR. CARRINGTON: But the ACLU.

MR. STIMELING: Yes, sir.

MR. CARRINGTON: What form did it take, and how was it handled?

MR. STIMELING: Well, they had analyzed exactly what we were doing in our policy. They had analyzed as far as looking over the detail of youngsters who were brought before the Board, looking for abuses of individual liberties, and to this point we have never been challenged with a lawsuit. We have been threatened with many, but not challenged by any.

MR. CARRINGTON: What about just like, say, even letters to the editors, or appearing on talk shows, or appearing in local citizens forums, or something like that?

Was there a concerted opposition to your initiatives?

MR. STIMELING: It would be very difficult to, because how can a person be against God, the flag, apple pie, and motherhood. We stand for law, order, and justice before the fact.

The only problem that we have is when it's my kid that gets caught; then we want to make an exception.

If you ever reduce staff, as we had to do several years ago, we found out what useless programs are: They're the other people's programs, not mine.

But, we went out intentionally before the fact asking for written support, so that we would be able to have this document before us when we went to the Board of Education and said: This is your public that you represent speaking. They want this type of activity in our schools.

MR. CARRINGTON: I'd like to thank you for, probably, one of the most instructive presentations we've had.

MR. STIMELING: Thank you, sir.

MR. HARRIS: Mr. Armstrong.

MR. ARMSTRONG: I'd like to only echo that and ask: I think we have a vacancy in Louisville, Kentucky for a new Superintendent --

(Laughter.)

MR. ARMSTRONG: -- maybe we can talk after this hearing.

(Laughter.)

MR. STIMELING: I have a Board meeting tonight, maybe we'll talk tomorrow.

(Laughter.)

MR. ARMSTRONG: I'm curious. I notice in some
of the materials that you handed to us, under Public Law 94-142, funds specifically designed to service the special needs of handicapped children, have you been able to -- or have you even tested -- whether you can divert some of those funds for the alcohol dependent student?

MR. STIMELING: We have not, because we have not found the need to.

We found that our alcohol dependent students were more experimental dependency than in chemical dependency. Once they found that this was not to be tolerated at school, we have found a significant downturn in the numbers of youngsters at school with alcohol.

We aren't saying that we're catching them all; we're saying it's like a speeding trap. If they are caught, they pay the price.

So, we were not forced to look at diversion of 94-142 funds for chemical dependency. Had we found that issue present, rather than to ask for some of the legal interpretations that seem to get crossways, we would have done it and had somebody challenge us for having done it incorrectly.

MR. ARMSTRONG: Do you think it's a proper role for federal financial assistance to Boards of Education to make those funds available so that either

in-house programs that would bring into the community and the community's resources utilized to treat children that have chemical dependence?

MR. STIMELING: Yes, sir.

But I would prefer to see local districts developing the program and proving them up, then applying for public, federal funds, rather than to waste the federal funds sitting with planning grants for 3 years, and the money go down the tube, and nothing ever happen.

MR. ARMSTRONG: That's -- Yeah, that's right on the mark.

Do you think there's an attitude among some Superintendents throughout the country, because of the foundation funding support, that they would not take a hardline, as you have, in dealing with these problems. Rather than expelling them from the school, some principals have expelled them to the Board of Education. In other words, set up a special program so that the foundation money is not actually lost to the system.

MR. STIMELING: I think part of that -- And I'm going to answer that in a rather obtuse way.

There are those people that are on the ascension of their career, rather than the twilight of their career, so perhaps they don't speak before they think, as I do.

The second point that I would like to make.
I think the schools have lied to themselves for so long, that we've promised so many things to so many people, that we are almost promising everything to everybody. I think we have to pull in our harness and admit that we can't be all things to all people; that we better go back and do the things well that we do best -- and that is to teach a little reading, a little writing, and a little ciphering -- and leave some of the other programs to the larger community.

You see the drug and alcohol problem is not a school problem going out into the community. It's a community problem finding its way into the schools. We don't sell it; we don't trade in it. In fact, all of our programs are geared to try to combat it. And, yet, the schools are the whipping boy. And I think that the reason for that is that we have deluded ourselves into believing that we can be the catalyst for change of all of the problems in society.

That will never happen in the public schools.

MR. ARMSTRONG: Thank you, again, for an excellent presentation.

MR. HARRIS: Mr. Stimeling, just one last question: Would you support the use of undercover narcotics officers in your schools, if there was evidence that narcotic sales were taking place?
LUNCHEON PRESENTATION

(1:32 p.m.)

MR. HARRIS: We are honored to have as our luncheon speaker today, Professor Marvin E. Wolfgang. Professor Wolfgang, as most of you know, is Professor and former Chairman of the Department of Sociology, at the University of Pennsylvania, and Director of the Center for Studies in Criminology and Criminal Law, at the University of Pennsylvania.

He also is a former President of the American Society of Criminology, President of the American Academy of Political and Social Science, Consultant to the President’s Commission on Law Enforcement and the Administration of Justice, a member of the panel on Social Indicators of the Department of Health, Education and Welfare, as well as many other groups.

Some of his publications, the title of which will give you a sampling of his expertise in the area include: Patterns in Criminal Homicide, the Measurement of Delinquency, Crime and Race, Studies in Homicide, The Subculture of Violence, Crime and Culture, Evaluating Criminology, Crime and Justice, and the list goes on and on.

Without further ado, it is my distinct pleasure to introduce to you Professor Marvin E. Wolfgang.

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MR. WOLFGANG: Thank you very much.

It's a pleasure to be here. As was indicated, my first book was "Patterns in Criminal Homicide" and that was 1958. I didn't realize at the beginning of my career that I'd continue to be in the homicide and violent business this long.

But, I suppose, partly because that business carries on, as is indicated and manifested by this excellent Task Force.

I thought you would not want to have yet another overview of juvenile violence in the United States. I have been asked to talk about violent juvenile offenders. You have many data in front of you in the materials, and you've had many witnesses.

What I thought I would do, rather than pontificating, what was my want at first, is to share with you some of the very recent new findings that we have produced, or are producing, in our second birth cohort study of delinquency at the University of Pennsylvania.

For those of you who may not know what the first study was about, let me just briefly give you a purview of that.

"Delinquency in a Birth Cohort" was published by the University of Chicago Press in 1972, and...
was the result of a study of approximately 10,000 boys
born in 1945 who lived in Philadelphia, at least between
the ages of 10 and 18. This was a general population;
it was not a sample. It was the entire universe of
those who fell within those criteria.

Our purpose was to get some baseline statistics about the probability of a young boy ever having
at least one police contact, other than traffic violations, before reaching the adult status of age 18.

There was nowhere in the literature in criminology that that particular figure could be precisely
found. Most of us were saying that probably 5 to 10 percent of kids get into trouble with the police and
with the law before ending their Juvenile Court statute age.

What we found, instead, was that approximately 35 percent had at least one police arrest before reaching age 18.

Now, that study which is called a Birth Cohort Study because we borrowed the term from demography,
meaning simply a group of people born the same year and followed longitudinally through a portion or all
their career.

That study gave us not only that probabilistic statement, but also permitted us to follow longitudinally
over the sequence of events of those who had a delinquency career.

We looked at their recidivism. We were especially concerned with chronic repeaters, and we
called a chronic offender one who had at least 5 arrests before age 18. We were interested in what we called
"offense-switching" rates. That is going from one type of offense to another. We were concerned about the
degree of specialization, if any existed. And we found, somewhat to our surprise, that juveniles do not specialize,
that the probability of going from one type of offense to another remains fairly constant after the 15th offense.

And we were concerned about the age of onset, when one starts a delinquent career. We were concerned
about the disposition of these juveniles and other matters.

After that study was over we took a 10 percent sample and sought to interview as many as we could find
at age 25. We now have about a 1/2, 2-hour interview getting a lot of other data on those same persons:
Whether they were delinquent or not; making comparisons between delinquents and nondelinquents, between adult
and juvenile careers.

We have subsequently been able, with the help
of the FBI to follow the criminal careers up to age 30.

That's all the first study. That's Cohort I.

Now, because that study was felt to be important in some respects, and certainly is unique, we sought permission to replicate it.

What I wish to share with you now are some of the data from a 1958 Birth Cohort. That is a group of boys and girls, this time -- although I shall only be reporting about the boys today -- who were born in 1958, and lived in Philadelphia at least between the ages of 10 and 18.

That yielded for us approximately 13,800 males. We have an equal number of females.

In general, we wish to establish the same set of parametric estimates that we developed in the first study, Cohort I, to determine the cohort effects on delinquent behavior of growing up in the 1960s and the 1970s, and compare their activities some 13 years later.

So, again, we wanted to see if there were differences between these two cohorts: In terms of delinquency rates; the correlates of delinquency; their first and subsequent offense probabilities; the age at which they started; the accumulation of their offenses; and the relative seriousness of offenses.

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We were concerned, and will be concerned, because we are still in the process of analyzing the data about the effects of incapacitation, and trying to find the most propitious intervention points in the life career of these boys and girls.

The cohorts, both cohorts, were dominated by whites, in the sense that there were more white boys than nonwhite boys. But, without any surprise, the delinquents were overwhelmingly represented by nonwhites.

As a matter of fact, in the first cohort, slightly over half of all the nonwhite boys in Philadelphia had at least one delinquency contact with the police.

I did not bring enough copies of the paper with me to distribute to everybody. I apologize for that. I have 7 tables that are fresh. As a matter of fact, the computer time goes as late as 6:00 o'clock last evening on some of the printouts that I have.

But, I'll try to share with you, and tax your attention, a reporting on some of the figures.

The data indicate that the Cohort II offense rate -- that is, the rate per 1,000 boys -- is higher than in Cohort I for all crimes. The rate per 1,000 in Cohort II is about 1160 offenses per 1,000 boys. In Cohort I it was slightly over 1000. That's not
substantially great.

If we look at particular selected offenses -- which I have on a Table I, and will log in with the Task Force -- the selected offenses include the ones of interest to this Task Force: Homicide, rape, robbery, aggravated assaults, weapons use, and even arson.

We find that those types of violent offenses are substantially higher in our second cohort than in the first cohort. Keep in mind the second cohort reached age 18 in 1977.

The rates there per 1,000 for these serious and violent offenses in Cohort II is about 600 offenses, 600 serious violent offenses per 1,000, whereas in Cohort I it was just a little over 350.

In addition, we've noticed a continuation of a pronounced race differential, except for the fact that there is a slightly greater increase in the number of white chronic offenders -- that is, 5 or more arrests before age 18 -- and a greater increase in white chronic offenders than among black chronic offenders. I do not have any particular way of explaining that.

However, in general, both for all crimes considered, and for weapons, and homicides, and aggravated assaults, and robberies, and rapes, the nonwhite to white ratio is about 5 or 6 to 1.

In the case of homicide, for example --

I'll give you two, homicide and a couple of other offenses.

In the case of homicide, in Cohort I nonwhites were 5 times higher than whites. In Cohort II, a more recent cohort, nonwhites are 13 times higher than whites. In Cohort I nonwhites were 20 times as high in the case of robbery. But, in Cohort II they are only 11 times higher. So, there are variations on the race differential theme. Although in general blacks, who are mainly the nonwhites in our group, remain high.

When we looked at chronic offenders and recidivists, we defined recidivists as those who had 2 to 4 arrests; distinguished them from one-time offenders just arrested once over their juvenile careers, and chronic as those with 5 or more.

We find that in comparison of Cohort I to Cohort II that there are fewer one-time offenders in the later cohort, and that there are more chronic recidivists in the later cohort.

For example, in Cohort I only 627 boys, out of the nearly 10,000, or 6 percent of that birth group, that birth year, were identified as chronic repeaters. And that represented 18 percent out of the 3,500 delinquents. In Cohort II, they represent 23 percent of...
the delinquents. There's been an increase of about 5 percent in the number of chronic recidivists.

We have another display of some data regarding the onset of delinquency and the onset of committing violent, serious, injurious assaultive offenses.

When compared with Cohort I, Cohort II modal age at onset is the same for whites -- that is, age 16 is the year at which most of them begin their delinquency -- but is lower for nonwhites, between 14 and 15.

In addition, the data generally show, as we expected, that the number of offenses is negatively related to age at onset. That is, the later an offender commits his first offense, then the fewer the number of offenses he will have committed by the end of his juvenile career. That should be no surprise.

But, in terms of the other offender groups that we have listed, the modal of onset for the chronic recidivists turns out to be age 13 for both races. That is to say the repeater -- and I might add, the violent repeater, especially -- begins his delinquency as early as age 13.

Now we know that 1167, or about 8-1/2 percent of all the boys, nearly 14,000 boys in this cohort, committed a violent offense. However, more instructive is the fact that these assaultive offenders represent 1/4 of all the cohort offenders.

We had 4500 cohort offenders in Cohort II out of the 14,000, and 1/4 of those are assaultive offenders. Yet, only 13 percent of them were officially charged by the police with a uniform crime report: Violent offense.

Hence, by careful scrutiny of police reports, we have read every one of the 7549 offense reports in the Philadelphia Police Department for all of these offenders.

We noted that there are approximately twice the number of offenders who actually inflict bodily injury on their victims than the official crime code labels would indicate.

It should be noted, therefore, that because the Cohort II study does not depend on just the legal label, which are attached to behaviors, is able to render more informed classifications of various offender and offense types.

That is, we were interested in knowing whether there was any bodily injury in an offense, and sometimes the official, legal code label, or the Philadelphia Crime Code, was disorderly conduct, or some other offense. When, in fact, the person could indeed have been sent to the hospital with 26 stitches.
The chance that a white cohort subject in Cohort II will commit a violent offense, or can be designated a violent offender, is about 4 percent. While the probability that a nonwhite boy will be so designated is 3 times higher, or 12 percent.

Further, the probability that a nonwhite delinquent will be violent at least once during his juvenile career is nearly 1/3rd, that is .30 probability, compared to .17 for a white delinquent. Overall, the probability is .26, where full probability -- certainly would be one, of course -- that a Cohort II delinquent can be classified as a violent offender.

Within this context, we have been especially concerned about the probability of violent recidivism. That is, given that a boy has committed one injury offense during his career, what is the chance that he will commit at least one additional injury offense at some time? The answer to that question is 18 percent, if he's white, and 38 percent if nonwhite.

But we can be even more specific in Cohort II than we were able to be in Cohort I about the probabilities of going from a first to a second injury offense, from a second to a third, and so forth, out to at least 6 violent offenses before reaching age 18.

I have these data displayed in one of the tables.

I can report that with 2 injury offenses on a boy's record, the chance of his going on to a 3rd violent offense -- not just a 3rd offense, but a 3rd violent offense -- is about 43 percent, nearly half.

The chances from going from a 3rd violent offense to a 4th violent offense is 45 percent. And for the 5th and 6th violent offense is around 60 percent.

Now, that's a relatively high prediction rate.

Once again, it is necessary to recall that there is a difference between our known violent offenders and offenses, on the one hand, and the number of official charged violent offenders on the other.

I've noted before that about 26 percent of all offenders had committed injury offenses, but only 13 percent, that is 1/2 of them, of the offenders were charged officially with an assaultive offense.

However, there appears to be no racial disproportion in violent recidivism charges from the 2nd to the 3rd, 4th, and 5th violent offense.

Hence, although the chances that a nonwhite boy will enter the category of charge is 3 times higher than that of a white boy, once in that category, the proportion officially charged as violent recidivist, as black and white, is about the same ratio.
as in the case of actual violent offenses.

In other words, although a higher proportion of nonwhites commit violent offenses and will get into the category of labeled as a violent offender than whites, once both whites and nonwhites are in that category, they continue on to the 2nd, or 3rd, and 4th, and 5th, 6th offense with relatively the same degrees of probability.

In conclusion, these few statistics from a much larger array that will be presented in our full report indicate that boys who were born in 1958 and reached their 18th birthday in 1956 were a more violent cohort than their urban brothers born in 1945 and had turned 18 in 1963.

The former entered delinquency -- that is, the Cohort II -- in about the proportion as the later. Their probability of having at least one arrest before age 18 was 32.6, compared to the Cohort I which was 34.9. That's not a significant difference.

So their rate of delinquency is about the same. But the more recent group is more delinquent, in general, and has engaged in much more injurious behavior. They are more violently recidivistic and commit more crime index offenses before reaching age 18.

They start their injury offenses earlier and continue longer. We suspect that when we examine violent offenses according to our system of grading seriousness of each criminal event, the present cohort would be shown to have average seriousness scores that are much, much higher than the earlier cohort.

Again, although just about the same proportion of males get into some kind of trouble with the law, the trouble they get into is more violent and more frequent and, thus, with more harm inflicted on the community.

Finally, relative to social intervention and efforts to incapacitate criminally violent persons, juvenile careers should surely be taken into consideration. For a criminal justice policy or practice that permits an 18-year-old offender to start adulthood with a virgin, or 1st offense, thus ignoring an offense career -- and, particularly, a violent offense career as a juvenile -- is not adequately providing proper social protection.

Thank you for allowing me to share some of these preliminary findings with you. And I hope to be able to provide more in the near future.

(Applause.)

MR. HARRIS: Thank you very much, Professor.

Would it be that the figures were otherwise --
and perhaps in Cohort II they can be.

It's clear to see that, I think Attorney
General Smith, in identifying the problem of violence
as one requiring a fresh look is well justified. And
we thank you for sharing your views with us.

We will resume our meeting in the main meeting
room in approximately 10 minutes.

Thank you for coming.

(Whereupon, at 1:53 p.m., the hearing was
recessed, to reconvene at 2:19 p.m., this same day.)
Whereupon, THE WITNESS testified as follows:

BY MR. HARRIS:

Q For purposes of background, have you ever been placed in a juvenile institution or juvenile program?
   A Yes.

Q For what reasons?
   A For running away, armed robbery, burglary, purse snatching.

Q How old were you at the time that you were first so placed?
   A 8-1/2.

Q And during your youth, how many juvenile programs or institutions were you in?
   A All of 'em.

Q About how many is all?
   A About 7.

Q 7. How far did you go in school?
   A 8th grade.

Q And why did you leave school?
   A It didn't held my interest. I felt that I couldn't identify with the things that were being taught to me.

Q At what age did you first obtain a gun?

A The age of 16.

Q And how did you get it?
   A Through a friend; through a burglar.

Q Have you ever been convicted of a criminal offense?
   A Yes.

Q How many times?
   A Twice.

Q And what were those offenses?
   A Armed robbery, assault, aggravated battery.

Q How many crimes did you commit before the first time that you were caught?
   A About 100 or so.

Q And in how many of those 100 did you use a gun?
   A Practically all of 'em.

Q How long, at all, did you serve in prison?
   A A total of 8 years.

Q Now did there come a time when you started your own youth gang?
   A Yes.

Q And how old were you when you started this gang?
   A 16.

Q Why did you organize a gang?
A For survival.
There were other youths who had already organized gangs that were outside of the neighborhood that I lived in. As a result, we would often get into some forms of confrontation, fights, etc., and we saw the need to organize ourselves for protection, and it developed from that.

Q And how large was the gang you organized?
A About 200 members.

Q What was the age range of the members?
A Anywhere from 12 to 11.

Q And what kinds of activities did the gang perform?
A Well, ultimately, we began to perform drug dealing, stealing of guns, extortion, hits if necessary.

Q By "hits" you mean shootings, or killings?
A Yes.

Q Did there come a time when you were asked to consolidate your gang with another?
A That's correct.

Q And about how long was that after you formed your gang?
A Um, a year or so.

Q How large was the gang that you were asked to joining?
A About 8,000.

Q And how many people, if you know, does it have now?
A Approximately, maybe, 16,000 or more.

Q And how were you approached to join this gang?
A I was approached with being told of the possibilities of expansion and how it could benefit me from an economical base and control of certain areas.

Q And is that what attracted you to this larger gang?
A That and other things.

Q Can you tell us what some of those other things were?
A Identity, trying to find a place of belonging.

Q Now can you tell us what some of those other things were?
A Yes. The leadership is based upon the heads. It has a body, a council, who in turn takes what the leader has to say and carry it out to Lieutenants; who, in turn, carry it out to members of the structure or the organization. And it's a chain of command.

Q What you're describing sounds similar to a military-type chain of command; is that right?
A Yes. It's somewhat along those lines.
Q Now, what sorts of orders came down through this command structure you've described?
A Hits.
Q By that, you mean killings?
A Right.
Q Or orders to kill people?
A Correct. Extortions, the buying of businesses, or into businesses, things along that line.
Q Can you give us an example of some of the extortion activity carried out by the gang?
A Right. Well, extortion is basically some members of the gang who go previously to stores, or whatever, and create problems for the owners, and he just about had enough. The police hasn't been able to do anything to solve the problems. They send someone to talk to him, not necessarily from the structure that's established in whatever area. He will go, in turn, and talk to him and tell him that he had heard he had problems, and that he thought that he could probably be helpful with them.
Once he established that and show him that the problems can be dealt with, he then, in turns, begin to pay protection.
If he doesn't, on those levels, than the physical threats are used ultimately to himself, his family, or his business.
Q Now, what was the money that was obtained through this extortion activity used for?
A Well, several things:
One is obtaining drugs, obtaining guns, obtaining transportation, bail money, bail money for those who have proven themselves to be loyal.
Q Can you tell us how people were recruited to join the gang?
A Well, there are several levels of recruitment that comes out of gangs. One of 'em is, as we are aware in the schools, streets. And, in the schools, it's usually done through the influence of those who are attending, who have already been established, or who have already been organized.
In the streets, you have a two-fold recruitment. One begins with force, and the other is a blanket protection. Those who pay protection are not necessarily members, but they are under the protection of the members; so, they pay a fee to not become a member, or to not be harrassed or jumped on by those who are.
Q At what age are people recruited?
A From 12 on.
Q And is there a difference in recruitment in gangs today than there was 10 years ago?
A Definitely.
Q Can you tell us, describe the difference?
A Well, you may die quicker. There are a lot of force being used as opposed to 10 years ago.
Q Now, when you said, "You may die quicker," does that mean that if you don't seek the protective umbrella of the gang, you may not survive?
A That's correct.
Q Is recruitment still going on today, as we sit here speaking of youth gangs?
A Yes, certainly.
Q And how heavy is that recruitment, if you know?
A Very heavy.
Q Now, have you noted a tendency to use younger people, or younger gang members, to commit crimes?
A Yes.
Q And why has that happened?
A They receive lesser charges.
Q Did that ever happen to you?
A No.
Q Why not?
A I was a leader.
Q Now, following someone's recruitment into a youth gang, how does that person move up in the organization?
A Through loyalty. He has to prove that he's willing to do whatever the established leadership needs done. Once that is established, then he's given a chance to, perhaps, start on a lower level of the rank and work himself up. Whenever there is something needed and they need someone loyal, they use him. And, then, in time he, ultimately, ends up on the leadership position with his own territory, and etcetera.
Q Would you say that people that become leaders, generally, before they get to the leadership level have been involved in serious crimes -- shootings and crimes of that nature?
A Yes; I would say that.
Q Now does the gang that you've told us about today operate in more than one state?
A Yes.
Q And how many states is this gang active in, if you know?
A Well, off the top of my head, I would say at least 5.
Q And I assume that the state we're in now is one of 'em?
A Exactly.
Q Does the gang send people out of state to recruit and organize?
A Yes.
Q Are out of state members of the gang ever brought into the State of Illinois, for example?
A On different occasions.
Q And why would that happen?
A Mainly for a hit.
Q A killing?
A Yes.
Q How many members of the gang, to your knowledge, have access to guns?
A Well, practically all of them who are identified as loyal members. They don't have the tendency to give them to those who are weaker, who show some forms of, perhaps, disloyalty under pressure.
Q How does a member of the gang get a weapon?
A Well, there are several ways: Freight cars, black-marketing, burglaries, etcetera, robberies.
Q Does the leadership of the gang maintain any sort of weapons arsenal?
A Yes; they do.
Q And where to they get those weapons?
A From those that I've just named.
Q What sorts of weapons, to your knowledge, are maintained in this arsenal?
A A machine gun to a handgun.
Q And other explosives, or anything of that nature?
A I would say from 14 to 30, 32, 33.
A Genades, sometimes. Possibly small bombs.
Q Now, does the gang which you are familiar with have any involvement in drug dealing, narcotics?
A Yes.
Q And what type of narcotics?
A Cocaine, marijuana, teas and blues, heroin.
Q And what are the sources of those drugs?
A I don't know the sources.
Q Now, are the gangs -- or is the gang that you are familiar with involved in distribution of narcotics from the sources to the street level?
A Yes.
Q And can you explain how that would work?
A Well, basically, the structure of the organization, or gang, has men who are already on a committee, who, after the drugs are received by the gang, distribute them to what is called Lieutenants.
The Lieutenants, in turn, receive the drugs and give them to their dealers; who, also, either are gang members or dealers who are free lance, but under the protection of gangs; and they, in turn, filter it into the streets.
Q Now, if you know, how old are the current leaders of the gang?
A I would say from 14 to 30, 32, 33.
Q Would you say that gangs are strictly a juvenile problem?
   A Mainly.
   Q To what extent would you say, based on what you know about organized crime, are gangs -- do gangs resemble more traditional organized crime activities?
   A I would say to every extent, with the exception of maybe some investments.
   Q Based on your experience as a juvenile, can you give us your opinion as to whether or not the juvenile justice system and the juvenile courts are doing a good job?
   A Well, I don't say that they are doing a good job or a bad job. I don't think that they're dealing with the problems that effect the juvenile and his needs.
   Q And do you have an opinion as to why not?
   A Maybe because of the punishment that's set up, more so than the attention to what is creating the problem.
   Q What, in your opinion, should be done in the area of juvenile violence, juvenile gangs?
   A Well, I think that they should set up some type of alternative program that would help enable the juvenile to be able to make the distinctions that are real with his environment and with life.

I don't think that, you know, they should be placed in a situation where they can't make that distinction. And the parents and the society should take on a responsibility in helping discipline 'em in those areas.

An example of what I'm saying is: Maybe the schools should be the priority. And once that they are dealt with, I think that the youth can kind of cut off the recruitment of gangs and everything else by educating the youth before they become victimized or juveniles.

Q If the Government were to prosecute the leaders of youth gangs and made it a priority matter, would that cause the gang structure to fall apart and crumble?
   A No.
   Q Why wouldn't it.
   A Well, I think history has reflected that for us here. But, one of the things is that there'll always be gangs, and there'll always be those who will have the interests as long as there's crime, and as long as there is social problems in the society.

So, I don't think if you locked up all the gang leaders that you would eliminate; someone would just take their place.

Q At a previous meeting of our Task Force, we had a suggestion, or a discussion, about nationwide public
service for all young people. Do you have any views on whether that is a good or bad idea?

A I think it's a good idea.

I'd like to say that I think that if we're willing to spend billions of dollars on nuclear warfare, and things like that, we must also be willing to spend equitably that same on the youth, or the juvenile, of our country. Because they're the future.

And, so, I think that those type of programs should be implemented and give close counseling and good advice through examples that can be seen or be identified from their environments.

Q There are also some programs you hear about where ex-convicted felons work with juvenile offenders. Do you have any views on those programs?

A Well, yes, I think that that is probably one of the best ideas that have come up. And the reason for that is that he's been where he's going. So, he's able to help him identify more realistically with why he's being oppressed, or why he feels himself in the need to be joining a gang, or be affected by gangs, or whatever is going on in the community that he's from.

Q How do you feel about programs in which urban and suburban youth exchange places in schools, so that some urban people go to suburban schools and vice versa;

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ask you to answer them.

THE WITNESS: Okay.

MR. HARRIS: Judge.

BY MR. BELL:

Q How many of the 8,000 members of the gang were female?

A A very small portion.

Q A small portion.

A Yes.

Q Now, in this drug program, drug pushing, did you use young members as pushers?

A Yes.

Q Why?

A Well, most times when young members are caught, they -- they don't end up doing big time.

Q These are the very young, I take it?

A Right. They're 12, on up.

Q What you'd call children?

A Yes, I would call them children.

Q All right. How do you discipline those children if they don't do what you tell them to do?

A Well, mainly, they are disciplined by their own peer group, those who are in the age bracket of themselves. And, it pretty -- It works out pretty good that way.

Q Have you ever known any of the children pushers to be killed?

A Not to my knowledge.

Q What about punished in other ways?

A I would imagine.

Q All right. Once you're in this gang, how do you get out? How can you get out? How can you withdraw?

A Well, I think it depends on you. Some people, they can't get out. Others are stronger than the gang leaders, so they just don't mind letting 'em out.

Q Yeah. Could you tell us a little more about how the gang happens to be in 5 states? Do you sell franchises, or you just sell franchises? Just how do you happen to be in 5 states?

A Well --

Q I know you could be here and over in Indiana very easily, but --

A Well, the thing is it's just as that, as you may remember. I spoke of a Council that's sets up. That's really the government within the gang structure, in addition to the leader.

This Council is sent out, like ambassadors, and they go wherever they have to go, different states, mainly the neighboring states -- Wisconsin, Indiana, etcetera -- and they establish bringing the gangs, or
consolidating the gangs that are already established there but are unorganized. And they show them where their monitorial benefits, drugs, clothes, cars, etcetera, involved and including certain powers. And it becomes organized.

Q So, what we're talking about is, in addition to gangs, we're talking about a form of organized crime; I take it?
A Exactly.

Q All right. What indicia of membership is there in the gang? Do you have a membership card, or tattoo, or just what do you have?
A Well, there's no, no tradition of identification. Most gang members don't want to be identified as such. But you do have those who have tattoos on 'em representing the symbols or the signs that the gangs have accepted for themselves.

Q It's more of a word of mouth recognition, I take it?
A Well, there's more than just word of mouth. There are different signs and symbols that identify you as to, you know, who and what you are; most of 'em know each other.

Q Like a password?
A Well, not quite a password. But, just signs.

Q Signs. All right.

MR. BELL: Thank you.

THE WITNESS: You're welcome.

MR. HARRIS: Mr. Littlefield.

BY MR. LITTLEFIELD:

Q Well, sir, I suppose that during the time that you spent in various institutions, that you were exposed to a number of rehabilitation programs; is that correct?
A Well, not really.

Q Did they have such programs in the various institutions where you were?
A Yes; they have some. They have some.

Q And, did you ever attend any of the programs?
A I attended one.

Q And do you think that that had anything to do with changing your way of life, or was it because of the fact that you were just tired of being locked up that made you change?
A Well, I'd like to say this. I think, first of all, rehabilitation as it is now, or even when I was there, it's a myth. I think that the total restoration or transformation, a better word, has to come from within, and certain assessments and evaluations has to be made by that person in order for them to begin to make some type of positive moves.
in their life.

I say that they do help. They should be there more often. It is -- It is a plus. But, the truth, that the bottom line, I would say, still comes with the individual. No one can make you walk over there.

MR. LITTLEFIELD: Thank you.

THE WITNESS: You're welcome

MR. HARRIS: Chief Hart.

BY MR. HART:

Q Mr. Witness, I see you are concerned about the level of violence and the lack of longevity of members of the gangs these days.

Are you concerned about terrorists? Everyone is concerned about international terrorists. Do you have some feelings on whether the gangs would become so sophisticated until they'll get involved in corporate kidnappings of leaders, or extortion of large companies, bombing of buildings for pay, even be hired by international terrorists? Do you think that would happen?

A Well, you know, in the life of crime, or criminal acts, all of those things are possible. They're things to consider. I would say if it did occur, it would be on a small scale. I don't foresee it happening soon.

Q Okay. One other question: In the area of auto theft, one of the fastest growing activities, I see you described an interstate group of people organized to commit crime.

One of the things that I'm concerned about, or have some strong feelings in, that I know that you can get more for an auto when you chop it up than you can selling it as is. It must be some pretty important business people involved in something as sophisticated as that; is that correct?

A Yes; that's correct.

Q So, some of the people involved hide behind the kid that's committing this crime to make huge profits on their right, right?

A Yes. I would think that's correct.

Q Okay.

MR. LITTLEFIELD: Thank you.

MR. HARRIS: Mr. Carrington.

BY MR. CARRINGTON:

Q Did your gang ever engage in any of these federal ripoffs, where the Federal Government was literally paying money, hundreds of thousands of dollars, to gangs to keep out of trouble?

A Well, I want to understand you clearly, you know. You said, "my gang".

I have no gangs that have done that. I would
say -- I don't want to answer that in its total.
    I'd like to just say I've known gangs that
have done that.
Q    Okay. I don't know if you want to pursue
the answer to this one. I'll ask it anyway. Feel free
not to answer.
A    Okay.
Q    The gangs that did do it, is there any doubt
in your mind that this was just the purest kind of
ripoff? I mean, was there ever any intention to use
the federal money for the purpose it was ostensibly
granted for?
A    I think initially, yes. But, with the wrong
influences that were coming from, maybe, community organ-
izations, or whatever, or those who were liberals that
came in, etcetera, it got lost along the way as to why
the money was given and it began to be used for other
reasons.
Q    Finally, was there any single type of law
enforcement effort, such as an aggressive gang intelli-
gence unit, or any kind of more or less formal effort
to deal with gangs that put fear into you -- that the
police are on the right track to get us, type of thing?
A    Well, there were, yes, gang intelligence units
established. No, they didn't put fear in me, and, I
assume, in others. But, I think it sort of like fused
the situation even more. It's like fighting fire with
fire.
MR. CARRINGTON: Thank you, sir.
THE WITNESS: You're welcome.
MR. HARRIS: Mr. Armstrong.
BY MR. ARMSTRONG:
Q    Mr. Witness, let me thank you for coming here
today. I can't see you, and you can't see me, I don't
presume. But, I want you to know that I'm a prosecutor,
and I'd like to ask you about the system that you've
spent some time in for your life.
    I think you've testified you've committed a
number of crimes, and you spent some 8 years in peniten-
tiaries. Were those penitentiaries you served in in
Illinois or surrounding states in the Midwest?
A    Illinois.
Q    Were you on parole, or did you do the 8 years
consecutively?
A    Consecutively.
Q    Then, I presume you were released on parole?
A    I'd rather not answer that.
Q    When you were in the juvenile system were you
assigned a protective service worker or a social worker
to assist you between your visits to the Court?
In my particular case, I don't recall anything like that. I've known that it had exist. I saw the Judge, and he sent me away.

Q Let me be more specific. In the juvenile system you were placed on probation allowed to remain in the community?

A Okay. Yes.

Q And you were assigned a social worker during that time?

A Probation Officer.

Q Probation Officer. How effective, and how much assistance was that probation officer to you?

A Well, I think he probably could have been very effective, but I never allowed it. By that, I mean, I really never exchanged what I was really doing with him.

Q You obviously committed other crimes while on probation?

A Yes.

Q Probation, then, is not a deterrent to the subsequent commission of crime, would you say?

A In some cases. I would say in some cases it may be.

Q Maybe I didn't hear your answer. I believe Mr. Harris asked you where you obtained the street drugs, your gang obtained the street drugs?

A Yeah, I told him that I didn't know the source.

Q The hits that were contracted for by your gang, were they contracted by adults or other gangs?

A Well, adults are in other gangs, too, so are you asking me are adults in other gangs? I don't understand the question.

Q All right. Let me repeat it. When you were a juvenile and you were contracted as a juvenile, or your gang juveniles were contracted, were they contracted for the killings by adults?

A Right.

Q If you had the authority to redesign the juvenile justice system to become a deterrent towards future juvenile offenses, what would you design that system to be? Do you understand that question?

A Yes; I understand it correctly.

Well, first of all, I probably would establish an incentive that would allow the youth to proceed in getting an education, or some vocational training. And I would probably, those who have no record, whatever, or never been involved in crime as far as our knowledge, try to do some evaluations to see what the potentiality of them being criminals, or whatever, is. And, probably, take them and put them into a minimum
situation where they would not come in contact more so with those who have been repeating cases or part of the recidivist rate that constantly goes in and out of the Departments of Corrections, or whatever, Juvenile Department.

And set up some type of programs with the parents and also with the juvenile to help them understand the alternatives that are in life for them, as opposed to the one that they have made -- been made to believe, or pressed to believe, only exists.

MR. ARMSTRONG: Thank you.

THE WITNESS: You're welcome.

MR. HARRIS: Professor Wilson.

BY MR. WILSON:

Q I think, Mr. Witness, I'm your last questioner. Thank you for your patience.

Did you ever have a job in the straight society?

A Street society?

Q Street society. In the conventional world, were you regularly employed at any time during your gang life?

A Not during my gang life.

Q If you wanted to find a job, would you have been able to find one?

A Possibly, yes, at that time.

Q Did you have any interest in looking for one, or did you prefer the life you were leading?

A I preferred the life I was living.

Q Was there anyone who you felt was in the gang for economic reasons, that is to say they could not have survived economically outside the gang for lack of other means of employment?

A Well, yes, there were a few cases of that but not many.

MR. WILSON: Thank you.

MR. HARRIS: Mr. Witness, we thank you very much for your cooperation today. Your answers have been very enlightening.

We will now take a 5-minute break while we set up for our next witness.

Thank you very much.

THE WITNESS: You're welcome.

(Recess.)

MR. HARRIS: Our next witness is the Honorable Richard M. Daley, who is State's Attorney for Cook County, Illinois.

Mr. Daley, we are very pleased to have you with us today. If you would care, for the record, to introduce the people with you at the table.
MR. DALEY: We thank you very much. Cathy Ryan is the Supervisor of the Juvenile Division in Cook County and Larry O'Gara is Chief of the Criminal Prosecutions Bureau of the State's Attorney's Office.

STATEMENT OF RICHARD M. DALEY,
STATE'S ATTORNEY, COOK COUNTY,
ILLINOIS: ACCOMPANIED BY:
CATHERINE RYAN, SUPERVISOR,
JUVENILE DIVISION, AND LARRY O'GARA, CHIEF, CRIMINAL PROSECUTIONS DIVISION.

MR. DALEY. It's a pleasure to speak before distinguished members of the Attorney General's Task Force on Violent Crime.

There is no greater issue concerning the people of this country than crime. And we are fortunate to talk about juvenile crime. And, I would specifically talk about violent juvenile crime.

And I think it's really an honor to have a hearing in Cook County, for the nation's first Juvenile Court was established in 1889 in Cook County. It was non-adversarial, non-punitive. It was an agency to cure problems unique to minors. It was devoting its attention to the rehabilitation of youngsters in trouble, rather than the infliction of punishment for illegal acts.

That was in 1889. How well does the juvenile justice system function today?

I would like to consider 3 areas: First, the huge caseload; secondly, a reluctance to take the necessary steps to protect society and ensure the punishment of juveniles who commit violent crime; and, thirdly, the difficulties of keeping dangerous youngsters under the supervision of the Illinois Department of Corrections.

First: The Caseload. Last year, in Cook County, 7 judges heard 12,000 petitions in the Juvenile Court system. At the end of last month, this year, each judge faced an average active caseload of 1,161, as compared to the Criminal Division of Cook County Circuit Court with 47 judges who hear about 115 felony trials. There are 3 prosecutors assigned to those courtrooms, and that is manageable. It is only 1/10th of the caseload of the average Juvenile Court.

During the first 6 months of my administration, we have increased the number and the level of experienced prosecutors in Juvenile Court. For the first time in the history of that Courtroom, we have put 4 top felony trial lawyers within that Division. We have placed 15 summer clerks to ease the backlog, to analyze ways to improve the operation of that Division.

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This new attention is already having an impact on the judiciary, the youthful offenders, and the community.

I suspect this staggering burden is common in major urban areas throughout our country.

What can the Federal Government do?

I believe the Federal Government can work with the local authorities. Local governments will continue to devote whatever resources they can in regards to money.

And I understand the Reagan Administration’s fight against inflation. However, I believe the failure of the Federal Government to continue to help law enforcement agencies with funds to fight crime, especially juvenile crime, would not only be a false economy but also a great disservice to our society.

And, secondly, we have to be tough with violent juveniles.

As you know, in Illinois, the Juvenile Court maintains jurisdiction in which a person 16 years of age or younger is involved.

Under the Juvenile Court Act, it is possible to transfer the case of a minor 13 years of age, or older, to the Criminal Court for prosecution if the Court finds "it is not in the best interests of the minor or the public to proceed" under the Juvenile Court Act.

In the past, this transfer provision was rarely resorted to in Cook County. In 1980 there were a dozen transfers. That means 1 out of 1,000 cases were transferred. In 1981, already we are transferring a large group of cases over to the Felony Court Division.

I point out that the victims of violent crime in the Juvenile Court system are mainly young or old.

This is true all over the country.

I have made proposals, as a State's Attorney, to the General Assembly, when a serious violent offense takes place -- murder, Class X felony, or Class 1 felonies -- that there be automatic transfer of these cases from the Juvenile Court to the Adult Court Division. It has already been in effect in New York since 1978. They are reviewing the results there.

But, I think they're important, on a way, that we will treat violent offenders in a serious way.

We also look at the number of examples that we take place in this year alone. An example, just recently, we had a case in Juvenile Court. We requested to transfer the case of a 15-year-old who confessed to a double murder, for which there were 6 eyewitnesses. The request was denied, incredibly. The Judge ordered the release of the juvenile to the custody of his parents.
despite the testimony of a psychologist, a psychiatrist, that the youngster is extremely dangerous and could kill again.

There are many examples in our system.

I believe that the Task Force -- We would request that research funds from the Federal Government be directed to the question of the effects of the transfer of juvenile cases to adult criminal courts. I think it would be worth the money from the Federal Government.

Thirdly, I would like to make a point: Even when juveniles are found to have committed serious felonies, whether by a Criminal or Juvenile Court, they can expect to spend at most only a brief period of time in a correctional facility.

Under Illinois law, if they are found guilty in Juvenile Court, they cannot be confined to an institution beyond their 21st birthday.

These figures do not begin to tell the whole story. However, the premature parole of juveniles from the Illinois Department of Corrections is a serious problem, and, I believe, throughout the country.

Those who are sent to the Department of Corrections are the most hardened of the hardened juvenile offenders. Yet, they only serve about 9.5 months for those violent crimes.

Part of this open door policy is due to the action of the Parole and Pardon Board, which considers proposed parolees from the Department of Corrections from the 8 juvenile centers.

I have directed the Juvenile Division of my office to vigorously oppose unjustified proposed releases of dangerous juveniles back into the community.

And, just 5 examples I would like to point out:

The first example was last June, a delinquent act of aggravated battery: A 16-year-old fired a .22 caliber weapon at his 19-year-old victim, hitting him in the shoulder, stomach, and both legs in a gang-related case.

According to the reports of the Department of Corrections personnel, during his first 6 months in confinement, he was unable to control his temper. However, he reportedly has made some progress in this area. The Department of Corrections youth counselor wants to return this youngster to his parents, where presumably he would rejoin his gang, the Latin Kings.

I deplore the fact that this neighborhood may have to find out the hard way whether or not he has been reformed.

And, again, it points out the need for some

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form of gun control in our society, anyway.

Another example is a 15-year-old committed to
the Department of Corrections for the delinquency
offense of aggravated battery against a 28-year-old
female paramedic, hitting her over the head and face
with a hammer. He escaped one month later; last March
he was arrested by the Chicago police officers. Yes,
he has been busy. In fact, he has been arrested on the
charge of unlawful use of a weapon, was found guilty
as an adult, and was placed on an 18-month probation
as an adult, under assumed name.

All in all, he has spent approximately 4 months
in the Department of Corrections since his original
commitment. And, yet, he is before the Parole and
Pardon Board for possible lawful release into the
community.

Another example, that happened in 1977, a
4th juvenile, the age of 16, deliberately and without
provocation killed a 17-year-old, who he mistakenly
believed to be a member of another rival gang.

After his confinement to the Department of
Corrections, he escaped for 18 months, and was returned
to Illinois after being arrested in Texas for the pos-
session of a stolen vehicle. He was returned to the
Department of Corrections in June of 1980.

In short, he has spent half of the 4 years
in the Department of Corrections after being committed
for murder, and he has spent the other half of this time
on the lam and committing a new offense.

Again, we are opposing his early release.

And, finally, the 5th juvenile, at the age of
16-years-of-age, was committed to the Department of
Corrections last January with the juvenile offense of
voluntary manslaughter, where he stabbed his 19-year-
old victim with a knife.

Yet, the Parole and Pardon Board must decide
whether to release him only after 5 months after he
was found delinquent for voluntary manslaughter.

Again, we oppose this.

These are just 5 examples in 1 week. I could
go on, and on, and talk about the number of early re-
leases that we have in Illinois.

A tight release review procedures must be
assured for these dangerous juveniles. It is too early
to know how the Parole and Pardon Board will respond to
my office request to keep these juveniles confined.

Perhaps they will not be released, and I hope
so.

It is important that the Illinois Department
of Corrections is full and on its way, in order to be
able to keep its population down and to discharge these
dangerous juveniles. Which is a bad precedent, which
is happening in the adult facility now as well as the
juvenile facility.

I would like to point out that my 3 main
concerns about the juvenile justice system in Cook
County is:

First, it is terribly overburdened: In light
of its limited resources, the federal assistance is
essential.

And, secondly, better ways must be found to
deal with a violent criminal juvenile. The Federal
Government can help those of us involved in law enforce-
ment to develop new approaches to combat this menace.

And, thirdly, I believe that the Federal
Government can support for the expansion of inadequate
state correction facilities for dangerous youthful
offenders is essential if we are to make our communities
more decent places to live and to work.

As Charles Silberman, who stated in the
Criminal Violence and Criminal Justice book, he stated
that: "The problem is not that Juvenile Courts are too
lenient, but they are too lenient towards the wrong
people." They are too lenient towards the violent
juvenile offenders.

MR. HARRIS: Thank you, Mr. Daley.

Judge Bell.

MR. BELL: Yeah. Yes, Mr. Daley, I have 2 or
3 questions.

On a juvenile, even though they may have been
a -- find they've committed murder, at age 17 would
automatically be released at age 21.

If they're transferred and treated as an adult
defendants, would they serve the full time -- whatever
term was imposed?
MR. DALEY: They serve the same amount of
time, a standard juvenile facility.

MR. BELL: They would. That's all?

MR. DALEY: Yes, right.

MR. BELL: Even though they're --

MR. DALEY: Charged as adults.

MR. BELL: -- tried as adults?

MR. DALEY: No. They would serve the time
as an adult, but they would be placed, up to 21, in
a juvenile detention center.

MR. BELL: Yeah, that's right.

MR. DALEY: Then, after that, they would go
to an adult facility far earlier.

MR. BELL: Right. That's good. That's the
answer I was seeking.

Now, you have 1,100 state-operated juvenile
prison beds, according to your testimony. 60 percent
of those 660 are usually occupied by --

MR. DALEY: Yeah, most of them --

MR. BELL: -- juveniles from Cook County.

MR. DALEY: That's right.

MR. BELL: Is there anything in the Illinois
law that would prohibit Cook County from building its
own facility -- if you needed a facility? I know in
my state some counties, at least 1 or 2, have built

MR. DALEY: No, the responsibility is of the
state.

MR. BELL: I understand that.

MR. DALEY: Yeah.

MR. DALEY: But if you couldn't get the state
to do it, I guess you could build one of your own.

MR. BELL: Well, we have found out, you know,
they are trying to close some of the juvenile facilities
in Illinois.

We have the early release problem. You have
it in the adult facility, sending out murderers, and
rapists, and violent offenders back in the community,
it's happening to the juveniles.

But the saddest thing is that juveniles know
that they can get away with it.

MR. BELL: Oh, sure.

MR. DALEY: So, you serve 4 months.

MR. BELL: Sure.

MR. DALEY: And what we're really doing -- it's
the sad part, I believe, that rehabilitation can take
place in a juvenile detention center much better than
an adult facility.

I mean, you're taking this 14, 15-years-old
into a juvenile detention center through high school,
MR. BELL: I notice you recommend that Illinois pass legislation to require the automatic transfer --
MR. DALEY. Right.
MR. BELL: -- of juveniles --
MR. DALEY. Right.
MR. BELL: -- to adult courts for certain violent crimes.
MR. DALEY: Right.
MR. BELL: And you point to New York as having passed such a law in 1978.
Is -- and I assume you have something like a preliminary hearing, where if somebody wanted to contest the transfer, how do they do that?
MR. DALEY: No. They automatically transfer them for certain crimes. We are recommending murder, Class X felonies, violence over victim in certain Class 1 felonies and in 3rd time offense.
MR. BELL: If you --
MR. DALEY: That would be automatically, without any hearing, over to the Adult Court.
MR. BELL: And any hearing would take place after that?
MR. DALEY: Oh, yeah.
MR. BELL: If you want to contest it, you'd do it there.
MR. DALEY: You could have it in preliminary hearing, right.
MR. BELL: Right.
Now, on the Illinois law at the present time where you say this juvenile jury has turned out someone who has committed 5 murders, or 6 murders.
MR. DALEY: 2.
MR. BELL: 2 murders.
MR. DALEY: 2 brothers.
MR. BELL: 2 brothers, and then released him immediately --
MR. DALEY: That's right.
MR. BELL: -- to the parents. Is there anything you could do about that? I mean, is there --
MR. DALEY: Well, we are appealing -- We are presently appealing that ruling.
MR. BELL: You could appeal it?
MR. DALEY: Yes, we are.
MR. BELL: Could you file a mandamus proceeding against the juvenile jury?
MR. DALEY: There is a mandamus proceeding already.
MR. BELL: All right. Thank you.
MR. HARRIS: Mr. Littlefield.
MR. LITTLEFIELD: Yes. Mr. Daley, with respect to the transferring someone 13 or older to adult --

MR. DALEY: 14. 14 is the age.

MR. LITTLEFIELD: Or, 14, it is. Is that request initiated by the prosecution, or by the probation officer, or the Judge? Who initiates the request to transfer the juvenile to Adult Court?

MR. DALEY: We are requesting it, as the Prosecutor on behalf of the People.

And there's no particular laundry list of offenses right now that you have to do it. It's just if it's for the best interest to the minor -- or not in the best interest of the minor.

MR. BELL: Right. I see.

And is one of the reasons that these persons are being released, that you mentioned, the fact in that your Corrections Department had to use the rule of one in and one out, that for every one you put in, you have to let somebody out --

(Laughter.)

MR. BELL: -- is that one of the reasons?

MR. DALEY: Well, I don't know what the reason is. It's a sad comment to say when you have a violent crime that takes place that the person is released in 6 months back into a community.

Again, this idea, we have to move the beds out. I think the best interests of the child is for rehabilitation, and it can't be in 6 months. That is the best interests of the child.

MR. BELL: And, have you had any experience in your office with respect to the fact that it's more difficult to prove an adult guilty in a Criminal Court than to find -- or sustain a Juvenile Court petition in Juvenile Courts?

MR. DALEY: It's the same burden of proof and felony prosecuting;

MR. BELL: Well, I recognize. But, I mean, as a practical matter.

MR. DALEY: No. Well, I think, again, we get back to a belief that some people just don't believe that violent crime is taking place by juveniles. It's a belief that: Well, it's only the first murder -- that's a good example -- It's only the first murder. Or: Well, it was just a rape; he's only 14. And, so, it's armed robbery; he only did it once.

That's it, it's only once. And the sad problem is we, as a prosecutor, then see this child in about 3 more years he will come back into the adult system. And that's the saddest thing to see.

Because, after 4 years, if he gets out in 6
months, we get him back in 2 or 3 years. And then, again, we sentence him down to the Department of Corrections for equal to the violent crime.

MR. BELL: Are you aware of the experiences of some prosecutors who have a law where they may transfer juveniles to Adult Court that they have to use a selective transfer that if the transfers -- or seek to have some cases transferred to Adult Court, they're going to lose them in Adult Court. They'd rather keep them in Juvenile Court, where they're going to get a better chance to have a conviction sustained.

MR. DALEY: Well, no, I have found out that out in the New York experience they say is that now they're treating violent juvenile offenders as a serious crime. Before it was: Well, it's just, you know, it's a juvenile.

Now, the community is treating it. And I have been out in many communities. They are more aware than anybody else. They want to know what we can do to keep that violent juvenile offender out of their block or their community who has committed that violent crime. They are more concerned than maybe any of us here.

Thank you, Mr. Daley.

MR. HARRIS: Mr. Edwards.

MR. EDWARDS: No questions.

MR. HARRIS: Chief Hart.

MR. HART: I have one question, Mr. Daley. You're concerned about early release. Who have the authority to make the early release? Do the Corrections people or the Department of Social Service in Illinois, or whatever you call it?

MR. DALEY: The Department. It's Prison Review Board.

MR. HART: I see. Then if you have a problem of early release, probably have the same problem as Michigan.

Once they walk away, they don't bother to even notify you. The first time you find out is when they commit another crime, is that --

MR. DALEY: Well, we are getting a better relationship from our office with the Department of Corrections. You know, this has existed for a long time. They're, you know, in the whole prison system. So, it's not, you know -- But, we are getting a much better working relationship with the Department of Corrections under the, you know, new Superintendent just appointed by Governor Thompson.

MR. HART: Then what you've said mainly here, as most people who have made a presentation on juvenile,
we'll just have to get serious about serious, violent juvenile offenders.

MR. DALEY: That's right.

MR. HART: And separate them from the people who are on the peripheral, but the leaders, the hardcore, have to be put away for some certain period of time.

MR. DALEY: That's right.

And, I think it's to the best interest of the child. Rehabilitation can work in a juvenile detention center. At least, it can be opportunity, or rather than leaving him out on the streets.

And to have Juvenile Court for its original purpose, to help nonviolent offenders.

We see it, and Cathy sees it more. The kids know better than us. They get away with it. Well, you can get away with a murder; you can get away with a rape; armed robbery is just -- just ain't a law.

And when they have that attitude, the saddest thing is we get 'em when they are adults. And that's what's happening. They have no, say, belief of any punishment for a violent act.

MR. HART: Okay. I agree with you.

Thank you very much.

MR. HARRIS: Mr. Carrington;

MR. CARRINGTON: Mr. Daley, you know as a prosecutor, and I know as a former policeman, if a policeman who is out on the street working under the acknowledged pressures of police work, making their decision on the spur of the moment, if he makes an arrest that is subsequently found to be without probable cause; or he makes a search that subsequently is found to be illegal, he can be, and quite often is, sued for either a civil rights violation or false arrest, or illegal search and seizure.

The system makes the policeman accountable.

Coming to your first example of the 16-year-old, the aggravated assault that shot the guy 5 times, this youth corrections counselor has many more advantages than the policeman. He's probably better trained, at least for that specific thing. He has all of the psychiatric record before him.

And, yet, here you say that he wants to release a person and there is a very high likelihood that this kid may injure or kill somebody.

Why should the policeman be held accountable under the law for his conduct and the youth corrections officer not be held accountable? Should we address ourselves to the idea that if somebody wants to take a charge with society to the extent that apparently this youth corrections officer does, that he could be held accountable?
accountable like the policeman?

MR. DALEY. Oh, I think everybody in the
criminal justice system should be held accountable,
regardless of what profession they're in.

MR. CARRINGTON: But, legally, could he be in
Illinois? We know the policeman can be sued. I thought
that there is immunity provision in the Illinois code
that --

MR. DALEY. Well, yeah, I think in Illinois
law I believe they could be immune. I don't think they
can be sued.

MR. CARRINGTON: Okay. I think --

MR. DALEY. But, the way --

MR. CARRINGTON: I think we ought to examine
this immunity doctrine.

MR. DALEY: That's -- Yeah, that's -- Because
we see it. This 16-year-old maybe needs better rehabil-
itation purposes. I mean, it's not in 6 months. I mean,
that youngster who has taken that .22 and has fired it
a number of times needs help. And, we don't want -- I
don't want to get him back on the street and put him
in for a more violent crime for another 20 years.

What we have done is we have failed him.

MR. CARRINGTON: I'm not thinking so much for
the benefit of the shooter, but in the mind of the

 Youth correction officer that now wants to cut him
adrift, what could we do to make him think twice before
he will make such a risky decision, risky for society?

MR. DALEY: Why, first of all, is to publicize,
of course, decisions like this -- say, an early release
of an individual.

Also, I have taken a public position to support
more facilities for juvenile detention centers and
adult facilities in Illinois supported by Illinois
taxpayers, and, if possible, with the help and assistance
of the Federal Government.

We need more facilities. The longer you wait,
the worse off it's going to be.

MR. CARRINGTON: I agree we need more facili-
ties. I just -- I'm trying to get at what can be done
at the level of the decisionmaking. I don't know what
the answer is. I'm just seeking your help.

MR. DALEY: Maybe just keeping a track record
of the youth counselor in regards to his decisions, or
their decisions in regards to these releases.

MR. CARRINGTON: Thank you, sir.

MR. DALEY: And how they substantiate in that
they've had -- Have they had psychiatric help, has that
child had educational help, you know, things like that,
in the juvenile detention center?
MR. CARRINGTON: Thank you.

MR. HARRIS: Mr. Armstrong.

MR. ARMSTRONG: Mr. Daley, let me commend you for your legislative effort that you're making in this area of transferring the more violent youthful offenders to the adult courts.

I'd like to ask you one question in that regard: Are you going to include crimes that involve handguns in your legislative package?

MR. DALEY: It would include all of them. Anything -- any, you know, under the Class X felony and Class I, it would be, you know, anything committed with a gun. And, which is very common.

In Juvenile Court the juveniles having handguns is just so high. You know, it's an everyday occurrence. Whether, or not, they will come into the juvenile courtroom. They usually stay outside of the facility. That has been our experience, and Cathy's, over the years.

MR. ARMSTRONG: I don't know if you were here to hear the testimony of the preceding witness, the former gang leader. The gang phenomenon in the Chicago, Cook County area, how much would you say accounts for your caseload in Juvenile Court, if you know?
MR. DALEY: Oh, they -- You know, the gangs are the Mafia, you know, of the future. They are the Mafia. That is, they are not a group of kids on the corners. They use juveniles. And we just indicted 2 adults for the use of a juvenile in 2 murder cases. They use a 14, 15-year-old to commit a murder, a hit. They know it's going to be treated, you know, a early release, or they get 9 months.

They use juveniles for a lot of their violent crime. They are sophisticated. They have the best attorneys. They are involved in narcotics, with organized crime.

So it's not a -- It's not new across our country. They are taking the role of organized crime.

MR. ARMSTRONG: I noticed --

MR. DALEY: And they are responsible for the majority of violent crime -- hits, murders.

We put a new Gang Unit, with 7 experienced prosecutors. Our of the first 100 cases, 75 percent are murder cases, right out murder cases. So that they --

And they're not just in the city. Suburban area, we had meetings of the 20 Police Chiefs, about 20 of them in the suburban area. They are active in forest preserves for narcotics activity. They control a lot of the pushers in Cook County.

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MR. ARMSTRONG: Perhaps the Superintendent of your Police Department will have these answers.

But, have you given any thought, as a newly elected District Attorney, to how you could design a program, something of a fast track, hard career criminal-type program to deal with juvenile offenders, violent juvenile offenders within the system?

Have you given any thought, and if you have, fine, we'd like to hear those. Of course, if not ---

MR. DALEY: Well, Cathy.

MS. RYAN: What we have begun to do is to identify those juvenile offenders whom we find to be repeaters, violent offenders, and, particularly, if they seem to have a gang affiliation. And to specifically direct our resources -- namely, our State's Attorneys and other personnel -- to prosecute these juveniles so that we can make sure that they first of all are found delinquent.

The difficulty we have is that we find we're using a disproportionate amount of our resources for these juveniles who seem to account for 1 or 2 percent of the delinquent population in our Court.

MR. ARMSTRONG: Fine. Thank you for an excellent presentation.

MR. HARRIS: Thank you all very much,
Mr. Daley. Thank you all for coming. We appreciate your taking the time from your busy schedules to be here today.

MR. DALEY: Thank you very much.

MR. HARRIS: Thank you.

Our next witnesses are from the Chicago Crime Commission and we're pleased to have the Honorable Philip Wayne Hummer, who is the President of the Chicago Crime Commission and Patrick F. Healy, the Executive Director.

Gentlemen, welcome.

STATEMENT OF PHILIP WAYNE HUMMER, PRESIDENT, CHICAGO CRIME COMMISSION.

MR. HUMMER: Thank you very much. My name is Philip Hummer. I am a stockbroker by occupation. And I am also President of the Chicago Crime Commission.

The Chicago Crime Commission was organized 62 years ago. It's a nonprofit, nonpartisan civic organization whose primary function is to act as a watchdog over the Cook County criminal justice system, and to ensure efficient and effective performance of that system.

The Commission has been responsible for many major improvements over the years in the Chicagoland criminal justice system. I welcome the opportunity to appear before this Task Force to comment on the two topics to be considered: Juveniles and Victims and Witnesses.

These issues go to the heart of our criminal justice system. The future of the nation is built on its youth. The enforcement of its laws is dependent upon the cooperation of victims and witnesses.

Although violent crime is a primary concern of our citizens, it is not the major problem facing law enforcement.

In the Chicagoland area between 1970 and '80, the incidents of violent crime was less than 3 percent. Violent crime represented only 11.4 percent of the total incidents of indexed crimes -- of all indexed crimes in that period.

The challenge of professionalism, careerism, and supporting resources is still the main problem facing law enforcement.

Despite the public outcry over crime, most citizens do not feel the urgent need to work to upgrade law enforcement. Most do not realize that crime costs every man, woman, and child at least $750 per year. The latest research information reveals that last year 1 in 3 households was the victim of some criminal act. Because of the fear of crime, many more
people are virtual prisoners in their homes. This situation must be addressed by the communities themselves. It cannot be foisted upon the Federal Government as being its problem. We hope you will consider in these hearings across the country the principle that it is the primary duty of local government to fight crime. We strongly feel that local control is essential, if there is to be any type of lasting solution to the crime problem.

The position of the Federal Government must handle, or underwrite, the battle against crime has been for years a major handicap, and has kept the system from working at its maximum efficiency. I would think that after 9 years and $9 billion we have learned our lesson that we should not consider another LEAA concept. This has only delayed recognition of local government's responsibility.

We think Chicago can be proud of the advances that it has made in its criminal justice system, and I have asked our Executive Director, Patrick Healy, to highlight some of these advances in his testimony. We feel that the gains that we have made are reflected in the crime statistics, novel approaches to programs, and programs to fight court delay.

The attention that's been given to the criminal justice system, the building of one of the most modern jails in the country, the advance training of its police force, and the providing of new and additional courtrooms.

Even with all of these accomplishments, much remains to be done in Cook County. We would also petition the Task Force to address at an appropriate time what we consider one of the major problems facing law enforcement -- organized crime.

As I said earlier, the fear of violent crime is prominent in the public mind. But, as bad as it is, organized crime is a worse threat to the quality of life in the community. It is the type of crime that very few police departments are equipped to combat, and no jurisdiction that we know of has made an unqualified commitment to oppose it.

This is where the presence of Federal Government could be of most assistance.

Thank you for the opportunity to testify. The Chicago Crime Commission stands ready to be of all possible service to the Task Force.

And, I would now like to introduce Patrick Healy, the Executive Director of the Crime Commission.

Pat.
STATEMENT OF PATRICK F. HEALY,
EXECUTIVE DIRECTOR,
CHICAGO CRIME COMMISSION.

MR. HEALY: Good afternoon, gentlemen.

In the interest of time, our statements have been submitted to the Commission. And we ask that they be made part of the records in the Proceedings.

MR. HARRIS: They will be.

MR. HEALY: And, as a result, I will tele-scope my testimony so we can move along.

I want to highlight, as the President has mentioned, some of the accomplishments of the Crime Commission.

We are familiar with the plight of the victims and witnesses, because for the last 40 years, the Chicago Crime Commission has been the only organization that we know of in the country that has taken the time, and effort to notify victims and witnesses concerning the return of felony indictments as to time of indictment, indictment number, court date, etcetera.

That entailed approximately 9,000 notifications a year.

Another service we have is case watching. Calls come either from the public, or from the businesses concerning specific problems on cases. We send court watcher to the courtroom to watch that specific case. If there’s a complaint on how it was handled, where the people are getting the short shift, we investigate and report back to them.

We have instituted a program for the last 2 years to attack backlogs of cases. It was not uncommon to have a felony in the court calls in Cook County here for 5 years.

The program we instituted was what we called "The 10 Most Wanted Cases". We would take examples of 10 cases in the court call of inexcusable delays. We would then list those cases, the judges, the nature of the charge, how many continuances, who made the continuances, the name of the defendant, and send that around to the judges and to the news media.

The publication, alone, on that list was the results is astounding, if you’ll notice the Exhibit, which is a part of my testimony.

It was a list that no one wanted to be on. As soon as the case appeared on the list, the Court moved the case. It had a very sobering effect.

As a result of that, we were instrumental in having a court rule passed that: When a case is on the ready trial status call, that in order to get a continuance, the lawyer must submit an affidavit under oath

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asking for a continuance. This enables us then to go
back and check the accuracy of the facts requesting a
continuance. And if the facts are not accurate, that
person can then be brought up on disciplinary hearings,
either before the bar, or ask the Court to hold them
in contempt for misstatement of facts.

Once, again, this has a sobering effect.

We are in the process right now of conducting
studies in the field of prostitution, shoplifting,
Juvenile Court, and gun prosecution. Not because we
think it's important, it's because citizen's groups
have come to us and asked us to look into those
situations.

As I said before, we are extremely involved
with victims and witnesses. As a result of that, we have
compiled a 6-year comparative study of crime in Chicago.
The filings, disposition, convictions, and imprisonments
are up. Chicago, I am proud to say, is not faced with
the crime wave that other large metropolitan areas are
faced with. We rank 53rd in cities of 100,000 and over.
And, for that, we are quite pleased.

We realize we have much to do. We also realize
we must be doing something right to enjoy that ranking.

We just got through with -- I won't go into
detail -- with the report of the Juvenile Court. But,
We encourage other jurisdictions to replicate our efforts.

We would encourage this Committee to review -- because it's our personal feeling that very little legislation is needed. In fact, no legislation is needed to fight crime. If anything, law enforcement has been saddled with so much legislation it's drowning.

You've got the Right to Privacy Law, The Freedom of Information Act, the Bank Security Act; you got the Tax Reform Act; you got LEAA regulations. All of them, quite frankly -- and I'm mindful of the Constitutional restrictions and the rights -- have hampered law enforcement.

If this Commission wishes to do something constructive, you should review the Right to Privacy Law; you should review the Freedom of Information Act, the Bank Security Act, the Tax Reform Act, and LEAA regulations; and strip away some of the extremes that these laws have taken us to.

Criminal intelligence is down. People are not speaking to each other; state will not speak to federal; federal will not share with state; they're all afraid of the exchange of information and the problems that flow from it. We encourage you to look into that, because...
it must be up and running before we can become successful. I think it's evident to this Commission that over 9 years the passing of laws, and the throwing the money at crime has not been successful. Crime is going up. So the solution is not laws; and the solution is not money.

We do encourage, though, under proper conditions, that federal assistance be given to the local governments. We do not encourage the creation of another LEAA. We ask, and encourage, that that monster be buried forever. If you must give money to the local units of government, give it by a direct bypass, with a buy-in provision. Local government must learn that they have a responsibility to fight crime. And, unless they shoulder that responsibility, we're going to be right back where we are 5 years from now.

I encourage you to cut out the middleman, the consulting firms, and all the research. It's been studied to death. You can spend 15 minutes speaking to an experienced cop on the corner, and he will tell you what you're paying millions for. We, once again, reiterate that after 62 years in existence, we have accomplished what we have accomplished strictly with the private sector. I think the Federal Government has missed a golden opportunity in not taking advantage of the technological advancements of private industry and adopting them to fight crime.

Thank you, gentlemen, we'll be glad to answer questions.

MR. HARRIS: Judge Bell.

MR. BELL: We're not spending millions of dollars doing research, and I don't want to have the implication left that we're engaged in some sort of endeavor of that kind here.

LEAA, to the best of my knowledge, has been shut down. They spent millions of dollars, it's true, billions -- billions -- but very little of that has been spent in recent years.

And the second thing I'd like to say for the record is that we're assigned to look into violent crime.

And that -- other than in the area of drugs -- drug trafficking, and a lot of these laws you're saying we ought to repeal, really are not on point.

The third thing I'd like to say is that you say we don't need any more laws. We're hearing testimony that indicates that there are a lot of laws needed in Illinois. You don't have to go away from this state to find out that something will have to be done about these juveniles who commit murders and are not transferred to the Adult Court. The last witness told us about that.
So, there are some laws that are needed.

If we didn't need any laws, we wouldn't be in the shape that we're in, I think. You can't always do everything by law. But you have to doctor the system; you have to fine tune it. So, you just can't say everything's in great shape.

Now, it may be here. I don't know. I didn't know you had such a crime-free city before.

(Laughter.)

MR. BELL: But, I'm glad to be here. I feel a lot safer having found that out from you.

MR. HEALY: We're glad to have you.

MR. BELL: But, getting down now, you say we ought to concentrate on organized crime. I would like to have one of you give me your definition of organized crime. I've been looking for this for a number of years.

We just heard a youth gang leader say that his gang was in organized crime. I know we have organized crime in drugs. We have the traditional organized crime that we -- a lot of people call the "la cosa nostra" or Mafia.

When I was the first Chairman of the Crime Commission in Atlanta, many years ago, I found out that the only organized crime that counted, locally, was something that was far away. We didn't have any local organized crime. Nobody wanted to admit that, although we had plenty.

Now, tell me what you think organized crime is that you recommend we attack?

MR. HUMMER: Rather than try and invent a definition, I think the main thrust of --

MR. BELL: Well, what did you mean in your statement?

MR. HUMMER: The main thrust is that our experience has it that the local agencies do not have the capacity, or the stature, to cope with the problem of infiltration of government and business by crime elements.

I'm speaking now about the more sophisticated kind of crime that is conducted by what is known as the -- the crime syndicate.

MR. BELL: Yeah.

MR. HUMMER: And I only made the point that this is where we welcome the presence of Federal Government's efforts through the strike force. And we also would welcome hearings by the Senate permanent subcommittee, which would have subpoena powers.

As far as we can see, the police -- the local police cannot be charged with that responsibility.

MR. BELL: Yeah. Well, that's a good -- good point. But, we're not dealing with that.
MR. HUMMER: Right.

MR. BELL: We're dealing in violent crime, and I was hoping you were talking about these youth gangs, and drug trafficking that leads to violent crime. What you're talking is something different, and probably would -- We have a strike force here, and probably a Senate subcommittee hearing, when they go back in to having hearings. I don't think they've had any this year. It would be a good thing. But, I can't speak for the Senate.

Page 3, of Mr. Healy's statement, you give us some statistics on Juvenile Court. Now, this is very much on point of what we're studying. And you say that 33 percent of the robberies are committed by juveniles. Now, in what area and in what time do you have reference? What timeframe?

MR. HEALY: These are statewide statistics, Judge.

MR. BELL: Illinois.


MR. BELL: Do you think it'd be about the same for Chicago, Cook County?

MR. HEALY. I can't speak with certainty. I would probably say it would be higher.

MR. BELL: It would be higher?

MR. HEALY: I would think that the downstate figures would probably dilute the Chicago figures.

MR. BELL: What is a juvenile in Illinois, 18 or under -- 17

MR. HEALY: 17.

MR. BELL: 17. Have not reached their 18th birthday.

MR. HEALY: Right.

MR. BELL: So, statewide, 1/3rd of the robberies would be committed by that group, according to these figures.

MR. HEALY: That's right. A high percentage.

MR. BELL: Yeah. Well, that's -- I think it points up the problems of the juvenile crime about as well as anything any of us could say about it.

Has the Chicago Crime Commission done any work in the juvenile crime area and/or the violent crime area?

MR. HEALY: The only thing that we have done in the juvenile crime area was review -- and I shouldn't say a management study -- but review the juvenile report itself, in that we have gone out there to review judges, the prosecutors, the defense lawyers, and the Probation Department to see about facilities, services, security,
and things like that.

We did that at the request of some neighborhood groups who came to us to complain. So, we went out there with the blessing of the -- of all parties and we looked around.

That report is just about in its final stages to be submitted to the presiding judge.

MR. BELL: Yes.

MR. HEALY: We have found the services to be overtaxed, case loads to be monstrous, alternative programs for the judges to use almost nonexistent in relation to what they should be. I mean, the judge does not have that many alternatives when faced with where to send somebody.

MR. BELL: Well, as you recall, I was not being critical of the Chicago Crime Commission. As you know, it's the leader in the country. Most all other Crime Commissions have been patterned after yours. So -- And, I'm sure it's the oldest in the country.

I know when we set the Crime Commission up in Atlanta, we sent people here to learn how to do it.

In Chicago, I think it might be well to give some thought to violent crime now. That we've -- In the last 3 or 4 years, 5 years, really tracing back to the middle 60's, when the drug scene came on us, we just had this massive increase in violent crime. And people that have the experience that you've had that could make some meaningful studies, so I would commend that thought to you.

MR. HEALY: We'll consider that, Judge.

MR. BELL: Thank you.

MR. HARRIS: Mr. Littlefield.

MR. LITTLEFIELD: Yes, Mr. Healy, I've had a question with respect to Juvenile Court: When you say that the judges have as many as 1,000 cases on their call, does that mean pending cases, or does that mean 1,000 a year?

MR. HEALY: That's everything. I mean, that could go to a pending case; that could go to a case which is presently under supervision and he's following it, just tracking it, checking on it every 6 months. But, still it requires time; it requires administering; it requires attention.

MR. LITTLEFIELD: Now, with respect to your juvenile law, you have a faster timetable required here in Illinois to process juvenile cases as opposed to adult cases?

MR. HEALY: Yes; you do, depending upon in custody or out of custody, things like that, yes.

MR. LITTLEFIELD: One other thing. Every
jurisdiction uses different types of shorthand to help me understand the table on page 5, of Justice -- Delayed Justice Denied.

Could you tell me what is meant by B/A?

What would that --

MR. HEALY: By agreement.

MR. LITTLEFIELD: And O/C?

MR. HEALY: Order Court.

MR. LITTLEFIELD: M/D?

MR. HEALY: M or N?

MR. LITTLEFIELD: M, as in Mike.

MR. HEALY: Motions Date.

MR. LITTLEFIELD: And M/S?

MR. HEALY: Motion Defense.

MR. LITTLEFIELD: And then NFT, in parenthesis; that's in the last column.

MR. HEALY: Not For Trial. It's not something for trial.

MR. LITTLEFIELD: All right. Thank you very much.

MR. HARRIS: Mr. Edwards.

MR. EDWARDS: Mr. Healy, you made the statement that criminal intelligence is down due to the chilling effect of the Freedom of Information Act and the Privacy Act of '74, were references that you made.

In making that type of statement are you referring to intelligence within the Chicago area, the County, the State, or are you making a universal type of statement?

MR. HEALY: I'm making sort of a universal statement. In the course of talking with law enforcement people across the country what we consider ignorance that should not be there for the simple reason they are not keeping track of current events, and their just not sharing information among themselves.

It never used to be that way. People used to very freely share information -- I'm talking about law enforcement now -- of the community. And they used to be able to know who was where, what, why, and when.

Now, those lines are pretty well dried up.

MR. EDWARDS: Another statement that you made, you reference the technological advancements used by the private sector should be used by the Federal Government.

Could you give me some specific cites of what you're referring to there, please?

MR. HEALY. Well, I'll be specific because I've been in the prosecution field almost 21 years.

The data processing, and which is now I wouldn't consider the rage of the law industry. You know, private
industry has had that years, and years, and years. The computerization of court call, you know, which is relatively new for law enforcement is old hat for private industry. It's a very simple business proposition. Business could not afford to run their show the way Government does and still stay in business to make a profit. So, they learn quicker; they learn how to be more efficient. And, I think we have found -- because we are a very heavy relyer upon the private industry here in this community -- We have found private industry only ready, and able, and willing to help, believe me.

MR. EDWARDS: I was thinking in terms -- I do believe that the state-of-the-art, the technological state-of-the-art in computers has advanced rapidly in the last 10 years within the law enforcement community in the criminal justice community, as a whole.

So, I am not so sure that we're not coming to a state where we can say that we are more sophisticated in our attitude toward technological usages than we were in the past.

MR. EDWARDS: Thank you.

MR. HARRIS: Chief Hart.

MR. HART: The questions I had to ask have been answered. Thank you very much, Mr. Healy, for your presentation.

MR. HARRIS: Mr. Carrington.

MR. CARRINGTON: About you, yourself, when you were Executive Director of the National District Attorneys Association were responsible in large measures for one of the most successful programs that LEAA put out, that is the Victim Witness Program under the day-to-day operation through the National District Attorneys Association.

There are other programs: ICAP, Integrated
Criminal Apprehension Program, the STING Operations, Career Criminal. You painted with an awfully broad brush when you said, you know, LEAA is a monstrous thing. Don't you think that those particular programs that worked should be maintained?

MR. HEALY: Quite frankly, those programs do work. They are a benefit to the community. But, any jurisdiction that has savvy of public relations will adopt those programs with or without federal assistance.

Now, it is true it's easier to start them with a helping hand from the Federal Government. That's true. But a Victim Witness Program, if I was an elected official, you'd have to be a very foolish person not to have one. Because the benefits -- the positive benefits are just so overwhelming.

But you are right. It's also easier if someone comes along and says: Would you start it, here's our helping hand.

MR. CARRINGTON: But, don't we know that Victim Witness, and ICAP, and programs like that are successful because of the initial infusion of the federal money to get them started.

Don't get me wrong. I'm not calling for a rebirth of LEAA. But, I think that, at least, in these particular areas, the communities, obviously, didn't start them by themselves. They needed that federal infusion. And most of the programs have become self-sustaining in that the county or jurisdiction picked it up.

And that's something I don't think we can afford to lose. There have got to be other innovative ideas like what we're talking about that could use the federal --

MR. HEALY. Well, I agree. I agree with you there. I agree with you there. What I am worried about is a rash of programs started that as soon as the federal money stops, the programs are chucked. That's what I'm afraid of.

MR. CARRINGTON: Wouldn't it be a measure of the success of a program that it is continued. That when the federal money runs out, then the county, or city, or state, or locality picks it up.

I think that's --

MR. HEALY: It'd be a major factor, absolutely.

MR. CARRINGTON: Yeah. And, that's in the programs I've talked about.

Thank you.

MR. HARRIS: Mr. Armstrong.

MR. ARMSTRONG: A question for Mr. Hummer.

There's some legislative proposals around Congress today that call for a youth minimum wage, or a
variation of the minimum wage to allow companies in the private sector to be able to employ youth at a lower wage than our standard minimum wage.

Have you examined that and do you see that as a viable alternative to allow our young people in America to work and have jobs, and keep them off the street, and out of crime.

MR. HUMMER: I have not examined it. We have not, Mr. Armstrong. But I would be very happy to refer to a source that does -- that does have interest in this area, and I know of business sources that have made some serious analysis, and it's a terribly self-defeating -- The conclusion is that it's terribly self-defeating for our purpose of giving youths chance -- opportunities to have these -- to set these minimums. And they should -- There should be a flexibility.

And there are statistics to back it up, and I'm going to see that you get them.

MR. ARMSTRONG: Would you provide them to the Staff, then.

Thank you.

MR. HARRIS: Professor Wilson.

MR. WILSON: No questions.

MR. HARRIS: Gentlemen, thank you very much.

We appreciate you taking the time from your schedules.
(Laughter.)

JUDGE WHITE: After sitting here, I'm sure there's a third thing that ought to be added: He knows what ought to be done about juvenile justice.

None of your other witnesses had any doubts about what ought to be done; they knew what was wrong with our juvenile justice system and what was wrong with our kids.

There are 3 pieces of conventional wisdom which I would like to examine with you: No. 1, juvenile crime is running rampant; No. 2, juvenile courts are lenient, too lenient -- more lenient than they should be in handling really bad kids; and 3, we ought to send these kids to the adult system where they will be more likely to get their just desserts.

Let's examine these pieces of conventional wisdom. Our threshold question then is: How bad is juvenile crime?

We know any level of crime is bad, and it is particularly bad when, as so often is the case, both the offender and the victim are young.

I resisted the temptation to give just my assessment of the juvenile crime picture, based upon my 12 years as Presiding Judge of the Juvenile Court here in Chicago. Because, working there, frankly, it seemed to me that one dreary day looked very much like the next one. So, therefore, I examined two of the best sources of nationwide facts on this question.

One source was the Federal Bureau of Investigation Unifying Crime Reports. These UCRs show: One, during the 1960's arrests of person under 18 for violent crime -- that's homicide, rape, robbery, and aggravated assault -- grew faster than the arrest rate for adults. The ones for juveniles grew faster than the arrest rates for adults.

But, from 1970 to 1979, the arrest rate for persons under 18 for violent crimes increased by 41.3 percent, while the arrest rate for persons over 18 for violent crime rose at an even greater rate, 50.2 percent.

Three, during the 1970's arrests of person under 18 for all index offenses increased 17 percent.

But in the same period the arrests of persons over 18, arrests for index offenses increased 54.4 percent, triple that of juveniles.

So, it would seem that if Government was under the control of juveniles, they'd be having an investigation as to what to do about adult crime, since it is increasing three times as fast -- if you trust these FBI statistics -- than that for juvenile crime. And
these are taken from the Uniform Crime Reports, page 190, of their reports for 1970.

Continuing, No. 4, from 1975 to 1979, the rate of adult arrests for violent crime went up by 3.9 percent. During this same most recent accounting period, the rate of arrests for youths under 18 for violent time went down by 10 percent.

You all have in the material that's furnished you a table, and it's prepared from information taken from the Uniform Crime Reports, to which I have referred, and it shows the grim fact that between 1975 and 1979 total arrests for persons under 18 for violent crime increased. However, there were decreases in some categories, significantly. It shows in percentages that the contribution of persons under 18 to the crime problem dropped in violent crime, dropped in index crime, and dropped in property crime.

It would appear that the interest we have now we should have shown during the 1960's, because perhaps the tide has already turned.

The other data source, other than the FBI statistics, is a survey sponsored by the Bureau of Justice Statistics. Which focused on crime in which the victims came face to face with the offenders -- rape, personal and commercial robbery, assault, personal

The Office of Juvenile Justice and Delinquency Prevention sponsored a special analysis of this data which compared the criminal involvement of juvenile offenders -- that is, those under 18 -- with youthful offenders -- those from 18 to 20 -- and adults -- that is, those who are 21 or over.

It was found that during the period of 1973 to 1977, the rates per 100,000 persons in each category were as follows: For juveniles, 4852; for youthful offenders, 8116; for adults, 2582.

It would appear from these statistics that youthful offenders, that is those who are 18 to 20, who are the subject of adult justice should be the object of special scrutiny.

These national findings confirm my observations of the local picture. The following chart -- and you'll see it, and I won't go over it -- but they show that during the past 5-1/3rd years -- that is including part of 1981 -- indicate that total index crimes there was an overall increase. However, you will note, that in certain crimes, including homicide, the numbers of crimes in Chicago went down. It was like 119 in 1976 and was 103 in 1980. I'm not saying this is tolerable, but it's even down in 1981 below which it was in

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1980.

MR. BELL: Judge, I think I ought to say to
you that we're just as concerned with adult crime as
we are with juvenile crime.

JUDGE WHITE: I mention --

MR. BELL: But, we're not -- Today we just
happen to be taking up juvenile. We take -- We're
studying all violent crimes.

JUDGE WHITE: This is relative to the point
being made by some.

MR. BELL: Yeah. We're --

JUDGE WHITE: That perhaps we ought to send
children to the adult system.

MR. BELL: Yeah, right.

JUDGE WHITE: As though there they would be
more than likely to get their just results. And perhaps
the adult system is more successful in handling their
cases.

These statistics indicate that that premise
just isn't so.

MR. BELL: Yeah, Well, I see your point.

JUDGE WHITE: So, that's the reason it's
relevant. I know you're just as interested. But, it's
because the proposal made by some, very seriously, that
we ought to send children to the adult system because

there they would more likely get their just desserts.

MR. BELL: Yeah, all right.

JUDGE WHITE: I'm saying, if that system works,
why is adult crime going up faster than juvenile
crime?

And, so, locally and nationally, I see a
serious crime problem, but little support to the oft
repeated complaint that juvenile crime is especially
rampant.

And as to the charge that juvenile courts
are soft on violent crime, and the courts of juvenile
and family jurisdiction are too lenient, I ask: What
is the accepted standard? Is it that which is done in
the Criminal Court?

The only documentation of which I am aware on
this subject suggests that courts of juvenile jurisdic-
tion are as likely to impose sanctions of institutional
commitment for violent crimes by youth as its criminal
counterpart is for adults, and is far more likely to
impose some sanctions for all offenders referred then
to Criminal Court.

Juvenile Courts are more likely to act in
cases of violent crime; and when they do, they are
more effective than adult criminal courts.

In a recent study comparing the processes of
processing of 16 and 17-year-olds in the juvenile justice system with an equal match of offenders in the adult justice system, it was found, as I have indicated before, that the Juvenile Court was much more likely to act; they dismissed far fewer cases; and they acted effectively.

Now, skipping ahead, because the time is late, I am going to say this. You ask: Maybe, what can the Federal Government do?

Now, Juvenile Courts were established here based upon a fundamental assumption: That juveniles were less culpable than adults because their maturation hadn’t been completed, and also they were malleable. They could be better reformed than adults. And, therefore, society’s response to the juveniles ought to be different.

From the very beginning, it was contemplated that some juveniles would not be responsive to the rehabilitative efforts of the Juvenile Court. And from the very beginning, in almost every state in the Union, there were processes for getting some juveniles to the Adult Court, because these would not be responsive to those things that juveniles do.

Now, there’s no debate to that. As to whether all kids should come to Juvenile Court, nobody says, yes.

So, the only question that is before us: Which juveniles should, and which juveniles should not? And this is where research by the Federal Government would be helpful.

To indicate the nonsense, in the 50 states, I bet there are at least 10 different ages at which somebody comes to the Juvenile Court. And, in addition to that, there are 3 basic means by which they decide when there is going to be an exception to age rule, how you make the exception and go the waiver route.

Now we heard -- as a matter of fact, here in Cook County, we’ve had 2 different systems. When I first went to the Juvenile Court, it was a matter of prosecutorial discretion. Those kids were prosecuted in the Juvenile Court that the Prosecutor wanted to prosecute there; other than that, he took them to the Adult Court.

I heard it proposed that it be a matter of legislation. Let’s examine this.

I’ll say the word “armed robbery”. Should that send the kid to the Adult Court? Well, what did you see when I said the word “armed robbery”? Did you see some kid going into the grocery store with a
submachinegun; or did you see him taking his buddy's lunch money with his boy scout knife? Both of them would be armed robbery.

That illustrates that the mere charge, alone, is a poor basis for anticipating in advance what child would be unamenable to juvenile court processes.

I like it to be a matter of individual selection by the Juvenile Court Judge. And, hopefully, in each case, it would be well done.

And, I, of course, won't comment upon recent events, because that wouldn't be appropriate. But, again, I am in favor of judicial discretion in determining which child should, which child should not go to the Adult Court.

So, therefore, the Federal Government could be of help to us in reexamining the basic philosophy that undergirded the Juvenile Court in deciding which ones should go to the Adult Courts and which ones should not.

I like the present thrust of this Task Force, because it reflects what is more and more true of those of us in the juvenile justice system. We recognize fully that we have dual responsibilities: The protection of the community, and the rehabilitation of the kid. And we recognize fully that always we cannot rehabilitate and that kid needs to be incapacitated.

And, therefore, I would join with my people who have testified here earlier that I think a Juvenile Court Judge ought to be capable of giving a determinate sentence.

How can we tell the public that we are interested in the incapacitation of kids and the protection of the community, unless by -- We can by the sentence we impose.

The way it is now, a child is sent to the Department of Corrections and that is all that happens, whether he's a pickpocket or whether he's a murderer, and that doesn't really make much sense.

MR. HARRIS: Thank you, Judge.

Judge Bell.

MR. BELL: Well, I was going -- I've got to catch a plane.

JUDGE WHITE: That's the reason I cut my speech short.

MR. BELL: I've got my 2 questions that I've planted with my colleagues on the right and left. They're going to ask my questions for me.

MR. HARRIS: Okay. Mr. Littlefield.

MR. LITTLEFIELD: I have no questions, sir.

MR. HARRIS: Mr. Edwards.
MR. EDWARDS: No.

MR. HARRIS: Chief Hart.

MR. HART: Judge, I appreciate your presentation, and I don’t think that we have an argument on this Task Force with your assessment of the problem. However, I think what we’re all trying to say that you’ve made a point.

That the public certainly expect better of us than we’ve done in the past. And I think what they want basically is some certainty of incarcerating those who have repeatedly reeked violence in the community.

And you hit on that point. And I, certainly, am not going to be one to think that Judges should be given mandatory sentences.

I realize what you’re saying about a robbery, and a holdup. One could take one’s lunch money and be charged with armed robbery --

JUDGE WHITE: And if you have a statutory standard, that kid would go to the Adult Court, and that would be silly.

MR. HART: Well, I’m sure that none of us here would advocate anything such as that.

JUDGE WHITE: But, if you advocate fixed -- doing it statutorily, rather than leaving it up to the Juvenile Court Judge, well, that’s the kind of thing

that could happen.

MR. HART: But, then, if that would happen, sir, it would seem to me that the Prosecutor would not be doing his job. He should --

JUDGE WHITE: Well, then you’d be certain. Well, then that would make it matter of prosecutorial discretion.

I submit to you that judicial discretion is the most public place to put it, where the public can watch it and know what’s happening.

MR. HART: But, what I’m getting at. I agree with you, sir. But, many times the Police Department will investigate a case. They don’t ask the Prosecutor for a warrant, they lay the facts before him. And if he’s not satisfied with the investigation he can call others into making an assessment as to whether he should charge that child or an adult, for that matter, with a misdemeanor or a felony.

I didn’t think we were talking about locking the system so tight until we couldn’t be discretionary at any of them.

MR. LITTLEFIELD: Could I just say one thing?

Justice White, the jurisdiction where I am is where the juvenile is sought to be held unfit, the proceeding is instituted by the Prosecutor. They have
a laundry list of offenses, the serious offenses. But then it's the discretion of the Judge. The Judge may, or the Prosecutor brings the hearing and evidence is introduced by both sides. On the part of the youth, or the minor, there's possibilities of rehabilitation, previous record, or, if there is any, and then the Judge makes the final determination as to whether or not this child should remain in Juvenile Court or be tried as an adult.

Would that system be all right? Because --

JUDGE WHITE: That seems to be more restrictive than our present system here in Illinois.

MR. LITTLEFIELD: On any offense a child could be removed to the Adult Court. It seems to be saying that only in these cases may he be removed, and then it's a question of judicial discretion.

JUDGE WHITE: I have no question with that, because that's what's happened as a practical matter anyhow.

MR. LITTLEFIELD: Might I ask you one question on your procedure. The Judge does it in Illinois; is that correct, sir?

JUDGE WHITE: Yes. And, may I --

MR. LITTLEFIELD: Is it done at the -- What stage of the proceedings is it done? Do you go ahead

and have a full-blown hearing as to whether or not the minor has committed the offense?

JUDGE WHITE: No. There is a probable cause hearing.

And let me say this: That many years, for many years, the Prosecutor in the Juvenile Court was successful in 90 percent of his motions to transfer.

So, having it a matter of judicial discretion really, historically, has not been a problem for the Prosecutor.

MR. LITTLEFIELD: Thank you.

MR. HARRIS: Mr. Carrington.

MR. CARRINGTON: Judge, I have no questions. But, I would like to point out that we are charged under federal law as a federal Task Force to bring to our deliberations for our recommendations a balanced view of all of the issues that we're going to comment on. And I want to thank you very much for giving us this particular kind of balance by your presentation.

Thank you, sir.

MR. HART: May I say something for the record because it's so seldom said. And I think in meetings such as this we ought to remember it.

But, from a functional point of view, the problems of youth, or any other problem, cannot be

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viewed as an isolated phenomenon, and we're talking about it here as though it were. I know you know it's not. But, just for the record, I want to say: I know it's not, too.

Similarly, can any specific problem of youth be understood or studied as a part unto itself. And the study of crime as a conscious conspicuous example of this. But, such aspects of the dreary scene in our inner city as unemployment, undernourishment, disease, deterioration, and demoralization -- there are many others, including crime, itself -- are simply parts of a whole picture.

And if we are going to do something about this business of crime, I don't think anything really meaningful can be done about it, unless we look at the total picture.

A sound approach to the field of crime would, therefore, involve an approach to all of these other problems which are part and parcel of the etiology of crime.

MR. HARRIS: Mr. Armstrong, do you have any questions?

MR. ARMSTRONG: Just one. And it's probably one that you may not be able to answer: What should we do with the status offenders in the juvenile justice system? I mean, do you have an opinion about that?

JUDGE WHITE: Oh, of course, not. I think any time society's response to a runaway is the same as it is for a pickpocket or a thief, that that's absolutely silly.

My position was that of the National Council that I thought the status offender jurisdiction should be a last resort alternative, and that there should be first an exhaustion of voluntary means. And be used, principally, where a child was at risk.

But routine runaways to run first to the police and to the courts to settle a family dispute, I don't believe in. And I certainly don't believe that they should be handled as we handle delinquents.

MR. ARMSTRONG: You heard the figures that the District Attorney read here of the caseload, and average monthly caseloads, were those, in your opinion, having been in the Juvenile Court in Cook County, were violent offenses or were a lot of those status offenders?

JUDGE WHITE: I think he was saying 1,000 a month?

MR. ARMSTRONG: They were large, I remember.
If the workload is too large. Too, it has, historically, not been given high priority.

Young lawyers were sent there to learn how to try a case, and when they learned how to try it, they were shifted to the Adult Court. Which made the job of a Judge very difficult. And the same thing was done by the Public Defender.

So, not only quantitatively did we not have enough manpower, but we qualitatively didn't have enough manpower either.

Now, maybe he would say it, with some justification, that our Chief Judge didn't send his sharpest judges out; but I won't say that.

(Laughter.)

MR. HARRIS: Judge, I want to be clear about this. Do you favor decriminalization of status offenders?

JUDGE WHITE: I don't think as a practical matter and as a political matter it can be done now.

MR. HARRIS: If it could be done as a political matter, would you favor it?

Should this Task Force come out with a strong statement in favor of destatus -- decriminalization of status offenders?

JUDGE WHITE: No. I think you ought to stick to your agenda and concentrate on violent crime, which hasn't received enough attention in Juvenile Court or in discussions either.

If much of the time and money that the LEAA spent on the status offender had been put on violent crime, maybe your Task Force wouldn't have been necessary?

MR. HARRIS: Well, would we not have more resources in the criminal justice system to do that if there were no such thing as status offenders?

JUDGE WHITE: I am not sure. I am not sure of that.

MR. HARRIS: Are you aware that most people who have discussed the subject of status offenders, other than the organizations which the General and Flank (sic) are with take the view that it is absolutely essential in order to make any sense out of the criminal justice system to decriminalize status offenders?

JUDGE WHITE: I think a disproportionate amount of time and heat has been spent on this, sir.

I was a member of the Drafting Committee of the IJA that came up with the recommendation that status offenders be excised from Juvenile Court jurisdiction.

But, I also sat in a Juvenile Court day after
day, where really no social services sprung into existence when we did nothing. Now, I'm not so sure if we'd stepped out of the picture that the service system that was dreamed up in the Standard would come into existence.

Why not phase it in? If it is, start it.

MR. HARRIS: Well --

JUDGE WHITE: And then Juvenile Court would be glad to --

For example, in Chicago, I turn away truancy petitions. Nothing has happened in place of the Juvenile Court.

MR. HARRIS: Well, one of the most serious problems facing the criminal justice system is the shortage of correctional facilities and space in correctional facilities.

What about state systems which incarcerate status offenders.

JUDGE WHITE: Horrible.

MR. HARRIS: Excuse me.

JUDGE WHITE: It's horrible.

MR. HARRIS: I have no further questions.

JUDGE WHITE: Maybe my colleagues here might differ with me, but that's my personal opinion. I think it's horrible.

MR. HARRIS: Justice White. Thank you very much for coming today. We really appreciate your taking the time and effort to appear before us and you leave with our thanks.

JUDGE WHITE: Thank you.

MR. HARRIS: The last witness on our agenda is Richard J. Brzeczek, Superintendent of the Chicago Police Department.

It's hard for me to call you Superintendent. In every city I've ever been it would be Chief. But, you explained to me when we last met that, I guess, in Chicago and --

MR. BRZECZEK: New Orleans.

MR. HARRIS: New Orleans take a different view of it.

Be that as it may, maybe that accounts for Chicago's -- one of the difference is they put Chicago in a better crime posture, as we heard described.

In any event, welcome.

MR. BRZECZEK: Thank you very much.

STATEMENT BY HONORABLE RICHARD J. BRZECZEK, SUPERINTENDENT, CHICAGO POLICE DEPARTMENT.

MR. BRZECZEK: I have a brief prepared statement I'd like to read into the record. And I'll be happy to answer any questions that the Commission has.
On behalf of the Mayor of the City of Chicago, and the men and women of the Chicago Police Department, I would like to express our collective thanks for being given the opportunity to participate in these most important hearings on violent crime.

Pursuant to the instructions of Mr. Buckman, of your Staff, I am confining my remarks to the problems of violent juvenile offenders and programs directed toward victims assistance.

Since becoming Superintendent of the Chicago Police Department in January of 1980, I have given a great deal of time and thought to the area of youthful crime.

As the father of 4 children, who are nearing their teen years, I share the same worries as any other responsible parent about the temptations, relaxed moral standards, fragmentation of the family structure, disintegration of the traditional institutions such as church and school, and the easy availability of handguns, narcotics and alcohol.

The decline of the family structure is evidenced by the extremely high divorce rate that we've been experiencing in the last decade. The absence of the father figure in the home leaves children without an important role model to which they can look for direction.

Mothers, whether out of choice or necessity, work outside of the home, leaving youngsters without the type of adequate parental supervision and direction that is so essential in their formative years. The family, as an institution, now seems to encounter a failure rate greater than it's suffered in the past.

Our educational and religious institutions, which were typical supportive role models upon which children could rely during their formative years, appears to have also abdicated the responsibilities toward the development of values.

Furthermore, commodities such as handguns, narcotics and alcohol, which generally stigmatized the lone deviant user in our neighborhoods of yesterday, now have become to be regarded as status symbols. The use and abuse of narcotics and alcohol have either been ignored or condoned. But, in any event, have contributed substantially to the rise in youthful criminality.

Lastly, new role models for youngsters have been defined by the commercial media, glamorizing alcoholism, narcotics consumption, promiscuity, and violence.

During my recent trip to the Orient, it was impressed upon me by my peers -- that is, my peers in the Orient -- that the factor most responsible for the
increase in criminality among the young Japanese and Chinese is the influence brought upon them by Western commercial television.

While they see this dimension of the entire neoplasm in its embryonic state, we have sat back for more than a decade and watched a metastases ruin a substantial portion of an entire generation in our country.

Locally, our definition of a juvenile is any person under the age of 17 years. For them, during the year of 1980, the aforementioned considerations in the City of Chicago translated into 50 murders, 118 rapes, 1,124 serious assaults, and 2383 robberies.

Over a more protracted period of time rapes committed by juveniles increased by 1/3rd, robberies by 40 percent.

In the past 3 years, the number of females juveniles involved in a commission of murder has doubled.

Last year, alone, Chicago Police Department seized 1,041 deadly weapons from juvenile offenders.

While this brief account that I have presented regarding juvenile violence may appear, at first blush, to be somewhat unencouraging, it may also seem to be somewhat parochial in light of the fact that there still is a large number of youngsters who are raised in good homes, attend school, and obey the law.

But, we cannot ignore the ever-growing number of those whom I have portrayed statistically. To ignore the problem makes as much sense as to recommend that we shut down all hospitals and medical schools and discontinue medical research, because a substantial number of people in this country are healthy.

I'd like to address the issue, Mr. Buckman asked me to, and that is the issue of victim assistance.

The Chicago Police Department has always been in a leadership position in the area of victim assistance. While we've attempted to fulfill our legal responsibilities and protect the rights of the offender, we have, likewise, within the limits of our resources tried to appreciate the impact that criminal victimization has on an individual.

As early as 1974, the Chicago Police Department cosponsored with the Chicago Hospital Council, the Cook County State's Attorney's Office, and the Citizen's Committee for Victim Assistance and ad hoc Rape Task Force which evolved through the years into a more formalized structure to include child victims of sexual crimes.

A statement of policy encompassing all phases of law enforcement and citizen groups' efforts in this area of rape was formulated. 600,000 copies printed
in English and Spanish were distributed throughout the state. To-date, Chicago is the only major American city to set forth in written form this coordinated statement of responsibility. And copies of that booklet are being made available to the Task Force.

In 1976, the Chicago Police Department, in conjunction with the agencies already mentioned, cosponsored a research project throughout the State of Illinois to discover the needs of police officers, state's attorneys, hospital personnel, and social services, and dealing with the victims of sexual assault.

Because of this research project, 3 training materials are now used throughout the state. Training is given in child and adult interviewing techniques, the criminal and juvenile court processes, and how they work to make community referrals.

That document is also being made available to the Task Force.

In 1977, it became increasingly evident that there was a desperate need for accurate evidence collection in cases of sexual assault. The Police Department assisted and cosponsored with the Citizens Committee for Victim Assistance.

The development of an evidence collection kit, which is now in use in 220 hospitals throughout Illinois.

The next largest evidence collection program is in the State of Michigan, and it involves 18 Michigan hospitals.

Our program is the largest, most successful, most uniform in the United States, and has brought about the reduction of error in evidence collection from 27 percent in 1977 to the current 5 percent in 1981.

Based on our success, the Brooklyn District Attorney's Office and the New York City Police Department have instituted a pilot program using our evidence collection kits in 3 Brooklyn hospitals.

This is an example of how the public and private sectors can work together, avoiding the need to reinvest programs and reinvent programs which have already been proven successful elsewhere.

It also demonstrates support for the position that I previously took that the City of Chicago and the Chicago Police Department have been in a leadership position in this often forgotten area.

The most recent step taken by the Chicago Police Department in the area of victim assistance involves the use of dolls. The limited vocabulary of a young child, or a mentally handicapped person precludes an accurate step-by-step description of sexual assault.

To overcome this obstacle, we are employing rag dolls,
which are anatomically correct to aid a child or a
mentally handicapped adult to qualify for testifying
in Court.

With the aid of the dolls, which represent an
adult male, a juvenile female, and a juvenile male,
the victim can demonstrate to the investigator exactly
what occurred. We are enthusiastic about this latest
addition to our investigative techniques, and anticipate
a greater conviction rate of sexual assault cases
involving such hapless victims.

Our work with the Citizens Committee for Victim
Assistance is not limited to this one area. The Chicago
Police Department uses the Citizens Committee for
Victim Assistance as a resource for locating and identi-
fying the appropriate counseling and information referrals.

Here again we see the concern of the community
express itself in a pragmatic manner to the benefit
of people who are limited in helping themselves.

There is hardly a more forlorn human being than
one who has suffered a sexual assault or seen a beaten
or sexually abused child.

The Chicago Police Department and Citizen's
Committee for Victim Assistance worked together and
designed a new Illinois Police Training Board curriculum
to ensure that all police officers in the state receive

comprehensive training in handling, with sensitivity
and compassion, all cases of rape and child abuse.

Additionally, we are participating in a Family
Sexual Abuse Task Force to study and evaluate the system
now used in dealing with child abuse. The goal of this
Task Force is to design and present recommendations
to all public and private agencies in Cook County which
deal with such cases.

This will consolidate and make more efficient
the currently fragmented efforts.

Each agency will benefit from the knowledge
gained in the cross-training of police officers, state's
attorneys, hospital personnel, and social service
agencies.

We are proud that Chicago is the only city in
the United States which has a long-standing program
designed to build a viable solid policy in victim
assistance.

The average citizen finds the courtroom, and
courtroom procedures, a very alien and stressful environ-
ment. The only contact prior to being a witness or
victim of a violent crime might have been a Traffic
Court appearance.

In 1977, in cooperation with the City's Department
of Human Services, a Victim Witness Advocacy Unit was
formed. It's primary purpose is to offer a full range
of supportive services to victims to assist them with
crime-related problems, and to promote victim witness
cooperation within the criminal justice system.

A victim of a violent crime under this program
can receive counseling, information about court dates
and times, and escort to and from court, and information
on obtaining financial restitution.

And in extreme cases, victims and witnesses
may be relocated and sequestered for their own protection.

The Chicago Police Department has also established
for notification of court witnesses. Under the provi-
sions of this program over 50,000 witnesses to serious
felonies have been notified by mail of when and where
to appear for court testimony.

In conclusion, I submit that we are not content
to the extent of services that we presently provide
the victims of crime. While we are proud to discuss
the steps already taken, our goal is to develop additional
innovative approaches which tend to minimize both the
physical and emotional trauma suffered by the victim
of a criminal attack.

However, as in the past, our reference will
be as successful as the commitment which the community
will receive from all agencies of the criminal justice,

system.

It is only through a coordinated effort that
we can have any type of expectation of moving forward
in this somewhat neglected area. We hope that part
of the Task Force's recommendation will include such
a mandate for commitment from all of the components
of the criminal justice system.

That, Mr. Harris, is my prepared testimony.

MR. HARRIS: Thank you, Superintendent.

Mr. Littlefield, do you have questions?

MR. LITTLEFIELD: Yes, Superintendent, do
you have any figures that's -- I ought to congratulate
you on your victim witness assistance program.

Do you have any cost figures of how much
that program costs?

MR. BREZCEK: Not really, from the standpoint
of the commitment of the Chicago Police Department,
because we simply tap existing resources.

For example, back in June of 1979, when the
ABA Committee on Victim Witness Intimidation was holding
hearings in Washington, I testified, prior to becoming
a member of that Committee, about several examples of
how we would provide direct physical protection to
witnesses who are awaiting trial and at the same time
receiving harassment, either from unknown people or
people that we could possibly identify as remotely being connected with the defendant. But, those are basic, some costs that we expend in -- There's really no dollar figure that we put on it, because it's really a redirec-
tion of resources from other areas.

MR. LITTLEFIELD: And has there ever been any federal assistance, any federal grants, in connec-
tion with the program?

MR. BRZECZEK: I think there may have been some prior to my Superintendency, in terms of getting some of the programs off the ground. I know we received some money also from the state, through the State Planning Agency, which would have been the conduit for some of the federal funds.

But, right now, we're doing most of these things on our own.

MR. LITTLEFIELD: And you have a lot of help from volunteers, as well; is that correct, sir?

MR. BRZECZEK: Yes, sir. Quite a few volun-
teers in the audience. I know that they were here earlier. I think a few of them have left, but we received a lot of assistance from the private sector. Simply, we have found that just opening our doors and asking them to come in to give us a hand in an area -- especially in victim assistance. -- that we really don't know too

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much about -- especially from the psychological and emotional trauma. To open our doors and let them in met with nothing more than an enthusiastic response, an overwhelmingly enthusiastic response.

And, of the private sector, the many ladies who devote a lot of their time to victim assistance have been very, very helpful in actually developing the training programs that we now use in our Police Academy and that will be used throughout the state.

They have also been directly involved in developing some policy considerations in terms of conducting investigations. They are also developing the training programs for our investigators, as I men-
tioned, about the use of the dolls.

There is, I think, a great deal of sensitivity that is required on the investigator's part to use that investigative technique, and they, again, are developing the training programs for us.

Of course, not only are we happy to have them with us, but there is savings factor to us. Because otherwise we'd have to commit our resources in developing a program. So I am not sure if we would be able to develop internally the requisite expertise that we're getting from them.

MR. LITTLEFIELD: Thank you.

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MR. HARRIS: Mr. Edwards.

MR. EDWARDS: Yes. Earlier we heard testimony that the robberies and burglaries committed by juveniles was up, but that the murders and rapes had maintained a rather constant level. This was, I think, from a statewide collection not just for Chicago.

Then later Mr. Healy referenced the fact that the crime rate in the Chicago area had stabilized -- I don't know that that was his exact word, but he implied stabilization. Yet, in your testimony you indicate that within the last 2 years that the crimes, such as murder and rape committed by juveniles, unless I misinterpreted, were up rather drastically.

Am I misinterpreting some statistics, or?

MR. BRZECZEK: No, I'm not really sure what perspectives were given to you by prior witnesses. But, let me explain the dimension to you in a nutshell.

No. 1, you can talk about reported crimes and reported crime rates, and for the most part you could possibly speculate as to the age of the offender. But when arrests are made for specific offenses, then you can make an actual determination of the age of the offender.

What I'm talking about here, basically, is the number of people that we've arrested of juvenile age for murder, serious assault, robbery, rape, has increased over the past couple of years. So, that we -- It could be that we are arresting more juveniles. Maybe the involvement of juveniles in the commission of these crimes could be stable. It could be that we're arresting more.

And I think that we should all be cautious to make sure that we are not interchanging the data, so that we're talking about apples and oranges. Because I think we have to keep in mind reported crimes versus the number of actual arrests.


Thank you.

MR. HARRIS: Chief Hart.

MR. HART: I don't have any questions.

I'd like to congratulate you, Superintendent Brzeczek, on not only your victim witness program, but the excellent job you're doing as Superintendent. And I don't have any questions at all. I think you're doing a good job.

MR. BRZECZEK: Thank you, Bill. It's good seeing you again, too.

MR. HART: Same here.
MR. CARRINGTON: I have no questions, except to heartily echo what Chief Hart just said.

MR. BRIECEK: Thank you, Frank, I appreciate that.

MR. HARRIS: Mr. Armstrong.

MR. ARMSTRONG: Just one question, I'm not sure: Does Chicago have the ICAP program, the identification of repeat offenders or serious offenders?

MR. BRIECEK: No, we don't.

MR. ARMSTRONG: Do you know about that program?

MR. BRIECEK: Do you have an opinion about it?

MR. BRIECEK: I think that there is room for that program, probably, in any jurisdiction. But I think the selling point of any program versus its ability to be flexible and fluid so that the appropriate modifications can be made tailored to meet the needs of the given jurisdiction.

I think the biggest problem we're having right now, though, with the programs like ICAP, and STING Operations, of course, will be the financial resources to implement those kinds of programs.

MR. ARMSTRONG: This is not on the topic of what you have addressed today, but it is on the topic of federal, and state, and local law enforcement cooperation.

Do you feel that you have good working relationships with the federal law enforcement authorities that are in Cook County?

MR. BRIECEK: It's outstanding, Mr. Armstrong.

I can say that for every federal agency -- the FBI Secret Service, DEA, postal inspectors, the U.S. Marshal's Office.

We have developed a relationship here in Chicago that is probably at two levels, and then the two levels are integrated:

One, I regularly meet with the heads of the -- mainly the SACs of the federal agencies on a regular basis, even if it's just at lunch. But there's a lot of business discussed at lunch.

And then we have our operating components working together. Right now, I think if you would look back at the cooperative efforts between DEA and local law enforcement, you'll see that we have several role models which other cities have patterned their operations after -- our DEA Chicago Police Task Force, our Continuing Conspiracy Squad. Which you may find it unusual that we have an Assistant U.S. Attorney, IRS agents, and DEA agents who actually office in our building. Which is somewhat, I think, unusual without --
somewhat unprecedented on a regular basis. And, of course, the Airport Detail.

But, the operating components work regularly together. And the integration, of course, is that when we all get together and either sit down and map out targets that we're going to pursue or to, once we've identified those targets, to sit down and get briefings on progress of those investigations.

But there is a personal and very integrated cooperation among all the agencies here. And I think that I feel very secure in speaking on behalf of the heads of the federal agencies. If they were here, they would say the same thing about the local agencies.

MR. ARMSTRONG: That's good. Thank you very much, sir.

MR. HARRIS: Thank you, Superintendent. We appreciate your testimony today and taking time to appear.

MR. BRZECZEK: Thank you, Mr. Harris.

MR. HARRIS: Just before we conclude our hearings in Chicago, I'd like to publicly thank the U.S. Marshall in Chicago and Staff for the assistance, without which these hearings could not have taken place.

And with that, we will adjourn today's hearing, next to convene tomorrow morning at 9:00 a.m. in Detroit, Michigan.

(Whereupon, at 4:46 p.m., the hearing was adjourned, to reconvene at 9:00 a.m., on June 18, 1981.)
This is to certify that the attached proceedings in the aforecaptioned matter were held on June 17, 1981, and that this is a true and accurate record thereof and that this is the original transcript thereof.

NEAL R. GROSS
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