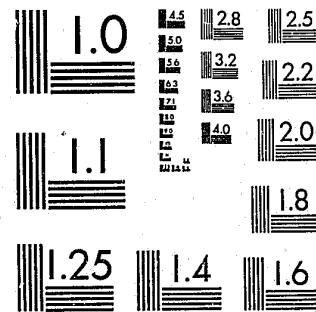


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United States Department of Justice  
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5/19/82

UNITED STATES DEPARTMENT OF JUSTICE

ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME

Waldorf Room  
Conrad Hilton Hotel  
720 S. Michigan Avenue  
Chicago, Illinois

Wednesday, June 17, 1981

The hearing was convened, pursuant to  
notice, at 9:00 a.m., before Jeffrey Harris, Moderator.

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APPEARANCES:

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Executive Director,  
Attorney General's Task Force

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Co-Chairman

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U.S. Department of Justice  
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P R O C E E D I N G S

(9:09 a.m.)

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,

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1 beginning tomorrow, in Detroit, and conclude that section  
2 of our deliberations in August.

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

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

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

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

19 MR. THOMPSON: Can I just say a word?

20 MR. HARRIS: Sure.

21 MR. THOMPSON: Before we begin a discussion  
22 of this morning's agenda, I would just like to say a  
23 personal word of welcome to the Attorney General's Com-  
24 mission and to the Staff members of the Department of  
25 Justice, which aid us in our efforts; to my home city

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1 of Chicago, and to my home State of Illinois. I'm very  
2 proud that the Commission is meeting in this city, in  
3 this State.

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

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

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

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

21 I would like to add one personal acknowledg-  
22 ment. I'm pleased to see in the audience today the man  
23 who really started me on my whole career in the field  
24 of criminal justice, and who is responsible not only  
25 for anything that I have ever done in that field, he's

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1 certainly responsible for my sitting here today.

2 And that's my former teacher and former col-  
3 league and my very good friend, Professor Fred Inbau,  
4 who I think is valued as a law enforcement colleague,  
5 not only by members of this Commission, but by the  
6 entire law enforcement establishment of the nation.

7 Professor Inbau, thank you for being here  
8 today.

9 Thank you.

10 MR. HARRIS: Just one final preliminary word.  
11 Professor Wilson, who is a member of our Task Force, is  
12 on his way in from the airport, and he has some  
13 changes, and he asked me if we would reserve a little  
14 time for him if he didn't get here in the morning before  
15 lunch, so that he could have his input.

16 With that, let me open it up and ask if there  
17 are any generalized comments before we go through the  
18 commentary.

19 The first item in the report is the Letter  
20 of Transmittal. Any changes anyone cares to discuss  
21 on that?

22 The Letter of Transmittal, by the way, is one  
23 area that I know Professor Wilson has some suggestions  
24 on.

25 (No verbal response.)

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1 MR. HARRIS: Recommendation No. 1.

2 (No verbal response.)

3 MR. HARRIS: No. 2.

4 (No verbal response.)

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

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

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

15 And I think it would be well to mention that  
16 decision in this recommendation in a discussion of it.

17 That's not to take away from the recommenda-  
18 tion that we make these facilities available on an  
19 interim basis. But I think it gives a tone to the  
20 prison problem that we've not had in this country in  
21 a long, long time. And we ought to take note of it.

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

24 Judge, let me see I understand what you were  
25 suggesting we put in.

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1 It would be a mention of the decision?

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

4 MR. HARRIS: Fine.

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

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

10 MR. THOMPSON: I think that's important.

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

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

24 And it is important for the Attorney General  
25 to recognize, as well as for the whole nation to

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1 recognize, as the Judge said, that just because the  
2 Supreme Court has held that under the circumstances  
3 of that case, double-celling was not constitutionally  
4 impermissible. That there is suddenly a great wave of  
5 relief among Governors and prison administrators in  
6 this country.

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

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

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

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

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

24 MR. BELL: I would like to comment on 4, the  
25 second paragraph, in the discussion. I don't understand

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1 it. That's my comment.

2 (Laughter.)

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

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

8 (Laughter.)

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

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

14 MR. BELL: Right.

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

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

20 MR. EDWARDS: No. I think possibly the  
21 explanation that the Judge is looking for is maybe a  
22 further explanation as to the fact that statistically  
23 from what we can determine 70 percent of all offenders  
24 are single state offenders. And the 30 percent factor  
25 applies to those individuals that could be multi-state

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1 offenders in which you would have to go to more than  
2 one state.

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

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

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

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

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

15 MR. EDWARDS: That's correct.

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

19 MR. EDWARDS: Yes, sir.

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

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

24 MR. BELL: But that's not -- come -- does not  
25 appear here to say that. It sort of denegates that idea.

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1 It takes away from it. It makes it appear that only a  
2 fraction would be listed, and then the system wouldn't  
3 work.

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

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

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

18 MR. BELL: Yeah, but that's not right.  
19 You've got to list the names, all of the offenders, in  
20 the national registry.

21 MR. HARRIS: That's correct.

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

23 MR. HARRIS: All the names would have to be  
24 listed. But what this paragraph is trying to say is  
25 to give some idea of how often states would use this.

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1 MR. EDWARDS: Oh, I see. All right.

2 MR. HARRIS: And, that's the -- That we would  
3 list -- Obviously, all the arrestees would be listed  
4 But that you could expect in a given year that approxi-  
5 mately 30 percent of those who listed would be -- that  
6 a state would make an inquiry about.

7 MR. EDWARDS: Inquiry. Inquiry about it.  
8 All right.

9 MR. HARRIS: Now, we can certainly say that --

10 MR. EDWARDS: Say it a little different.

11 MR. HARRIS: Yeah, we can say that --

12 MR. EDWARDS: Put both thoughts in.

13 MR. HARRIS: We certainly can do that.

14 MR. EDWARDS: All right.

15 MR. HARRIS: The Recommendation No. 5 that  
16 we -- Bureau -- The Federal Bureau of Investigation  
17 examined the feasibility of a separate registry of  
18 firearms violators.

19 Any comment on the commentary?

20 (No verbal response.)

21 MR. HARRIS: 6: That the Attorney General  
22 should direct the United States Attorneys to establish  
23 law enforcement coordinating committees in each Federal  
24 District.

25 (No verbal response.)

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1 MR. HARRIS: 7. The Attorney General --

2 MR. BELL: Okay. Hold up a minute.

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

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

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

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

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

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1 So, could we get an answer to that?

2 MR. HARRIS: Well, the effort to computerize  
3 fingerprints is one which has been under discussion  
4 for 15 years, and the Bureau has trying to do that.

5 The answer is that we are not computerized  
6 fully. There is an effort to automate, and until that's  
7 done there are still a number of cases in which you have  
8 people going through this process manually.

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

12 MR. HARRIS: Well --

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

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

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

25 MR. BELL: Could we put in our -- where -- two

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1 places in the report we discuss the delay. Could we  
2 mention in there that the delay -- What we have in mind  
3 is reducing the delay, but we recognize they've not  
4 computerized the fingerprint files, which would be  
5 one way to completely end the delay.

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

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

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

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

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

16 In the second paragraph, I really think that  
17 we should qualify that somewhat. It says: "A survey  
18 of the present situation."

19 And the situation in a number of jurisdictions  
20 is great right now. So, if we couldn't just change that  
21 to qualify it a little bit.

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

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1 MR. LITTLEFIELD: Yeah, that's fine.

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

3 MR. ARMSTRONG: Judge, before you leave that.

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

8 Is there a reason why that's been changed?

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

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

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

18 Anyone have a problem with the word "mandate"?

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

20 MR. HARRIS: Would you let --

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

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

24 MR. THOMPSON: Could I go back to the first  
25 page of the Recommendation? The use of the word in that

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1 second paragraph, "survey", bothers me a little bit.  
 2 Because it implies that we have either formally surveyed  
 3 something, or have been given a formal survey of some  
 4 kind. And I don't recall that as being the case in the  
 5 record before this Commission.

6 Could we choose a different word? "Understand-  
 7 ing" or something like that, or "review", I mean --

8 Well, what is says is it's now amended. It's  
 9 known to all of us. But I think it's misleading to say  
 10 that there was a survey. Because some people are going  
 11 to say: Where is that survey, I'd like to read it.  
 12 And we don't have one.

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

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

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

23 MR. HARRIS: That's right.

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

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

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

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

9 MR. BELL: All right. All right.

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

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

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

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1 what it is.

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

8 That was the thought we were trying to express.

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

11 MR. HARRIS: That's correct.

12 MR. THOMPSON: Rather than on the number?

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

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

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

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1 MR. HARRIS: I think we can make that change.

2 MR. THOMPSON: All right.

3 MR. BELL: Okay. Then I think we better jump  
4 back in and pick up something that we've skipped over  
5 on page 14. This was Recommendation 4. The last  
6 sentence in the second paragraph says: "It is possible,  
7 however, that some states will not have the means to  
8 maintain their own records and will ask the FBI to  
9 keep their records under the triple I.

10 Now, that is about the most dangerous thing  
11 we can put in a report. Because everybody that gets  
12 this will immediately say: Oh, oh, they're going to  
13 move all the state records to Washington now. We're  
14 getting ready to have a national police force. And  
15 we'll just be shot on the ground. So, let's take that  
16 sentence out.

17 That will get us in serious trouble, I think.

18 MR. HARRIS: All right. It is --

19 MR. BELL: And nobody -- I don't know of  
20 any state that can't keep their own records. If there  
21 is one, I'd be quite surprised.

22 MR. HARRIS: Okay. Now, let's see -- We were  
23 about to.

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

25 MR. HARRIS: 6.

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1 MR. HARRIS: 6.

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

4 (Laughter.)

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

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

13 Now, that's not clear to me on this chart,  
14 which this was based on.

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

17 MR. HARRIS: Anyone else have any comment.  
18 I -- I'm -- I should tell you. When I --

19 MR. ARMSTRONG: What's the purpose for it  
20 being there?

21 MR. HARRIS: Excuse me.

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

24 MR. HARRIS: It's merely an illustration and  
25 if it serves to confuse or mislead, then we ought to get

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1 rid of it.

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

5 But, given the background that I have, that  
6 doesn't tell me much.

7 MR. CARRINGTON: Jeff.

8 MR. HARRIS: Yes.

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

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

19 MR. CARRINGTON: This could be really impor-  
20 tant when we get to talking about the exclusionary rule  
21 later on.

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

24 If we're to -- If a chart like this is to be  
25 useful, as indicating that U.S. Attorneys decline cases

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1 and that some are presented to local prosecutors and  
2 taken up and some are not, it really isn't useful unless  
3 it tells us why.

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

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

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

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

20 MR. HARRIS: Is there any objection to that?

21 MR. LITTLEFIELD: No. We'd better take out  
22 the third paragraph then on line 20.

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

25 MR. LITTLEFIELD: Yes.

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1 MR. HARRIS: Page 20.

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

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

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

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

11 (Laughter.)

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

16 MR. HARRIS: Charts go both ways, Judge.

17 (Laughter.)

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

19 (Laughter.)

20 MR. HARRIS: All right.

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

25 Any discussion of that commentary?

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1 MR. BELL: But that could be one of the  
2 charges given to these committees?

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

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

8 MR. HARRIS: No. 8.

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

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

14 Any comments with regard to the commentary  
15 on that?

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

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

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

24 MR. HARRIS: Perhaps we could simply write  
25 in the first paragraph, add in a sentence after: "These

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1 individuals are commonly referred to as career crimi-  
2 nals," indicating that in the past they have been known  
3 as repeat offenders, or recidivists.

4 MR. BELL: There you go.

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

7 MR. BELL: That's right, hurrah.

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

13 MR. BELL: Something like that would be good.

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

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

19 MR. HARRIS: Yeah.

20 MR. BELL: I find when I was Chairman of the  
21 Crime Commission in Atlanta, years ago, that not anyone --  
22 that very few people knew what a recidivist was. So,  
23 I had it changed to "repeater". But, it seems to me  
24 that "career" doesn't help much over "repeater".  
25 Everybody ought to know what a repeater is.

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1 But, at any rate, I don't object to it. I'd  
2 just like to connect it.

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

6 (Laughter.)

7 MR. HARRIS: The commentary for Recommenda-  
8 tions 9 and 10: The delay in the reduction of finger-  
9 print identification applications and the provision of  
10 other technical services by the Bureau are combined in  
11 a common discussion.

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

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

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

18 I just suggest that.

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

22 Even if that were to be implemented, it would  
23 not reduce the delay in the processing of fingerprint  
24 identification applications. I think, while they are  
25 clearly related and do both relate to the provision of

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1 information to states about the offenders before them,  
2 there are two separate problems.

3 MR. BELL: All right.

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

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

8 MR. HARRIS: Yes, sir.

9 11: "The Attorney General should expand,  
10 where possible, the training and support programs pro-  
11 vided by the Federal Government to state and local law  
12 enforcement personnel."

13 The discussion here, any comment?

14 (No verbal response.)

15 MR. HARRIS: 12.

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

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

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

25 MR. THOMPSON: I agree with the Recommendation

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1 and I agree with the discussion.

2 And the discussion, I think, more than ade-  
3 quately answers the concerns that I've had from the  
4 beginning that we begin in the Task Force to try and  
5 find an ultimate solution in which the Federal Govern-  
6 ment can satisfactorily participate in the fight against  
7 drug abuse in schools.

8 But the Recommendation, the language of the  
9 Recommendation, itself, does not refer to drug abuse,  
10 although the discussion does repeatedly.

11 I think that could be cured simply by inserting  
12 the phrase: Drug abuse, comma, in front of the word  
13 "crime".

14 Then the commentary would be consistent with  
15 the Recommendation.

16 MR. BELL: Yeah, good.

17 MR. HARRIS: Any objection?

18 (No verbal response.)

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

20 MR. THOMPSON: Right. Drug abuse, comma.

21 MR. HARRIS: Drug abuse, comma.

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

24 MR. HARRIS: 12.

25 MR. BELL: 12. In the third line of the

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1 discussion, we say that crime is a serious problem in  
2 rural schools. I didn't know that. I thought that we  
3 were talking about urban, suburban schools. But I  
4 hadn't heard about any crime in any rural schools. Have  
5 we got some basis for saying that?

6 Are we trying to equalize treatment for  
7 marijuana?

8 (Laughter.)

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

14 MR. BELL: It's right over here.

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

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

19 MR. BELL: I see.

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

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

23 MR. HARRIS: As well.

24 I must tell you that I share your surprise.

25 MR. BELL: I hadn't realized that this had

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1 become a great national problem.

2 MR. LITTLEFIELD: 3 outhouses last night.

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

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

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

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

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

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

24 If you ask anybody -- If you stop anybody in  
25 this country on the street and ask them about violent

1 crime, the first thing they talk about is street crime.  
2 They're afraid to go on the streets. They are bur-  
3 glarized, robbed, or those sort of things. You wouldn't  
4 find one in 20 that would mention the schools.

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

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

14 We could be criticized because we focus on  
15 one thing and didn't say anything at all about street  
16 crime, the home burglarizing, and those sort of things.

17 Just mention it, so that the report gives a  
18 full picture of where we think the Attorney General  
19 ought to speak out.

20 Do you get what I mean?

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

23 MR. BELL: We don't say anything about it any-  
24 where in the commentary. I mean, I want to put it in  
25 there.

1 MR. HARRIS: It is in the first sentence in  
2 the Recommendation -- the Recommendation, itself: "The  
3 Attorney General should exercise leadership in inform-  
4 ing the American public about the extent of violent  
5 crime."

6 MR. BELL: Where is that?

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

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

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

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

22 And then we got -- We can't get into that  
23 position. We got to cover the whole thing, every time.  
24 I mean, it may be redundant, but, nevertheless, in my  
25 judgment, it's necessary.

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1 MR. THOMPSON: I think we just need a new lead  
2 for the paragraph of the discussion that discusses the  
3 range of violent crime, as practiced in America, and then  
4 says: And one of the hidden substratas of violent crime  
5 that most people don't know about, because they're not  
6 there -- only a portion of our population are students,  
7 and are teachers, are there -- is crime in the schools.  
8 And, then, just dovetail right into that.

9 That's take care of it.

10 MR. BELL: That's very good.

11 MR. THOMPSON: Yeah.

12 MR. HARRIS: That's the point that we're  
13 trying to make is we've come upon a problem that we think  
14 is not generally known the way most Americans know about  
15 crime in the street.

16 MR. HART: Yeah, that's fine. I don't think  
17 we should back away from the school thing because in  
18 some jurisdictions some law enforcement officials are  
19 afraid to attack the problem in the schools.

20 MR. BELL: Fine. Yes.

21 MR. THOMPSON: And, in fact, doing that way  
22 we'll highlight the schools even more, without, as Judge  
23 says, denigrating the leadership role the Attorney General  
24 should have in violent crime, generally.

25 It'll just take an introductory sentence to

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1 say we -- This is a range of violent crime that most  
 2 Americans know and fear. We've discovered another. And  
 3 the Attorney General should include this other one in  
 4 his leadership role as well, something like that.

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

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

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

13 MR. THOMPSON: Yes.

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

18 Any comments on the discussion following that  
 19 Recommendation?

20 MR. BELL: Which one are we on?

21 MR. HARRIS: No. 13, Judge.

22 MR. BELL: Yes, I do have a comment.

23 In the next to the last paragraph we speak of  
 24 victim's rights as clients. So, since when did a victim  
 25 become a client?

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

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

7 I think -- You know, this is a good recommenda-  
 8 tion.

9 MR. CARRINGTON: Judge.

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

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

17 MR. HARRIS: I guess, another alternative.

18 Does not the sentence read well without any --  
 19 just "victim's rights are protected"?

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

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

24 MR. HARRIS: Are protected.

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

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1 MR. HARRIS: Mr. Carrington, would that be  
2 satisfactory?

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

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

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

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

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

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

25 And comment on the discussion of 15?

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1 Professor Wilson.

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

5 I would like to propose a substituting language  
6 for the commentary of Recommendation 15, existing para-  
7 graph 4. The purpose of the substitution is not to  
8 change the meaning of the Recommendation or the argu-  
9 ments in support of it, but to clarify the relationship  
10 between research, demonstration, and evaluation on the  
11 one hand and practical programs designed to deal with  
12 crime on the other hand.

13 I have prepared copies for each member of the  
14 Task Force, if you'd like to distribute it, and see  
15 whether this language is, in your judgment, an improve-  
16 ment.

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

24 MR. HARRIS: Since we're working with a later  
25 draft here at the table, let me just say that this would

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1 in lieu of -- since the pagination is different.

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

4 MR. HARRIS: All right.

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

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

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

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

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

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

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

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

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1 the beginning of where I supplied the new text. I have  
2 no quarrel with that sentence at all.

3 My purpose is to clarify, really, the meaning  
4 of the sentence that immediately follows that.

5 MR. HARRIS: Is there anyone --

6 MR. BELL: Well, I -- But, I haven't thought --  
7 thought, probably, through all the way.

8 I would leave what's on 55 -- old 55 -- down  
9 to the beginning of the sentence: "The career criminal  
10 program."

11 I'd substitute after that. I'd leave those.  
12 I've got it right here.

13 MR. HARRIS: Page 41. It isn't -- There have  
14 been changes in here.

15 MR. BELL: Yeah. See. 41. I'd leave that  
16 sentence, that paragraph in. And then --

17 MR. WILSON: My reason for wanting to substi-  
18 tute for the preceeding paragraph is the following.

19 The preceeding paragraph, seems to me, does  
20 not explain to the reader the relationship between  
21 research and dealing with crime.

22 The key sentence to which I object in the pre-  
23 ceeding paragraph reads as follows: "Research on violent  
24 crime should not be conducted solely for the sake of  
25 research or the production of scholarly reports."

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1 MR. BELL: Yes.

2 MR. WILSON: Narrowly interpreted, that is  
3 correct.

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

5 (Laughter.)

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

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

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

19 MR. WILSON: I agree.

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

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

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1 Any problem with leaving that one in?

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

5 MR. HARRIS: Itself.

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

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

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

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

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

15 MR. WILSON: Right.

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

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

21 Number one, I think, in the Letter of Trans-  
22 mittal; is that correct?

23 MR. WILSON: Yes.

24 And I distribute some more reading material  
25 for you.

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1 If you'll refer to the draft Letter of Trans-  
 2 mittal to the Attorney General, which is on the first  
 3 page of the edited text, my proposed substitute is  
 4 meant to substitute for the first 3 paragraphs of the  
 5 present text.

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

9 And I think that's important from the point  
 10 of readers and reporters reacting to our set of recom-  
 11 mendations.

12 We have to make as clear as possible the man-  
 13 date we have, and the restrictions within which we work,  
 14 in order to not allow the existence of the report to  
 15 raise false expectations. We are, after all, an entity  
 16 of the Department of Justice, reporting to the Attorney  
 17 General, not reporting to the President, or other Cabinet  
 18 officers.

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

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

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1 I would then resume with the existing text,  
 2 with the fourth paragraph, namely: "In the short 60-day  
 3 Phase I period."

4 It helped my wife understand the meaning of  
 5 the report.

6 (Laughter.)

7 MR. WILSON: I regard my wife as a very  
 8 reliable -- (loud noise) -- Oh.

9 (Laughter.)

10 MR. THOMPSON: I like the substitute better.

11 MR. BELL: I'll tell you why I don't like it.

12 MR. WILSON: Okay.

13 MR. BELL: I mean, I don't -- I don't mean  
 14 it's the substitute I don't like, but the --

15 When you raise all these questions about what  
 16 other departments of the Government can do, it seems to  
 17 me we just put the Government, the Administration, in  
 18 a bad position. Because the press would say, if I re-  
 19 member the press: Well, why didn't you -- Why don't  
 20 you deal with all of the other parts of the Government?  
 21 Why don't you compel them to do what they ought to do  
 22 about crime?

23 See, you -- The way you've written this, it  
 24 sounds like the Department of Justice is one little facet  
 25 of the Government, which is true. And that they can do

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1 what they can do, but there's a lot of other people that  
2 are not doing anything.

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

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

7 (Laughter.)

8 MR. BELL: -- just a ordinary reader.

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

11 MR. CARRINGTON: Jeff.

12 MR. HARRIS: All right.

13 MR. CARRINGTON: At the first meeting of this  
14 Task Force, on the first day, the Attorney General  
15 specifically charged us not to get into root causes of  
16 crime. And I think we could do this by just saying:  
17 As you instructed us at the first meeting, quote from  
18 whatever was said, and then it takes care of everything.  
19 But, it puts it in the format that we were not -- we  
20 were charged, specifically, to address what can be done.

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

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

25 MR. HARRIS: Now, just so I'm clear, and the

1 steps are clear on what we should be about here.

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

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

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

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

11 MR. HARRIS: 3.

12 MR. WILSON: -- of my proposed substitute.

13 MR. HARRIS: And what Mr. Carrington is sug-  
14 gesting, I assume would be a substitute for the first  
15 sentence?

16 MR. WILSON: No. I think that it would follow  
17 from the first sentence. If I understand what Frank  
18 said, he would like us to -- in order to help put this  
19 in context -- remind the reader what the Attorney  
20 General reminded us of, namely, that our mandate was not  
21 to research or to think about the causes of crime, in  
22 any fundamental sense, but to think about federal pro-  
23 grams which deal with crime as it appears as a daily  
24 fact of life; and to do so within the context of options  
25 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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General of what he said to us, I'm trying to tell other people, who weren't there, what the Attorney General said to us; and to do it defending that. That is to say, I think it was quite proper for him to ask us to accept that particular mandate.

Indeed, if we wanted to have a broader mandate, we couldn't possibly have completed our report within the time allowed for it.

MR. THOMPSON: I think that's an important point to emphasize.

The Attorney General did give us a specific charge. And I think quoting his charge back doesn't remind him of what he said, it reminds the world at-large, who will be reading this, of what he said.

MR. WILSON: Indeed, I think that for that third paragraph, if somebody could extract the language of the Attorney General's remarks and put them in there in quotation marks, that would certainly meet my concern.

MR. HARRIS: Let's do this. During the rest of the morning I can have someone look into that and we can redo the Letter of Transmittal in a way which expresses that thought more closely reflecting the Attorney General's words in either his comments that morning, or in the charter to us.

And then we can -- Since this -- You will all

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

4 How would that be?

5 MR. WILSON: That'll be fine.

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

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

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

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

17 (Laughter.)

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

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

23 But, even when you think of that and understand  
 24 the context that this is a statistical quest for infor-  
 25 mation of somebody asking for a job -- Even in that

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1 context, I think it's gratuitous to say that. 'Cause  
 2 I'm not sure that that -- And, obviously, there are  
 3 priorities and criminal justice comes ahead of employment  
 4 checks, or requests for employment information.

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

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

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

12 MR. THOMPSON: -- may be intolerable.

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

15 MR. THOMPSON: Right.

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

17 MR. THOMPSON: That's right.

18 I guess I'm reminded of this by reading the  
 19 headlines this morning, when the President charged back  
 20 to the microphone yesterday to say to the world that he  
 21 did understand the working and he grew up in poverty.  
 22 And I don't want any similar misunderstandings coming  
 23 out of this Commission on this sense.

24 MR. HARRIS: Then we will turn that around,  
 25 then, to the --

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1 MR. THOMPSON: All right.

2 MR. HARRIS: All right. I think where  
3 Professor Wilson had a comment with regard to Recommenda-  
4 tion 1 --

5 MR. WILSON: Right.

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

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

11 This, which you are now receiving, is meant  
12 to substitute for the existing paragraph 1, in the dis-  
13 cussion of the first recommendation. And it's designed  
14 to achieve two purposes:

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

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

23 Secondly, the fugitive problem is an extremely  
24 serious problem when you consider the need to allocate  
25 scarce resources, and you ask yourself: Given limited

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1 dollars, where in the law enforcement process can those  
2 dollars yield the greatest gain?

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

8 There, when you find somebody, you know you  
9 are spending dollars on a person who has, in fact, com-  
10 mited a crime. Whereas when you are spending money on  
11 the investigation of crimes reported to the police, impor-  
12 tant as that is, you're spending money, the return on  
13 which is going to be much less.

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

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

24 On the assumption, which I think is plausible,  
25 that fugitives tend to be repeaters, and if left free

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1 will commit more crimes.

2 MR. HARRIS: Any discussion on the substitute?

3 Governor, do you like it?

4 MR. THOMPSON: Yeah, I like it.

5 MR. HARRIS: Anyone have a problem?

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

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

10 MR. BELL: Let me ask a question --

11 MR. WILSON: Certainly.

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

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

19 MR. HARRIS: I think --

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

22 MR. HARRIS: And we're not suggesting we deal  
23 with that. I think the statistics tell you that about  
24 40,000, of those 180,000, are people who have been in-  
25 volved with violent crime, or violence in the past.

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

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

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

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

13 Could you tell me if the FBI is wasting per-  
14 sonnel keeping up with traffic offenders?

15 MR. WILSON: I think --

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

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

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

21 MR. ARMSTRONG: Well, I think, you know, the  
22 NCIC has -- The offense must be an extraditable offense.  
23 And the traffic violation, as a misdemeanor in most  
24 states, would not be an extraditable offense. And I'm  
25 not sure why that's even in there.

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1 MR. BELL: But, it says in the second line,  
2 first sentence in the same paragraph. Excuse me.

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

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

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

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

12 MR. BELL: But, is the FBI spending time list-  
13 ing a lot of traffic warrants up there in the FBI build-  
14 ing?

15 MR. HARRIS: No.

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

17 MR. HARRIS: No. What that paragraph is tell-  
18 ing you is that the Marshal. Service has a way of  
19 prioritizing their fugitives and that, obviously, that  
20 the lowest priority would be for misdemeanor warrants  
21 and traffic warrants.

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

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1 have done some --

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

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

8 And the Marshall -- This paragraph is simply  
9 telling you that the Marshalls have looked at the  
10 warrants in their files, assigned priorities, and ob-  
11 viously assigned the lowest priority possible to mis-  
12 demeanors and traffic warrants.

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

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

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

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

25 MR. THOMPSON: Why do we have to talk about it?

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1 Why don't we just end the sentence at "agencies"?

2 "The next highest priority is given to felony  
3 warrants from other agencies."

4 MR. ARMSTRONG: Period. Why don't we just do  
5 that?

6 MR. THOMPSON: Period.

7 MR. WILSON: Instead of trying to explain  
8 what a traffic warrant is.

9 MR. HARRIS: Fine. Let's just end it there,  
10 then.

11 MR. WILSON: My last comment, Mr. Co-Chairman,  
12 is a matter simply of personal privilege.

13 On page 42, the last page, and perhaps else-  
14 where, as well. But, I know on page 42, the word  
15 "prioritizing" appears twice. And I have recently heard  
16 two my colleagues on this panel use it.

17 Priority is a noun; it is not a verb --

18 (Laughter.)

19 MR. WILSON: It is not a gerund; it is a noun.  
20 I will not sign any document --

21 (Laughter.)

22 MR. WILSON: -- that has the word "priori-  
23 tizing" in it.

24 (Laughter and applause.)

25 MR. BELL: What about finalizing?

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1 (Laughter.)

2 MR. WILSON: I have equal objections to that.  
3 There is a rule in the Federal Government that all  
4 nouns must be used as verbs: You task things; finalize  
5 reports; prioritize action. This is gobbledygook.

6 MR. HARRIS: Well, I think we can sanitize  
7 the report of those two words.

8 (Laughter.)

9 MR. HART: You can make sanitary the document.

10 (Laughter.)

11 MR. BELL: Don't leave out: Impact on.

12 (Laughter.)

13 MR. WILSON: Yes, that's another one of my  
14 favorites.

15 MR. HARRIS: Well, I think that proves the  
16 adage that the last comment is not necessarily the least.

17 (Laughter.)

18 MR. HARRIS: And with that we will take a  
19 break. We will reconvene at 10:30, to begin public  
20 testimony.

21 (Recess.)

22 MR. THOMPSON: Okay. Our friends and guests,  
23 in the back of the room could resume their seats, so that  
24 we could stay on schedule. Our first witness is here.

25 Our Executive Director, Mr. Harris, has to be

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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 Constitutional 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 enforcement 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.

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He also brings to this Commission the diversity of background, including a tour of duty as an Assistant United States Attorney in the Northern District of Illinois, where he both prosecuted and served in supervisory ranks.

So, it is a personal, as well as a professional, privilege for me to welcome as our first witness today the Attorney General of the State of Illinois, Tyrone Fahner.

#### 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

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1 the value of any remarks I'd make today.

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

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

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

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

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

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

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

25 Let me give you an example of what this

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1 misdirected policy has cost us in human and economic  
2 terms.

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

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

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

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

22 Under the Illinois Law, crime victims who sus-  
23 tain physical injury, or suffer the death of a family  
24 member, are eligible for compensation. Costs of medical  
25 and hospital expenses over \$200, and not otherwise

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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.

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Which we have coined the phrase "The Reverse Miranda Cards" that advise the victims of their rights in the way that Miranda, of course, has come into great prominence since the 60s.

And each law enforcement officer in the State of Illinois currently has one in his possession in his wallet, and they've told me the results have been astounding. That it gives them a good feeling now to be able to beside pick up an injured victim of crime and tell them that indeed they can be of some help other than to say their sorry and take a police report.

Now there are other laws we have passed, or are considering, in Illinois to help victims of crime.

Rape victims in the State cannot be charged for emergency treatment by hospitals. If insurance does not cover their cost, the Illinois Department of Public Health reimburse the hospitals for the expense of treatment.

And the General Assembly passed legislation 2 years ago termed the "Son of Sam Bill". And that measure provides that any profit made by a convicted criminal for publication of information concerning illegal acts will be held in an escrow fund until all restitution for the crime is paid to the victims of the crime.

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1 And we have laws protecting witnesses to a  
2 crime from being fired by their employers for taking  
3 time off to testify in court. That's happened all too  
4 often.

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

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

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

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

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

25 She was coming home from work one winter

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1 evening when two juveniles beat her, crushed both of  
2 her hands, stole her purse, and left her to freeze in  
3 the gutter.

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

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

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

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

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

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

25 Now, the question of who are these youth within

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1 the total violent crime picture, is a difficult defini-  
 2 tional problem. The FBI defines violent crime as  
 3 including murder, forceable rape, robbery, and aggravated  
 4 assault. Others expand its definition to include kid-  
 5 napping, arson, and arson of an occupied structure. Still  
 6 others count different combinations of offenses.

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

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

13 If you include arson in the violent crime, it  
 14 appears that persons under 18 are arrested for about  
 15 25 percent of all violent crimes in the U.S. today.  
 16 This figure is even more startling when you realize that  
 17 in 1979 young people, the ages 10 to 17, represented only  
 18 13.8 percent of the nation's total population.

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

24 Recent research suggests that this description  
 25 may be changing, as figures show a tendency toward a

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1 rise in white males in the juvenile criminal population.

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

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

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

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

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

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

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

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

13 As I have already said, these have increased  
14 alarmingly; while murder and rape by juveniles has re-  
15 mained almost constant.

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

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

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1 own community.

2 New Pride provides participants directly with  
3 a range of services. And the Unified Delinquency Inter-  
4 vention Services contracts with local service providers  
5 across the state who obtain help and services for the  
6 young people. Both programs emphasize the need to  
7 address the youth individually.

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

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

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

22 This does not, however, say that all young  
23 people must be sent to institutions where they expand  
24 their knowledge of criminal activity. And at least one  
25 study has shown that incarceration accelerates a criminal

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1 career as periods of incarceration were followed by  
2 succeeding shorter periods between release, the next  
3 arrest and subsequent incarceration.

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

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

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

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

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

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

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

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

19 And I got him out of Cook County jail, assisted  
20 him in getting a job, lost track; have subsequently been  
21 a prosectutor, but in law enforcement; and he had fol-  
22 lowed up on my career, and is now asking me to help him  
23 see if I can't have the bar requirements waived to get  
24 into law school. He's going to Northeast University  
25 here in Chicago. He's been working with the Safer

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1 Foundation. And it's an incredible story of a gang  
2 member, who really got a little help 12 years ago, who  
3 reappears as a good member of society. And, I think  
4 that's proof positive that it can work; it's not just  
5 an abstract theory.

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

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

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

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

18 A recent study conducted in Philadelphia indi-  
19 cated that 82 percent of juvenile offenders have a history  
20 of being physically or sexually abused children.

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

25 Now the name Sirhan Sirhan, James Earl Ray,

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

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

6 MR. THOMPSON: Thank you, General.

7 Any questions.

8 Judge.

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

11 MR. FAHNER: Sure.

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

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

17 MR. FAHNER: That's right, Judge.

18 MR. BELL: Multiple offender.

19 MR. FAHNER: Well, no, I mean it in a sense  
20 of our crime statistic. From my experience, the Illinois  
21 Department of Law Enforcement and the FBI crime statis-  
22 tics don't always indicate -- in fact, seldom indicate --  
23 whether or not the increasing rising crime reflects that  
24 one person has moved up the ladder from young to old,  
25 and has committed the same or similar crimes several

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1 times. So, I'm talking about a chronic offender,  
2 rather than a person who is convicted of multiple offenses  
3 in this context. That's my intention.

4 MR. BELL. Is there any problem in Illinois  
5 in taking a juvenile offender's records on into his sub-  
6 sequent activity?

7 MR. FAHNER: There are great problems.

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

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

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

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

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1 to the criminal system.

2 MR. BELL: So that if we had a national  
3 registry of all offenders, it would really not be ac-  
4 curate because it would not include any juvenile crime.

5 MR. FAHNER: That's my understand.

6 MR. BELL: Yeah.

7 MR. FAHNER: Which is a great problem.

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

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

15 And we have to be able to say --

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

20 MR. FAHNER: I think that would assist in  
21 making the determinations I have suggested in my com-  
22 ments to screen out those that are salvageable youth  
23 versus those that are already, by the time they are 17  
24 or 18 years old, habitual offenders who have committed  
25 serious violent crimes and have been able to beat the

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1 system because of their age alone. I agree with you.

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

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

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

15 Last Friday, he went into a bar in Savannah,  
16 Georgia, and killed 3 people.

17 I'm told by state prosecutors in Georgia that  
18 sometimes when someone is acquitted by reason of insanity  
19 frequently he or she are released within a month, 2  
20 months, 3 months, and they're on the streets.

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

25 It seems to me we are in what -- and this is

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1 a question. It seems to me we may -- I'd like to get  
2 your advice to me -- It may be that we dodge the issue  
3 by taking care of the victim rather than let the victim  
4 sue the state for just general damages because it did  
5 not have a system.

6 They were negligent in that they did not pro-  
7 vide a system of criminal justice.

8 Could you comment on that?

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

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

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

25 MR. FAHNER: But, my point is --

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1 MR. BELL: It's just an idea. I'm just wonder-  
2 ing if we are --

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

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

14 And we don't do that right now.

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

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

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

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

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1 country.

2 MR. FAHNER: I think it does.

3 MR. THOMPSON: If I could interject.

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

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

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

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

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

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1 national problem.

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

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

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

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

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

13 (Laughter.)

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

16 (Laughter.)

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

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

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

25 MR. BELL: Yeah. You have some kind words

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1 here to say about the program, and I was just wondering.

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

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

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

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

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

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

25 MR. BELL: Yeah. The child abuse program that

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1 you touched on, of course, if a very serious thing.  
 2 Because these people lose hope; they despair. And  
 3 they become irresponsible to ordinary rules of society  
 4 for that reason.

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

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

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

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

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

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

21 And now that we have better reporting proce-  
 22 dures, I feel that we can try and -- or, Director Kohler  
 23 can do a better job of getting some of those young kids,  
 24 and young people, out of their homes before they become  
 25 a Richard Franklin Speck, or some other crazy.

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1 MR. BELL: Well, I want to congratulate you  
 2 on the program you're running. It's certainly as  
 3 enlightened a program that I've heard of anywhere.

4 MR. FAHNER: Thank you very much, Judge.

5 MR. THOMPSON: If I could follow up with that  
 6 last interchange, since it's my budget and I have to  
 7 prioritize those dollars.

8 (Laughter.)

9 MR. THOMPSON: I'd like to simply comment that  
 10 the Attorney General is right. That in the last 4 years  
 11 we have probably infused -- We have -- I'm sorry,  
 12 Professor Wilson --

13 (Laughter.)

14 MR. THOMPSON: We have given more money to  
 15 the Department of Children and Family Services for the  
 16 specific purpose of preventing -- and if we cannot  
 17 prevent, identifying -- and doing something about child  
 18 abuse and neglect than almost any agency of government  
 19 in Illinois, with the possible exception of corrections.

20 And through obtaining a person who I think is  
 21 the finest Director of Children and Family Services in  
 22 the nation -- brought him from the East to Illinois --  
 23 to staffing levels that are extraordinarily high, even  
 24 in times of current financial stress on a state budget.

25 But, even more importantly, to put an awful

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1 lot of money into a computer system, and literally taking  
 2 records of child abusing people out of shoe boxes and  
 3 putting them on computer and making them available to  
 4 law enforcement agencies and DCFS personnel 24-hours-  
 5 a-day, 7 days a week, instead of just 9:00 - 5:00,  
 6 Mondays through Fridays, as was the case not too long  
 7 ago. That we have made great strides in this state.

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

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

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

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

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

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1 for all of law enforcement, I think.

2 MR. THOMPSON: That's right.

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

4 MR. THOMPSON: Professor Wilson.

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

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

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

17 And my reading of that study suggests that  
 18 once you focus on serious offenders as opposed to those  
 19 casual, or first-time ones -- where, of course, we all  
 20 want to get them out of the system as quickly as  
 21 possible -- that community programs work less well than  
 22 the State Department of Correction. That incarceration  
 23 does not accelerate the rate of crime, but reduces it.  
 24 That institutionalization is not the equivalent of a  
 25 school for crime.

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1           Until that study is adequately refuted, it  
2 seems to me it ought to be something that we all pondered.

3           I'm trying to think of how to make that a  
4 question.

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

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

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

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

21           And I can tell you that it makes more common  
22 sense to me to spend \$7,000 a year to try and identify  
23 people capable of help, at least to make that effort,  
24 than to immediately pump them into a system and  
25 automatically start spending \$24,000 and go on from there

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1 and just write that person off.

2           I am not a social worker. I have been a  
3 prosecutor and a law enforcement person most of my life.

4           But, I don't know Mr. Murray's study in detail.  
5 I'm just telling you what ordinary common sense would  
6 indicate to me in my own personal life's experience.

7           MR. WILSON: Well, there's nothing to contra-  
8 dict ordinary common sense in the study.

9           The study looked at juvenile offenders who  
10 had committed on an average of 12 or more Part I --  
11 that is to say, on the whole, felony offenses --

12           MR. FAHNER: Right.

13           MR. WILSON: -- and had those on their police  
14 record in the State of Illinois before they were  
15 sentenced even once to any period of incarceration in  
16 this State.

17           The fact that there were so many, it seems to  
18 me, is a serious criticism of the criminal justice  
19 system in this County.

20           MR. FAHNER: Without question.

21           MR. WILSON: And the fact that those who went  
22 through the system, compared to those with similar  
23 records who did not, reduced the rate of future recid-  
24 ivism is, though not conclusive, important.

25           And these are not those persons, I might --

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1 and here I think there's complete agreement -- would  
2 benefit by community treatment, because they are not  
3 hardcore recidivists.

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

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

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

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

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

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

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1 "We do not know how many  
2 persons who are incarcerated for com-  
3 mitting one violent crime are re-  
4 arrested or convicted for a second  
5 violent crime."

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

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

21 Am I -- and this I will now try to convert  
22 this into a question, Mr. Attorney General -- Am I cor-  
23 rectly interpreting the state of criminal justice  
24 statistics here, or has this condition been misrepresented  
25 to me?

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1 MR. FAHNER: No; it has not. And the  
2 conclusions in 19 deal with adult offenders. They are  
3 to the extent that no statistics presently exist for  
4 youthful offenders available. But, there is a program --  
5 and, by that I mean, a computerized program -- and an  
6 effort made so we can give you the kind of information  
7 you're seeking. Because, obviously, we recognized the  
8 need for both youthful and adult offenders.

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

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

14 MR. BELL: I'd like to say something here.

15 These are problems raised by lack of statis-  
16 tics was very much on my mind when I created a Bureau  
17 of Statitics at the Department of Justice. I think it's  
18 still there. It's just getting started. Just, just,  
19 just getting started --

20 (Laughter.)

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

24 MR. FAHNER: There is --

25 MR. BELL: And it'll be the -- The Department

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1 will be working with the states on that.

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

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

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

14 MR. WILSON: Good luck.

15 MR. FAHNER: Thank you.

16 MR. HARRIS: Any other questions?

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

21 MR. FAHNER: Not in all cases.

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

25 MR. FAHNER: I cannot really answer that with

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**1 OF 4**

1 any degree of knowledge.

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

9 MR. LITTLEFIELD: Thank you.

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

16 Which I -- At least, in Illinois, and I sus-  
17 pect in other states as well are increasing in size and  
18 number, as we attempt to make prisons as cost-effective  
19 as possible.

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

23 And I recall back to the early '60s when,  
24 something that's very basic, that we used to manufacture  
25 our own license plates, rather than pay an outside

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1 concern money to do it. At least that people were getting  
2 back a few things. The jobs program -- When Justice  
3 Burger, a short time ago, a couple of weeks ago, suggested  
4 the same thing in another speech before the American  
5 Bar Association, one of the sections.

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

8 MR. THOMPSON: Frank.

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

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

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

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

24 MR. FAHNER: She would not be precluded; no,  
25 she would not.

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1 MR. CARRINGTON: Thank you, sir.

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

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

8 MR. FAHNER: Yes, we are, sir. Thank you.

9 Governor, and members of the Task Force, I  
10 appreciate the opportunity to be before you. Thank you  
11 very much.

12 MR. THOMPSON: General, thank you.

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

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

18 STATEMENT OF JUDGE SYLVIA BACON,

19 CHAIRPERSON-ELECT OF THE

20 AMERICAN BAR ASSOCIATION,

21 SECTION ON CRIMINAL JUSTICE;

22 ACCOMPANIED BY MS. LORI ROBINSON,

23 EXECUTIVE DIRECTOR,

24 CRIMINAL JUSTICE SECTION.

25 JUDGE BACON: Distinguished members of the

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1 Task Force, as you know, I am Sylvia Bacon.

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

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

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

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

25 I'll turn first, if I might, to matters of

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1 juvenile justice.

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

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

12 Regrettably, however, juvenile crime has never  
13 received its fair share of time, attention, or alloca-  
14 tion of resources from this nation.

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

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

23 And as I think we suggested in our  
24 statement, there were some juvenile justice agencies  
25 that weren't even capable of making good grant

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1 application to LEAA.

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

6 It was not until 1975, when they had a Task  
7 Force sponsored by LEAA on Goals and Standards in  
8 Juvenile Justice that we finally got down to a documented  
9 volume and some national thinking that resulted in 200 or  
10 300 pages of recommendations with regard to juvenile  
11 delinquency prevention that required in this nation to  
12 bring attention to the problem of juvenile justice and  
13 juvenile delinquency.

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

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

23 Judge Bell, you'd recall with me, I am sure,  
24 the number of our colleagues who say: They've never been  
25 to Kiddie Court.

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1 I think Governor Thompson, if he was present,  
2 would remember the vast debate over whether or not  
3 prosecutors even belonged in the Juvenile Court to  
4 protect the interest of the public.

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

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

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

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

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

23 I suggest to you that the American Bar Associ-  
24 ation can present from its experience a proper role for  
25 federal money and federal leadership in the area of

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1 juvenile justice.

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

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

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

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

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

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

25 Now, the first program to which I would call

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1 your attention is the implementation of standards.

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

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

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

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

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

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1 Another area is the area of court administra-  
2 tion. And the Standards suggest that there needs to be  
3 a rethinking of that concept of the Juvenile Court, with  
4 which so many of us dealt, following the patterns of the  
5 1899 Illinois initiation in that area.

6 We would suggest to you that Standards imple-  
7 mentation would ensure efficiency and accountability  
8 in the juvenile court system.

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

15 I also want to call your attention to a  
16 second role that we have observed on the federal level,  
17 which suggests a continuing role. And that is in the  
18 removal of the juvenile offender from the adult institu-  
19 tion.

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

22 The ABA Standards fully recognize the folly  
23 of mixing juveniles and adults. A recent National  
24 Institute of Corrections study revealed that most  
25 juveniles housed in adult facilities were accused or

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1 convicted of property, not violent crimes. And the  
2 young offenders were sent to adult facilities for reasons  
3 other than the seriousness of the offense for which  
4 they had been convicted.

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

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

14 There have been cooperative efforts on 6  
15 national projects for which the ABA played a coordina-  
16 ting role. And the initial evaluation on the projects  
17 indicates the law-related education has a positive  
18 impact on delinquency prevention.

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

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

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

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

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

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

25 If we, as a nation, do not now make up for our

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1 past neglect in this area, I fear that we are ignoring  
2 almost 50 percent of the crime problem and our own  
3 futures.

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

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

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

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

23 But, here again, I think this Task Force  
24 serves its purpose best if it looks to the question:  
25 What can the Federal Government do when it deals with

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1 only a very small fraction of the victims and a very  
2 small fraction of the cases?

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

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

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

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

21 Further, the Federal Government here again has  
22 a role in standards. I call your attention, for example,  
23 to the American Bar Association Standards on Pleas of  
24 Guilty, which provide that a prosecutor be advised of  
25 the victim's attitude before agreeing to a plea bargain.

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1 I call your attention to the possibility of  
2 pretrial release conditions that would prevent witness  
3 victim contact with the defendant -- or, I should say  
4 the defendant's contact with them -- a part of our  
5 standards on pretrial release.

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

11 Now, in addition to federal recognition  
12 of the problem, we respectfully call your attention to  
13 3 areas where the Federal Government could be of aid  
14 and importance:

15 The first of these is in victim witness intimi-  
16 dation. The American Bar Association, after its 1979  
17 hearings, developed a package of recommendations to  
18 reduce victim witness intimidation.

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

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

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1 would assist in that area.

2 We would also call your attention to the  
3 continuing and pressing need for attention to the prob-  
4 lems of victims and witnesses in rape and domestic  
5 cases.

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

8 At this time there are a number of proposals  
9 which prevent the victim from being out of pocket:  
10 Compensation for testimony, compensation for transporta-  
11 tion, some additional assistance in terms of social  
12 service.

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

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

22 For the modest sums that are set forth in our  
23 materials, you know that we have been able to produce,  
24 with the assistance of many others, 2 manuals, or  
25 packages, which assist state and local governments, as

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1 well as prosecutors' offices and other police personnel  
2 in developing their victim witness assistance.

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

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

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

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

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

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1 recognition that at least one of the priorities before  
2 this nation must be control of juvenile crime and con-  
3 tinued federal attention to juvenile justice and  
4 delinquency prevention.

5 Thank you.

6 MR. HARRIS: Thank you, Judge Bell.

7 Judge Bell.

8 MR. BELL: I have two questions, Judge.

9 Where do we stand on the ABA IJA Standards of  
10 Juvenile Justice. Has ABA House of Delegates adopted  
11 all of the Standards?

12 JUDGE BACON: They have adopted all of the  
13 standards which will be presented to them. Two volumes  
14 of standards will not be presented: The Volume on  
15 Abuse and Neglect, and the Volume on Schools. I'm  
16 sorry, and Noncriminal Misbehavior.

17 MR. BELL: Yeah. Why are they not being  
18 presented?

19 JUDGE BACON: They were sent back for re-  
20 drafting. In many instances I believe our colleagues  
21 of the ABA felt they were not particularly within the  
22 expertise of our organization, abuse and neglect in-  
23 volving many more areas of social service and social  
24 responses than traditional criminal justice system or  
25 legal system responses.

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

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

6 MR. BELL: At NYU?

7 JUDGE BACON: Yes, sir.

8 MR. BELL: Yeah, I was invited.

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

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

16 MR. BELL: Well, I would think so.

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

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

1 to do both.

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

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

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

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

25 JUDGE BACON: The American Bar Association

1 has not taken a position on this.

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

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

6 JUDGE BACON: Fine.

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

9 If we waited on the American Bar to --

10 (Laughter.)

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

14 JUDGE BACON: Indeed so.

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

18 (Laughter.)

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

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

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

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

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1 then.

2 JUDGE BACON: No, sir. I would be prepared  
3 to answer it personally, but I must place on the record  
4 for you the fact that the American Bar Association has  
5 no policy on this issue.

6 I think it is an appropriate area. I think  
7 it's a natural outgrowth of the waiver of sovereign  
8 immunity, which we have seen in the area of sidewalks,  
9 slip and falls, and municipalities, and elsewhere.

10 And there is litigation of that type pending  
11 now.

12 Another very interesting area in which liti-  
13 gation is pending is not only against cities, but, for  
14 example, against apartment buildings that may hire  
15 persons whom they knew, or should have known, had pro-  
16 clivities that ultimately result in harm to tenants.

17 MR. BELL: Thank you.

18 MR. HARRIS: Governor.

19 MR. THOMPSON: No, thank you.

20 MR. HARRIS: Mr. Edwards.

21 Mr. Littlefield.

22 MR. LITTLEFIELD: Judge Bacon, I couldn't  
23 agree with you more that juvenile delinquency is our  
24 biggest problem. Our adult offenders are generally  
25 formerly juvenile offenders.

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1 The problem that always concerns me is that  
2 I really believe that perhaps we're spending our money  
3 at the wrong end of the system.

4 Do you think if money were available, it would  
5 be better to put it at the front-end, when someone is  
6 just starting out, or in prevention, rather than spend  
7 the millions of dollars that we on juveniles who have  
8 10, 12, and 14 convictions before anything is done to  
9 put them away?

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

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

15 MR. LITTLEFIELD: Thank you.

16 MR. HARRIS: Mr. Carrington.

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

21 JUDGE BACON: Prior to coming here I had not.  
22 But our very able Executive Director, Ms. Robinson,  
23 brought it to my attention. And before coming here, I  
24 took an opportunity to review it and noted a substantial  
25 number of the proposed rights, of which there are 15 are

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1 absolutely consistent with the ABA policies and the  
2 model code which we have included in our Victim Witness  
3 Package.

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

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

9 Victim input into sentencing.

10 Victim input into plea negotiations and sentence  
11 negotiations.

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

17 Do you concur with that?

18 JUDGE BACON: I concur, and I might add my own  
19 personal experience as a Judge in just seeing on the  
20 faces of witnesses who come to the courtroom, not only  
21 the terror of that experience of being exposed to the  
22 public, but the terror of knowing that the defendant's  
23 family and friends are present, and the individual who  
24 inflicted harm upon them is sitting right there at  
25 Counsel table where we assume he or she is going to

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1 remain. But it looks like a pretty fragile protection  
2 system to that witness.

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

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

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

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

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

24 MR. CARRINGTON: Thank you, Ma'am.

25 MR. HARRIS: Chief Hart.

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1 MR. HART: Judge, I enjoyed your presentation.  
2 The effort you put into it was a good presentation.

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

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

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

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

24 JUDGE BACON: I cannot answer for Illinois.  
25 I can answer for the District of Columbia, to which the

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1 answer is: No.

2 Under the juvenile legislation, which was  
3 revised in 1970, for the District of Columbia, the  
4 Court can remand the individual to the Department of  
5 Social Services with a restrictive commitment up to  
6 2 years, and the youth cannot leave that facility unless  
7 the judge orders prior to the 2 years time. There may  
8 thereafter be an extension in increments of one year  
9 upon application and special showing.

10 MR. HART: Okay. I just wondered if that  
11 was a widespread problem even after the judge decided  
12 the youth should be incarcerated, many times they are  
13 not.

14 JUDGE BACON: I think around the nation it  
15 is a widespread problem, and that causes me to come  
16 back to my old theme: We have standards. We have  
17 standards that would avoid that kind of problem through  
18 the ABA IJA, and through the National Advisory Commis-  
19 sion on Juvenile Justice and Delinquency Prevention.  
20 But they are not widely adopted at this point.

21 MR. HART: Okay. Thank you, Ma'am, for the  
22 question.

23 MR. HARRIS: Professor Wilson.

24 MR. WILSON: It's good to see you, again,

25 Judge Bacon.

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1 One specific question to follow up on what  
2 Chief Hart asked you. I get the sense that we often  
3 incarcerate near the end of their criminal career,  
4 because it is only after a person has accumulated a  
5 substantial adult record anything is done. As a result  
6 many people in prison -- certainly, not all, but many --  
7 may be at that point in their career in which they are  
8 actually beginning to reduce the rate at which they  
9 commit crime and those who are on the ascending part  
10 of the curve are still out in the street. In part,  
11 because we do not have a merged juvenile and adult in-  
12 tegrated record of, at least, serious offenses, so that  
13 early on we know whether we're dealing with chronic  
14 recidivists or not.

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

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

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

23 JUDGE BACON: I can't cite you chapter or verse.  
24 My recollection of the Standards is that the record of  
25 the juvenile becomes available if he commits an offense

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1 within 2 years after, whatever his juvenile involvement  
2 may have been?

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

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

7 MR. WILSON: Could your Associate --

8 JUDGE BACON: Certainly.

9 MR. WILSON: -- send us a Xerox of that  
10 Standard.

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

16 MR. BELL. Right.

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

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

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

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

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

10 MR. WILSON: Well, speaking as a person who  
11 just turned 50, I've been, generally, in favor of re-  
12 leasing all persons over the age of 50 from existing  
13 institutions, which would relieve the overcrowding some-  
14 what.

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

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

23 He supports, if I understand him, the notion  
24 that there is a significant portion of the prison popu-  
25 lations in this nation who are burned-out, either by

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1 having served a long time on a long sentence, or by  
 2 having reached a certain chronological age, or both,  
 3 who could be released as safely as we now release people  
 4 on parole, or early release, both of which carry in-  
 5 herent risk. I mean, anytime somebody's released from  
 6 a penal risk, there is inherent risk. The question is  
 7 degree.

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

13 The obvious problem, of course, is that people  
 14 who are serving long, long sentences are usually serving  
 15 long, long sentences because they have committed  
 16 terrible, terrible crimes to which recourse will im-  
 17 mediately be taken; memories will be recalled -- murders,  
 18 or particularly violent armed robberies, injury to the  
 19 victim, just outrages that provoke sentences of 50, or  
 20 75, or 100, or 150 years. And, though the papers may  
 21 now be dusty in somebody's file, if victims, or relatives  
 22 are still alive, you can be sure that the horror of the  
 23 crime will leap off those dusty files if that person  
 24 is released.

25 Do you share that notion, and do you see any

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1 way out of that circle?

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

6 If they are at least to the stage where a  
 7 person's life or health is not in danger, I'm not so  
 8 sure that I would come down on the side that you do  
 9 against incarceration at an early period in a career.  
 10 Because I've been tending lately toward the jolt theory  
 11 and wondering whether we haven't gone too far in the  
 12 use of probation the 1st, and the 2nd, and the 3rd times.

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

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

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

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1 Second, with regard to turning persons out  
2 of custody, obviously there is a severe political with  
3 that old, horrible case.

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

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

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

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

20 MR. THOMPSON: Thank you.

21 MR. HARRIS: Mr. Armstrong.

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

25 In the 18 volume set of Standards on juvenile

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1 justice, has the standard on status offenders been re-  
2 solved, and do we have within the ABA a standard dealing  
3 with status offenders in the juvenile justice system?

4 JUDGE BACON: No; we do not.

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

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

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

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

13 (Laughter.)

14 MS. ROBINSON: Same result.

15 JUDGE BACON: Same result.

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

24 JUDGE BACON: Yes. The ABA IJA Standards  
25 create a unitary court, of which juvenile and family

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1 matters are one branch. Recommend that persons serving  
2 on them all be judges, not referees or quasi-judges,  
3 and that there be service in rotation.

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

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

11 MR. ARMSTRONG: Thank you.

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

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

20 Thank you.

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

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

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1 MR. STIMELING: Thank you.

2 STATEMENT OF GEORGE C. STIMELING,  
3 SUPERINTENDENT OF SCHOOLS,  
4 BLOOMINGTON, ILLINOIS.

5 MR. STIMELING: I feel somewhat at a loss to  
6 explain to you why I'm seated before you, except to  
7 assure you that it was invitation and not by my request.

8 (Laughter.)

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

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

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

25 Lastly, having my staff assembled where they

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1 belong, that's in my district running the schools,  
2 rather than accompanying me and my bride of 31 years,  
3 I was assigned that task this morning.

4 (Laughter.)

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

10 I am a practicing school superintendent,  
11 having served 3 communities in that capacity for the  
12 past 23 years, and as a classroom teacher before that.

13 I do believe, however, that direct cause and  
14 effect linkage exists when we view permissiveness and  
15 destructive behavior.

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

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

25 I do not feel that the problems being addressed

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1 by this august body are that simply explained, nor are  
2 they reserved only for urban cultures.

3 Studies show infinitesimally small deviations  
4 in substance usage between males and females and by  
5 age group when comparing SMSAs and rural samples.

6 I am not a great user of statistics, yet I  
7 marvel at their predictive accuracy. For example, 2  
8 hours before the polls closed, the TV networks with  
9 their statistical samples, that were based on poll exit  
10 interviews, predicted the Presidential landslide.

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

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

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

22 Our community is made up of the twin cities  
23 of Bloomington and Normal, with a population of approxi-  
24 mately 90,000. We have a public Illinois State Univer-  
25 sity with 20,000 students, and the private Illinois

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1 Wesleyan University with 3,000 students.

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

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

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

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

22 This group has been valuable in helping in-  
23 crease the consciousness-level of liquor establishments  
24 concerning the sale of alcohol to underage purchasers.  
25 They completed parenting courses offered by the University

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1 and have been constructive helpmates in leading to the  
2 development and implementation of change.

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

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

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

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

22 The two universities and the presence of these  
23 substances in their cultures; the geographic location  
24 of Bloomington-Normal, with I-55 North and South, I-74  
25 East and West intersecting in Bloomington-Normal; and

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1 the reality that schools represent a concentration of  
2 people, a need in bringing suppliers and users together.

3 At that point in time our concern and aware-  
4 ness was not unlike the vast majority of schools and  
5 school people. We were concerned that public disclosure  
6 would cause a further erosion of public support.

7 For you must understand, the schools, accord-  
8 ing to the media, dutifully reporting their facts, are  
9 totally responsible for declining test scores, increased  
10 dropout rates, and increasing violent crimes by adoles-  
11 cents.

12 Little exposure, except in professional jour-  
13 nals, is given to the alarming increases in single-parent  
14 families; alarming increases in families where both  
15 parents work; alarming decreases in constructive leisure  
16 activity for students. These conditions may --- they just  
17 may have something to do with the phenonenon that we  
18 are discussing here today.

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

24 Through the Casper Milktoast approach, schools  
25 have allowed the public to assume that we can replace

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1 the church and home in implanting moral values; replace  
2 the home and the community in directing leisure time  
3 and respect for others and their property; always be  
4 nice places for students to assemble.

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

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

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

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

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

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

24 Public discussion of the issue of drugs and  
25 alcohol in our schools in December of 1979 certainly

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1 peaked the interest of the media. It beat the hell out  
2 of Wednesday night television.

3 (Laughter.)

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

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

18 A paradox became apparent. Was it okay, since  
19 the driver of the car was 27 years old, and legally  
20 drunk? I think now.

21 Well, that will make those kids behave. Un-  
22 fortunately, that was not the case either.

23 4 of our high school students were stopped  
24 for illegal transportation of alcohol, returning from  
25 a hospital visit to their paralyzed classmate less than

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1 4 weeks following the accident.

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

6 We realize that legislation, in and of itself,  
7 does not bring about change. Wouldn't life be wonder-  
8 ful if it did? The policy once developed, and prior  
9 to asking Board approval, became a roadshow. I pre-  
10 sented the policy to our parent groups in our 8 elemen-  
11 tary schools, and in our junior and senior high schools,  
12 and to every civic club in Bloomington-Normal.

13 I asked for their written support. I pre-  
14 sented it to our faculties and asked for their support.

15 The policy: It is really very simple.  
16 "Thou Shalt Not At Our House" is the theme.

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

22 Hall monitors, to keep the halls clear, except  
23 during passing periods. Inclusion in our Student Hand-  
24 book that every student found to be in possession of,  
25 under the influence of, or dealing in any illegal

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1 substance, would be immediately suspended from school  
2 with a recommendation to the Superintendent for expulsion.

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

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

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

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

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

25 The focus of the instruction was how to deal

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

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

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

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

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

21 Mr. Bryant and his Assistant Principal for  
22 Operations met with me and the elected student leaders,  
23 16 class and Student Council officers during the summer  
24 preceding the 1980-81 school term.

25 The students wanted to start the school year

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

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

9 Other observations include: Our teachers --  
10 They found different kids showing up for class. A  
11 child whose handicapping condition is beyond his control  
12 is one thing; the child whose potential for learning  
13 vacillates dependent upon his activities 12 hours before  
14 class is something quite different. The teachers whole-  
15 heartedly support the policy.

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

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

23 Some of the other accruing advantages, from  
24 my perspective, include: Increased community awareness  
25 relative to the problem. Increased community support,

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1 in that we are trying to do something about the problem.  
2 Increasing school spirit.

3 Parents who heretofore may have attempted to  
4 help their concerns by refusing to allow their child  
5 to come, for fear of the result, now are bringing their  
6 children to school activities.

7 Increasing numbers of parents volunteering as  
8 chaperones for parties, as well as volunteering for  
9 daytime chaperones to aid in our instructional program.

10 Increasing flexibility, in that high school  
11 administration is willing to take risks with leadership  
12 groups in providing positive activities for students.

13 A drastic reduction in vandalism.

14 Our books for the year just past are not  
15 closed, but more than cursory observation leads me to  
16 believe that the money saved in vandalism repair through-  
17 out our district may have totally financed this entire  
18 project.

19 Another by-product is increased group achieve-  
20 ment scores. Perhaps the increased time-on-task allowed  
21 our Staff by the right kids showing up in the right way  
22 for class may be a key to turning some of the performance  
23 of students in schools around.

24 Are there tradeoffs? To be sure.

25 Let's look at the other side of the coin. We

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1 had 20 students expelled this year from Bloomington  
2 High School. The issue: Is it a student's right to  
3 present himself as he chooses, or is it a privilege  
4 to attend school?

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

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

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

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

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

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1 haligen lamp-lit glare of scrutiny.

2 I will be happy to answer any questions you  
3 may have.

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

6 MR. THOMPSON: Mr. Superintendent, thank you.  
7 I think it's obvious to the members of the Commission  
8 why you were asked to come after that testimony.

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

22 It required them also to report to law enforce-  
23 ment authorities suspected instances of substance abuse.  
24 On the theory that substance abuse by youngsters in or  
25 around schools actually had the potential for double

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1 abuse -- abuse, certainly of the youngster, himself or  
 2 herself, and a diminished opportunity to obtain educa-  
 3 tion; and the possibility that continued dependence, or  
 4 abuse, of a substance, substances, would lead to crime  
 5 to obtain funds, or lead to irrational behavior while  
 6 under the influence of substances, and thus risk the  
 7 infliction of abuse on an innocent second party.

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

15 One thing I did wrong, in retrospect, was to  
 16 have that bill introduced hastily -- we were up against  
 17 legislative deadlines -- without sufficient consultation  
 18 with the educational community, the teachers, par-  
 19 ticularly.

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

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

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

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

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

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

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

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

23 MR. STIMELING: I wholeheartedly supported  
 24 it from right at the inception; I still do. I don't  
 25 believe that school people have the luxury of choosing

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1 which of the laws of the land that they are going to  
2 support.

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

11 I wholeheartedly support it, Mr. Governor.

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

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

18 MR. THOMPSON: One of the comments that was  
19 raised in the Senate, as the bill went from a mandatory  
20 program to a voluntary program, was that for many school  
21 districts the school personnel did not have the capabil-  
22 ity, or perhaps even the understanding of the avail-  
23 ability of programs to make teachers and others in the  
24 school community aware of what substance abuse was like.  
25 I mean, to be able to spot substance abuse and

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1 to differentiate it from legal behavior or being under  
2 the influence of medication, or something of that sort.

3 Now, it seems to me that you, on your own  
4 initiative in Bloomington were able to find something  
5 like Project OZ to assist you in the development of  
6 your policy. I assume it would be important to have  
7 in place educational programs for teachers and other  
8 school personnel to give them the tools to work with  
9 if this were to become the policy of the State of  
10 Illinois; is that right?

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

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

23 MR. THOMPSON: Thank you, sir.

24 MR. HARRIS: Judge, anything?

25 MR. BELL: Yeah, I would -- I'm sorry I had

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1 to leave the room. I missed hearing your testimony.

2 I've just scanned the --

3 You actually have security officers stationed  
4 at the schools now?

5 MR. STIMELING: Yes, we do.

6 MR. BELL: They're not regular policemen?

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

9 MR. BELL: Off-duty.

10 MR. STIMELING: We also have in conjunction  
11 with the City of Bloomington -- and we have had for 10  
12 years -- we have a Resident Police Counselor. He is a  
13 policeman assigned by the City, paid for by the City,  
14 in our schools, and a youngster who is caught breaking  
15 and entering into someone else's locker, stealing from  
16 someone else, we are not selective and it is not our  
17 prerogative to shield him from the law. He has broken  
18 a law of our land and he is arrested and stands that  
19 just --

20 MR. BELL: Well, what about smoking marijuana  
21 during the recess?

22 MR. STIMELING: That child is charged and he  
23 is also, then, suspended from school immediately with  
24 the recommendation to me for expulsion. As an expulsion  
25 hearing is convened, and that turns on the individual

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1 merits of that hearing.

2 We will not tolerate these substances on our  
3 school ground.

4 MR. BELL: Would not be better for the policing  
5 to be done by the Police Department, rather than the  
6 School Department?

7 MR. STIMELING: I fail to see at --

8 MR. BELL: The police function at the school  
9 is now being run by you as much as a private police  
10 force. Would it not be better just to include that in  
11 the duties of the regular Police Department of Bloomington.  
12

13 MR. STIMELING: We would gladly do that.  
14 However, they are into some budget --

15 MR. BELL: No, I am asking you which way  
16 would be better?

17 MR. STIMELING: I think that when the police-  
18 man is on our property that we would prefer that we  
19 have a direction as far as where he is located, what  
20 he is doing.

21 As far as him functioning as a policeman, that  
22 is his responsibility to serve within that area. We  
23 don't have --

24 MR. BELL: We have so many security officers  
25 in the country now that I wonder if it wouldn't be better

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1 to have them all organized under a Police Department.

2 You know, every city has got -- every neighbor-  
3 hood has got security officers, almost.

4 That is the reason I asked the question.

5 Well, I see you expelled 20 people last year.

6 MR. STIMELING: Yes, sir.

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

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

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

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

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

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

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1 I assume, for wrongdoing.

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

7 MR. BELL: One last question: Do you engage  
8 in social promotions, and --

9 MR. STIMELING: No, sir.

10 MR. BELL: Okay. Thank you.

11 MR. HARRIS: Mr. Littlefield.

12 MR. LITTLEFIELD: What percentage of the  
13 parents attended the parenting programs that the OZ  
14 people put on?

15 MR. STIMELING: We had, depending -- and we  
16 really don't have a very firm handle on that.

17 Obviously, the further along in school, our  
18 high school parenting programs were the poorest attended.  
19 Those that were in our K-6 buildings were best attended.

20 But, that isn't all bad, because, I think, that  
21 many of our youngsters are developing these attitudes  
22 far before high school.

23 MR. LITTLEFIELD: Fine. Thank you.

24 MR. HARRIS: Mr. Edwards.

25 MR. EDWARDS: Yes. A program such as you have

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1 in Bloomington is predicated on community support and  
2 well articulated policies and how those policies will  
3 be carried out.

4 Have you done any comparisons between the  
5 Bloomington juvenile crime and drug abuse as compared  
6 to towns of similar size in other geographic-related  
7 comparisons?

8 I guess I'm trying to --

9 MR. STIMELING. There is --

10 MR. EDWARDS: Has there been comparisons?

11 MR. STIMELING: Yes. And these are not sig-  
12 nificantly different.

13 MR. EDWARDS: You would say, then, the rate  
14 of crime is very similar, no differentiation there show-  
15 ing --

16 MR. STIMELING: For communities our size,  
17 very similar.

18 MR. EDWARDS: Very similar. That's all.

19 MR. HARRIS: Chief Hart.

20 MR. HART: Superintendent, I admire you that  
21 you have the courage of your convictions. I think it's  
22 great that an administrator will recognize a problem  
23 and take care of it; involved the community -- that's  
24 usually how you get the support -- and did a wonderful  
25 job.

1 One question on your security force that are  
2 off-duty officers: Do they have the same power while  
3 they are off-duty as they have on-duty?

4 MR. STIMELING: Yes. We employ them through  
5 the Police Benevolent Association. They are in uniform.  
6 There is no attempt to try to entrap a youngster at  
7 all.

8 MR. HART: Does the Chief of Police swear  
9 you or some administrator to oversee this operation?

10 MR. STIMELING: One of his command people are  
11 overseeing; is in direct responsibility for those  
12 people, even though they are off-duty.

13 MR. HART: Thank you very much, sir.

14 MR. HARRIS: Mr. Carrington.

15 MR. CARRINGTON: First, I'd like to say I  
16 think if my children were still of school age I'd move  
17 to Bloomington.

18 (Laughter.)

19 MR. STIMELING: We'd welcome you. Our enroll-  
20 ment is down.

21 (Laughter.)

22 MR. CARRINGTON: The only question that I  
23 have is: When you were implementing these policies and  
24 the resultant publicity, did you get any flak from the  
25 civil liberties organization. Not just --

1 MR. STIMELING: Yes, sir.

2 MR. CARRINGTON: But the ACLU.

3 MR. STIMELING: Yes, sir.

4 MR. CARRINGTON: What form did it take, and  
5 how was it handled?

6 MR. STIMELING: Well, they had analyzed  
7 exactly what we were doing in our policy. They had  
8 analyzed as far as looking over the detail of youngsters  
9 who were brought before the Board, looking for abuses  
10 of individual liberties, and to this point we have never  
11 been challenged with a lawsuit. We have been threatened  
12 with many, but not challenged by any.

13 MR. CARRINGTON: What about just like, say,  
14 even letters to the editors, or appearing on talk shows,  
15 or appearing in local citizens forums, or something  
16 like that?

17 Was there a concerted opposition to your  
18 initiatives?

19 MR. STIMELING: It would be very difficult  
20 to, because how can a person be against God, the flag,  
21 apple pie, and motherhood. We stand for law, order,  
22 and justice before the fact.

23 The only problem that we have is when it's  
24 my kid that gets caught; then we want to make an  
25 exception.

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1 If you ever reduce staff, as we had to do  
2 several years ago, we found out what useless programs  
3 are: They're the other people's programs, not mine.

4 But, we went out intentionally before the fact  
5 asking for written support, so that we would be able  
6 to have this document before us when we went to the  
7 Board of Education and said: This is your public that  
8 you represent speaking. They want this type of activity  
9 in our schools.

10 MR. CARRINGTON: I'd like to thank you for,  
11 probably, one of the most instructive presentations  
12 we've had.

13 MR. STIMELING: Thank you, sir.

14 MR. HARRIS: Mr. Armstrong.

15 MR. ARMSTRONG: I'd like to only echo that  
16 and ask: I think we have a vacancy in Louisville,  
17 Kentucky for a new Superintendent --

18 (Laughter.)

19 MR. ARMSTRONG: -- maybe we can talk after this  
20 hearing.

21 (Laughter.)

22 MR. STIMELING: I have a Board meeting tonight,  
23 maybe we'll talk tomorrow.

24 (Laughter.)

25 MR. ARMSTRONG: I'm curious. I notice in some

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1 of the materials that you handed to us, under Public  
2 Law 94-142, funds specifically designed to service the  
3 special needs of handicapped children, have you been  
4 able to -- or have you even tested -- whether you can  
5 divert some of those funds for the alcohol dependent  
6 student?

7 MR. STIMELING: We have not, because we have  
8 not found the need to.

9 We found that our alcohol dependent students  
10 were more experimental dependency than in chemical  
11 dependency. Once they found that this was not to be  
12 tolerated at school, we have found a significant down-  
13 turn in the numbers of youngsters at school with alcohol.

14 We aren't saying that we're catching them all;  
15 we're saying it's like a speeding trap. If they are  
16 caught, they pay the price.

17 So, we were not forced to look at diversion  
18 of 94-142 funds for chemical dependency. Had we found  
19 that issue present, rather than to ask for some of  
20 the legal interpretations that seem to get crossways,  
21 we would have done it and had somebody challenge us  
22 for having done it incorrectly.

23 MR. ARMSTRONG: Do you think it's a proper  
24 role for federal financial assistance to Boards of  
25 Education to make those funds available so that either

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1 in-house programs that would bring into the community  
2 and the community's resources utilized to treat children  
3 that have chemical dependence?

4 MR. STIMELING: Yes, sir.

5 But I would prefer to see local districts  
6 developing the program and proving them up, then applying  
7 for public, federal funds, rather than to waste the  
8 federal funds sitting with planning grants for 3 years,  
9 and the money go down the tube, and nothing ever happen.

10 MR. ARMSTRONG: That's -- Yeah, that's right  
11 on the mark.

12 Do you think there's an attitude among some  
13 Superintendents throughout the country, because of the  
14 foundation funding support, that they would not take  
15 a hardline, as you have, in dealing with these problems.  
16 Rather than expelling them from the school, some  
17 principals have expelled them to the Board of Education.  
18 In other words, set up a special program so that the  
19 foundation money is not actually lost to the system.

20 MR. STIMELING: I think part of that -- And  
21 I'm going to answer that in a rather obtuse way.  
22 There are those people that are on the ascension of their  
23 career, rather than the twilight of their career, so  
24 perhaps they don't speak before they think, as I do.

25 The second point that I would like to make.

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1 I think the schools have lied to themselves for so  
 2 long, that we've promised so many things to so many  
 3 people, that we are almost promising everything to  
 4 everybody. I think we have to pull in our harness and  
 5 admit that we can't be all things to all people; that  
 6 we better go back and do the things well that we do  
 7 best -- and that is to teach a little reading, a little  
 8 writing, and a little ciphering -- and leave some of  
 9 the other programs to the larger community.

10 You see the drug and alcohol problem is not  
 11 a school problem going out into the community. It's  
 12 a community problem finding its way into the schools.  
 13 We don't sell it; we don't trade in it. In fact, all  
 14 of our programs are geared to try to combat it. And,  
 15 yet, the schools are the whipping boy. And I think that  
 16 the reason for that is that we have deluded ourselves  
 17 into believing that we can be the catalyst for change  
 18 of all of the problems in society.

19 That will never happen in the public schools.

20 MR. ARMSTRONG: Thank you, again, for an  
 21 excellent presentation.

22 MR. HARRIS: Mr. Stimeling, just one last  
 23 question: Would you support the use of undercover  
 24 narcotics officers in your schools, if there was evidence  
 25 that narcotic sales were taking place?

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1 MR. STIMELING: I would from this standpoint:  
 2 That my kids knew, in the first place, that this garbage  
 3 is going to leave our campus, and it's going to leave  
 4 our campus one way or the other.

5 I would never use it as a first line of en-  
 6 trapment of my young people. I've never experienced  
 7 that kind of cooperation from young people. I think if  
 8 they know what you're going to do, and why you're going  
 9 to do it, you will get their support.

10 However, if I didn't get it, I would go to  
 11 all ends to drive it off our campuses and back out into  
 12 the streets, so that the larger community can solve it.  
 13 It isn't the school's problem.

14 MR. HARRIS: Thank you very much, Mr.  
 15 Stimeling.

16 We will now break for lunch. We will reconvene  
 17 here at 2:00 p.m.

18 (Whereupon, at 12:38 p.m., the hearing was  
 19 recessed, to reconvene at 2:00 p.m., this same day.)  
 20  
 21  
 22  
 23  
 24  
 25

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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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(Applause.)

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

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1 was the result of a study of approximately 10,000 boys  
2 born in 1945 who lived in Philadelphia, at least between  
3 the ages of 10 and 18. This was a general population;  
4 it was not a sample. It was the entire universe of  
5 those who fell within those criteria.

6 Our purpose was to get some baseline statis-  
7 tics about the probability of a young boy ever having  
8 at least one police contact, other than traffic viola-  
9 tions, before reaching the adult status of age 18.

10 There was nowhere in the literature in  
11 criminology that that particular figure could be precisely  
12 found. Most of us were saying that probably 5 to 10  
13 percent of kids get into trouble with the police and  
14 with the law before ending their Juvenile Court statute  
15 age.

16 What we found, instead, was that approximately  
17 35 percent had at least one police arrest before reaching  
18 age 18.

19 Now, that study which is called a Birth Cohort  
20 Study because we borrowed the term from demography,  
21 meaning simply a group of people born the same year  
22 and followed longitudinally through a portion or all  
23 their career.

24 That study gave us not only that probabilistic  
25 statement, but also permitted us to follow longitudinally

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1 over the sequence of events of those who had a delin-  
2 quency career.

3 We looked at their rescidivism. We were  
4 especially concerned with chronic repeaters, and we  
5 called a chronic offender one who had at least 5 arrests  
6 before age 18. We were interested in what we called  
7 "offense-switching" rates. That is going from one type  
8 of offense to another. We were concerned about the  
9 degree of specialization, if any existed. And we found,  
10 somewhat to our surprise, that juveniles do not special-  
11 ize, that the probability of going from one type of  
12 offense to another remains fairly constant after the 15th  
13 offense.

14 And we were concerned about the age of onset,  
15 when one starts a delinquent career. We were concerned  
16 about the disposition of these juveniles and other  
17 matters.

18 After that study was over we took a 10 percent  
19 sample and sought to interview as many as we could find  
20 at age 25. We now have about a 1/2, 2-hour interview  
21 getting a lot of other data on those same persons:  
22 Whether they were delinquent or not; making comparisons  
23 between delinquents and nondelinquents, between adult  
24 and juvenile careers.

25 We have subsequently been able, with the help

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1 of the FBI to follow the criminal careers up to age 30.

2 That's all the first study. That's Cohort I.

3 Now, because that study was felt to be impor-  
4 tant in some respects, and certainly is unique, we sought  
5 permission to replicate it.

6 What I wish to share with you now are some of  
7 the data from a 1958 Birth Cohort. That is a group of  
8 boys and girls, this time -- although I shall only be  
9 reporting about the boys today -- who were born in  
10 1958, and lived in Philadelphia at least between the  
11 ages of 10 and 18.

12 That yielded for us approximately 13,800 males.  
13 We have an equal number of females.

14 In general, we wish to establish the  
15 the same set of parametric estimates that we developed  
16 in the first study, Cohort I, to determine the cohort  
17 effects on delinquent behavior of growing up in the  
18 1960s and the 1970s, and compare their activities some  
19 13 years later.

20 So, again, we wanted to see if there were  
21 differences between these two cohorts: In terms of  
22 delinquency rates; the correlates of delinquency; their  
23 first and subsequent offense probabilities; the age at  
24 which they started; the accumulation of their offenses;  
25 and the relative seriousness of offenses.

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1 We were concerned, and will be concerned,  
2 because we are still in the process of analyzing the  
3 data about the effects of incapacitation, and trying to  
4 find the most propitious intervention points in the  
5 life career of these boys and girls.

6 The cohorts, both cohorts, were dominated  
7 by whites, in the sense that there were more white boys  
8 than nonwhite boys. But, without any surprise, the  
9 delinquents were overwhelmingly represented by nonwhites.

10 As a matter of fact, in the first cohort,  
11 slightly over half of all the nonwhite boys in Philadel-  
12 phia had at least one delinquency contact with the  
13 police.

14 I did not bring enough copies of the paper  
15 with me to distribute to everybody. I apologize for  
16 that. I have 7 tables that are fresh. As a matter of  
17 fact, the computer time goes as late as 6:00 o'clock  
18 last evening on some of the printouts that I have.

19 But, I'll try to share with you, and tax  
20 your attention, a reporting on some of the figures.

21 The data indicate that the Cohort II offense  
22 rate -- that is, the rate per 1,000 boys -- is higher  
23 than in Cohort I for all crimes. The rate per 1,000 in  
24 Cohort II is about 1160 offenses per 1,000 boys. In  
25 Cohort I it was slightly over 1000. That's not

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1 substantially great.

2 If we look at particular selected offenses --  
3 which I have on a Table I, and will log in with the Task  
4 Force -- the selected offenses include the ones of  
5 interest to this Task Force: Homicide, rape, robbery,  
6 aggravated assaults, weapons use, and even arson.

7 We find that those types of violent offenses  
8 are substantially higher in our second cohort than in  
9 the first cohort. Keep in mind the second cohort reached  
10 age 18 in 1977.

11 The rates there per 1,000 for these serious  
12 and violent offenses in Cohort II is about 600 offenses,  
13 600 serious violent offenses per 1,000, whereas in  
14 Cohort I it was just a little over 350.

15 In addition, we've noticed a continuation of  
16 a pronounced race differential, except for the fact  
17 that there is a slightly greater increase in the number  
18 of white chronic offenders -- that is, 5 or more arrests  
19 before age 18 -- and a greater increase in white chronic  
20 offenders than among black chronic offenders. I do  
21 not have any particular way of explaining that.

22 However, in general, both for all crimes  
23 considered, and for weapons, and homicides, and aggra-  
24 vated assaults, and robberies, and rapes, the nonwhite  
25 to white ratio is about 5 or 6 to 1.

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1 In the case of homicide, for example --  
2 I'll give you two, homicide and a couple of other  
3 offenses.

4 In the case of homicide, in Cohort I nonwhites  
5 were 5 times higher than whites. In Cohort II, a more  
6 recent cohort, nonwhites are 13 times higher than whites.  
7 In Cohort I nonwhites were 20 times as high in the  
8 case of robbery. But, in Cohort II they are only 11  
9 times higher. So, there are variations on the race  
10 differential theme. Although in general blacks, who  
11 are mainly the nonwhites in our group, remain high.

12 When we looked at chronic offenders and  
13 recidivists, we defined recidivists as those who had  
14 2 to 4 arrests; distinguished them from one-time of-  
15 fenders just arrested once over their juvenile careers,  
16 and chronic as those with 5 or more.

17 We find that in comparison of Cohort I to  
18 Cohort II that are fewer one-time offenders in the  
19 later cohort, and that there are more chronic recidivists  
20 in the later cohort.

21 For example, in Cohort I only 627 boys, out  
22 of the nearly 10,000, or 6 percent of that birth group,  
23 that birth year, were identified as chronic repeaters.  
24 And that represented 18 percent out of the 3,500 de-  
25 linquents. In Cohort II, they represent 23 percent of

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1 the delinquents. There's been an increase of about  
2 5 percent in the number of chronic recidivists.

3 We have another display of some data regarding  
4 the onset of delinquency and the onset of committing  
5 violent, serious, injurious assaultive offenses.

6 When compared with Cohort I, Cohort II modal  
7 age at onset is the same for whites -- that is, age 16  
8 is the year at which most of them begin their delin-  
9 quency -- but is lower for nonwhites, between 14 and 15.

10 In addition, the data generally show, as we  
11 expected, that the number of offenses is negatively  
12 related to age at onset. That is, the later an offender  
13 commits his first offense, then the fewer the number of  
14 offenses he will have committed by the end of his  
15 juvenile career. That should be no surprise.

16 But, in terms of the other offender groups  
17 that we have listed, the modal of onset for the chronic  
18 recidivists turns out to be age 13 for both races. That  
19 is to say the repeater -- and I might add, the violent  
20 repeater, especially -- begins his delinquency as early  
21 as age 13.

22 Now we know that 1167, or about 8-1/2 percent  
23 of all the boys, nearly 14,000 boys in this cohort,  
24 committed a violent offense. However, more instructive  
25 is the fact that these assaultive offenders represent

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1 1/4 of all the cohort offenders.

2 We had 4500 cohort offenders in Cohort II  
3 out of the 14,000, and 1/4 of those are assaultive  
4 offenders. Yet, only 13 percent of them were officially  
5 charged by the police with a uniform crime reports:  
6 Violent offense.

7 Hence, by careful scrutiny of police reports,  
8 we have read every one of the 7549 offense reports  
9 in the Philadelphia Police Department for all of these  
10 offenders.

11 We noted that there are approximately twice  
12 the number of offenders who actually inflict bodily  
13 injury on their victims than the official crime code  
14 labels would indicate.

15 It should be noted, therefore, that because  
16 the Cohort II study does not depend on just the legal  
17 label, which are attached to behaviors, is able to render  
18 more informed classifications of various offender and  
19 offense types.

20 That is, we were interested in knowing whether  
21 there was any bodily injury in an offense, and sometimes  
22 the official, legal code label, or the Philadelphia Crime  
23 Code, was disorderly conduct, or some other offense.  
24 When, in fact, the person could indeed have been sent  
25 to the hospital with 26 stitches.

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1 The chance that a white cohort subject in  
2 Cohort II will commit a violent offense, or can be desig-  
3 nated a violent offender, is about 4 percent. While  
4 the probability that a nonwhite boy will be so designated  
5 is 3 times higher, or 12 percent.

6 Further, the probability that a nonwhite  
7 delinquent will be violent at least once during his  
8 juvenile career is nearly 1/3rd, that is .30 probability,  
9 compared to .17 for a white delinquent. Overall the  
10 probability is .26, where full probability -- certainly  
11 would be one, of course -- that a Cohort II delinquent  
12 can be classified as a violent offender.

13 Within this context, we have been especially  
14 concerned about the probability of violent recidivism.  
15 That is, given that a boy has committed one injury  
16 offense during his career, what is the chance that he  
17 will commit at least one additional injury offense at  
18 some time? The answer to that question is 18 percent,  
19 if he's white, and 38 percent if nonwhite.

20 But we can be even more specific in Cohort II  
21 than we were able to be in Cohort I about the probabil-  
22 ities of going from a first to a second injury offense,  
23 from a second to a third, and so forth, out to at least  
24 6 violent offenses before reaching age 18.

25 I have these data displayed in one of the

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1 tables.

2 I can report that with 2 injury offenses on  
3 a boy's record, the chance of his going on to a 3rd  
4 violent offense -- not just a 3rd offense, but a 3rd  
5 violent offense -- is about 43 percent, nearly half.

6 The chances from going from a 3rd violent  
7 offense to a 4th violent offense is 45 percent. And for  
8 the 5th and 6th violent offense is around 60 percent.  
9 Now, that's a relatively high prediction rate.

10 Once again, it is necessary to recall that  
11 there is a difference between our known violent offenders  
12 and offenses, on the one hand, and the number of  
13 official charged violent offenders on the other.

14 I've noted before that about 26 percent of all  
15 offenders had committed injury offenses, but only 13  
16 percent, that is 1/2 of them, of the offenders were  
17 charged officially with an assaultive offense.

18 However, there appears to be no racial dispro-  
19 portion in violent recidivism charges from the 2nd to  
20 the 3rd, 4th, and 5th violent offense.

21 Hence, although the chances that a nonwhite  
22 boy will enter the category of charged violence is 3  
23 times higher than that of a white boy, once in that  
24 category, the proportion officially charged as violent  
25 recidivist, as black and white, is about the same ratio

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1 as in the case of actual violent offenses.

2 In other words, although a higher proportion  
3 of nonwhites commit violent offenses and will get into  
4 the category of labeled as a violent offender than white,  
5 once both whites and nonwhites are in that category  
6 they continue on to the 2nd, or 3rd, and 4th, and 5th,  
7 6th offense with relatively the same degrees of  
8 probability.

9 In conclusion, these few statistics from a  
10 much larger array that will be presented in our full  
11 report indicate that boys who were born in 1958 and  
12 reached their 18th birthday in 1956 were a more violent  
13 cohort than their urban brothers born in 1945 and had  
14 turned 18 in 1963.

15 The former entered delinquency -- that is, the  
16 Cohort II -- in about the proportion as the later.  
17 Their probability of having at least one arrest before  
18 age 18 was 32.6, compared to the Cohort I which was  
19 34.9. That's not a significant difference.

20 So their rate of delinquency is about the  
21 same. But the more recent group is more delinquent,  
22 in general, and has engaged in much more injurious be-  
23 havior. They are more violently recidivistic and commit  
24 more crime index offenses before reaching age 18.

25 They start their injury offenses earlier and

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1 continue longer. We suspect that when we examine  
2 violent offenses according to our system of grading  
3 seriousness of each criminal event, the present cohort  
4 would be shown to have average seriousness scores that  
5 are much, much higher than the earlier cohort.

6 Again, although just about the same proportion  
7 of males get into some kind of trouble with the law,  
8 the trouble they get into is more violent and more  
9 frequent and, thus, with more harm inflicted on the  
10 community.

11 Finally, relative to social intervention and  
12 efforts to incapacitate criminally violent persons,  
13 juvenile careers should surely be taken into considera-  
14 tion. For a criminal justice policy or practice that  
15 permits an 18-year-old offender to start adulthood  
16 with a virgin, or 1st offense, thus ignoring an  
17 offense career -- and, particularly, a violent offense  
18 career as a juvenile -- is not adequately providing  
19 proper social protection.

20 Thank you for allowing me to share some of  
21 these preliminary findings with you. And I hope to  
22 be able to provide more in the near future.

23 (Applause.)

24 MR. HARRIS: Thank you very much, Professor.

25 Would it be that the figures were otherwise --

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1 and perhaps in Cohort II they can be.

2 It's clear to see that, I think Attorney  
3 General Smith, in identifying the problem of violence  
4 as one requiring a fresh look is well justified. And  
5 we thank you for sharing your views with us.

6 We will resume our meeting in the main meeting  
7 room in approximately 10 minutes.

8 Thank you for coming.

9 (Whereupon, at 1:53 p.m., the hearing was  
10 recessed, to reconvene at 2:19 p.m., this same day.)  
11  
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1 AFTERNOON SESSION

2 (2:19 p.m.)

3 MR. HARRIS: Our next witness is testifying  
4 under some unusual circumstances, as those of you  
5 in the audience who are astute may have noticed.

6 Our witness is a former youth gang leader,  
7 who has requested anonymity, for reasons which I am  
8 sure are fairly obvious to you.

9 And we will now begin.

10 Mr. Witness, we thank you for your willingness  
11 to participate here with us today in these proceedings.  
12 We understand that you are no longer involved with  
13 gangs, and that you are now a family man and are work-  
14 ing. And, therefore, you are testifying here today  
15 under very strict security that the U.S. Marshal's  
16 have provided.

17 If any question is asked to you that you feel  
18 might compromise your identity, or you do not care to  
19 answer, please just tell us that and we'll be happy  
20 and go on to another question.

21 We have asked you to be here today to provide  
22 us with information about youth gangs and as is clear  
23 to you, and everyone here, this is not a criminal in-  
24 vestigation in any sense of the word.

25 Now, let me start.



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?

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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?

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1 A For survival.

2 There were other youths who had already  
3 organized gangs that were outside of the neighborhood  
4 that I lived in. As a results, we would often get  
5 into some forms of confrontation, fights, etcetera,  
6 and we saw the need to organize ourselves for protection,  
7 and it developed from that.

8 Q And how large was the gang you organized?

9 A ABout 200 members.

10 Q What was the age range of the members?

11 A Anywhere from 12 to 11.

12 Q And what kinds of activities did the gang  
13 perform?

14 A Well, ultimately, we began to perform drug  
15 dealing, stealing of guns, extortion, hits if necessary.

16 Q By "hits" you mean shootings, or killings?

17 A Yes.

18 Q Did there come a time when you were asked to  
19 consolidate your gang with another?

20 A That's correct.

21 Q And about how long was that after you formed  
22 your gang?

23 A Um, a year or so.

24 Q How large was the gang that you were asked to  
25 joing?

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1 A About 8,000.

2 Q And how many people, if you know, does it have  
3 now?

4 A Approximately, maybe, 16,000 or more.

5 Q And how were you approached to join this gang?

6 A I was approached with being told of the possi-  
7 bilities of expansion and how it could benefit me from  
8 an economical base and control of certain areas.

9 Q And is that what attracted you to this larger  
10 gang?

11 A That and other things.

12 Q Can you tell us what some of those other things  
13 were?

14 A Identity, trying to find a place of belonging.

15 Q Now can you tell us the command structure of  
16 this gang, how it worked; how the leadership was organ-  
17 ized?

18 A Yes. The leadership is based upon the heads.  
19 It has a body, a Council, who in turn takes what the  
20 leader has to say and carry it out to Lieutenants;  
21 who, in turn, carry it out to members of the structure  
22 or the organization. And it's a chain of command.

23 Q What you're describing sounds similar to a  
24 military-type chain of command; is that right?

25 A Yes. It's somewhat along those lines to --

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1 Q Now, what sorts of orders came down through  
2 this command structure you've described?

3 A Hits.

4 Q By that, you mean killings?

5 A Right.

6 Q Or orders to kill people?

7 A Correct. Extortions, the buying of businesses,  
8 or into businesses, things along that line.

9 Q Can you give us an example of some of the  
10 extortion activity carried out by the gang?

11 A Right. Well, extortion is basically some  
12 members of the gang who go previously to stores, or  
13 whatever, and create problems for the owners, and he  
14 just about had enough. The police hasn't been able to  
15 do anything to solve the problems. They send someone  
16 to talk to him, not necessarily from the structure  
17 that's established in whatever area. He will go, in turn,  
18 and talk to him and tell him that he had heard he had  
19 problems, and that he thought that he could probably  
20 be helpful with them.

21 Once he established that and show him that  
22 the problems can be dealt with, he then, in turns,  
23 begin to pay protection.

24 If he doesn't, on those levels, then the  
25 physical threats are used ultimately to himself, his

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1 family, or his business.

2 Q Now, what was the money that was obtained  
3 through this extortion activity used for?

4 A Well, several things:

5 One is obtaining drugs, obtaining guns, obtain-  
6 ing transportation, bail money, bail money for those  
7 who have proven themselves to be loyal.

8 Q Can you tell us how people were recruited to  
9 join the gang?

10 A Well, there are several levels of recruitment  
11 that comes out of gangs. One of 'em is, as we are aware  
12 in the schools, streets.

13 And, in the schools, it's usually done through  
14 the influence of those who are attending, who have already  
15 been established, or who have already been organized.

16 In the streets, you have a two-fold recruitment.  
17 One begins with force, and the other is a blanket protec-  
18 tion. Those who pay protection are not necessarily  
19 members, but they are under the protection of the members;  
20 so, they pay a fee to not become a member, or to not be  
21 harrassed or jumped on by those who are.

22 Q At what age are people recruited?

23 A From 12 on.

24 Q And is there a difference in recruitment in  
25 gangs today than there was 10 years ago?

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1 A Definitely.

2 Q Can you tell us, describe the difference?

3 A Well, you may die quicker. There are a lot  
4 of force being used as opposed to 10 years ago.

5 Q Now, when you said, "You may die quicker," does  
6 that mean that if you don't seek the protective umbrella  
7 of the gang, you may not survive?

8 A That's correct.

9 Q Is recruitment still going on today, as we sit  
10 here speaking of youth gangs?

11 A Yes, certainly.

12 Q And how heavy is that recruitment, if you know?

13 A Very heavy.

14 Q Now, have you noted a tendency to use younger  
15 people, or younger gang members, to commit crimes?

16 A Yes.

17 Q And why has that happened?

18 A They receive lesser charges.

19 Q Did that ever happen to you?

20 A No.

21 Q Why not?

22 A I was a leader.

23 Q Now, following someone's recruitment into a youth  
24 gang, how does that person move up in the organization?

25 A Through loyalty. He has to prove that he's

1 willing to do whatever the established leadership needs  
2 done. Once that is established, then he's given a  
3 chance to, perhaps, start on a lower level of the rank  
4 and work himself up. Whenever there is something needed  
5 and they need someone loyal, they use him. And, then,  
6 in time he, ultimately, ends up on the leadership position  
7 with his own territory, and etcetera.

8 Q Would you say that people that become leaders,  
9 generally, before they get to the leadership level have  
10 been involved in serious crimes -- shootings and crimes  
11 of that nature?

12 A Yes; I would say that.

13 Q Now does the gang that you've told us about  
14 today operate in more than one state?

15 A Yes.

16 Q And how many states is this gang active in,  
17 if you know?

18 A Well, off the top of my head, I would say at  
19 least 5.

20 Q And I assume that the state we're in now is  
21 one of 'em?

22 A Exactly.

23 Q Does the gang send people out of state to re-  
24 cruit and organize?

25 A Yes.

1 Q Are out of state members of the gang ever  
2 brought into the State of Illinois, for example?

3 A On different occasions.

4 Q And why would that happen?

5 A Mainly for a hit..

6 Q A killing?

7 A Yes.

8 Q How many members of the gang, to your knowledge,  
9 have access to guns?

10 A Well, practically all of them who are identi-  
11 fied as loyal members. They don't have the tendency  
12 to give them to those who are weaker, who show some  
13 forms of, perhaps, disloyalty under pressure.

14 Q How does a member of the gang get a weapon?

15 A Well, there are several ways: Freight cars,  
16 black-marketing, burglaries, etcetera, robberies.

17 Q Does the leadership of the gang maintain any  
18 sort of weapons arsenal?

19 A Yes; they do.

20 Q And where to they get those weapons?

21 A From those that I've just named.

22 Q What sorts of weapons, to your knowledge, are  
23 maintained in this arsenal?

24 A A machine gun to a handgun.

25 Q And other explosives, or anything of that nature?

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1 A Genades, sometimes. Possibly small bombs.

2 Q Now, does the gang which you are familiar  
3 with have any involvement in drug dealing, narcotics?

4 A Yes.

5 Q And what type of narcotics?

6 A Cocaine, marijuana, teas and blues, heroin.

7 Q And what are the sources of those drugs?

8 A I don't know the sources.

9 Q Now, are the gangs -- or is the gang that you  
10 are familiar with involved in distribution of narcotics  
11 from the sources to the street level?

12 A Yes.

13 Q And can you explain how that would work?

14 A Well, basically, the structure of the organiza-  
15 tion, or gang, has men who are already on a committee,  
16 who, after the drugs are recieved by the gang, distribute  
17 'em to what is called Lieutenants.

18 The Lieutenants, in turns, receive the drugs  
19 and give 'em to their dealers; who, also, either are gang  
20 members or dealers who are free lance, but under the pro-  
21 tection of gangs; and they, in turn, filter it into the  
22 streets.

23 Q Now, if you know, how old are the current  
24 leaders of the gang?

25 A I would say from 14 to 30, 32, 33.

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1 Q Would you say that gangs are strictly a juvenile  
2 problem?

3 A Mainly.

4 Q To what extent would you say, based on what  
5 you know about organized crime, are gangs -- do gangs  
6 resemble more traditional organized crime activities?

7 A I would say to every extent, with the exception  
8 of maybe some investments.

9 Q Based on your experience as a juvenile, can  
10 you give us your opinion as to whether or not the juvenile  
11 justice system and the juvenile courts are doing a good  
12 job?

13 A Well, I don't say that they are doing a good  
14 job or a bad job. I don't think that they're dealing  
15 with the problems that effect the juvenile and his needs.

16 Q And do you have an opinion as to why not?

17 A Maybe because of the punishment that's set up,  
18 more so than the attention to what is creating the problem.

19 Q What, in your opinion, should be done in the  
20 area of juvenile violence, juvenile gangs?

21 A Well, I think that they should set up some  
22 type of alternative program that would help enable the  
23 juvenile to be able to make the distinctions that are  
24 real with his environment and with life.

25 I don't think that, you know, they should be

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1 placed in a situation where they can't make that  
2 distinction. And the parents and the society should take  
3 on a responsibility in helping discipline 'em in those  
4 areas.

5 An example of what I'm saying is: Maybe the  
6 schools should be the priority. And once that they  
7 are dealt with, I think that the youth can kind of cut  
8 off the recruitment of gangs and everything else by  
9 educating the youth before they become victimized or  
10 juveniles.

11 Q If the Government were to prosecute the leaders  
12 of youth gangs and made it a priority matter, would that  
13 cause the gang structure to fall apart and crumble?

14 A No.

15 Q Why wouldn't it.

16 A Well, I think history has reflected that for  
17 us here. But, one of the things is that there'll always  
18 be gangs, and there'll always be those who will have the  
19 interests as long as there's crime, and as long as there  
20 is social problems in the society.

21 So, I don't think if you locked up all the  
22 gang leaders that you would eliminate; someone would just  
23 take their place.

24 Q At a previous meeting of our Task Force, we  
25 had a suggestion, or a discussion, about nationwide public

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1 service for all young people. Do you have any views on  
2 whether that is a good or bad idea?

3 A I think it's a good idea.

4 I'd like to say that I think that if we're  
5 willing to spend billions of dollars on nuclear warfare,  
6 and things like that, we must also be willing to spend  
7 equitably that same on the youth, or the juvenile, of  
8 our country. Because they're the future.

9 And, so, I think that those type of programs  
10 should be implemented and give close counseling and good  
11 advice through examples that can be seen or be identified  
12 from their environments.

13 Q There are also some programs you hear about  
14 where ex-convicted felons work with juvenile offenders.  
15 Do you have any views on those programs?

16 A Well, yes, I think that that is probably one  
17 of the best ideas that have come up. And the reason for  
18 that is that he's been where he's going. So, he's able  
19 to help him identify more realistically with why he's  
20 being oppressed, or why he feels himself in the need to  
21 be joining a gang, or be affected by gangs, or whatever  
22 is going on in the community that he's from.

23 Q How do you feel about programs in which urban  
24 and suburban youth exchange places in schools, so that  
25 some urban people go to suburban schools and vice versa;

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1 would that be helpful?

2 A Yes, it would be helpful. Because it would,  
3 more or less, give the juvenile, or the youth, more than  
4 one view of how to sort things out, or more than one  
5 alternative. As so long as, you know, it doesn't put  
6 him at a distance in terms of, you know, complications  
7 of getting back and forth.

8 Q And, lastly, let me ask you: What factors  
9 caused you to change your attitude about a life of crime?  
10 How did you get from there to here?

11 A Well, first of all, being realistically, I  
12 got tired of being confined. And, the next is just  
13 personal things as to the way I began to evaluate where  
14 I want to go in life.

15 Q Would you say that you're the exception or  
16 the rule.

17 A Well, I've been told, they say that: One in a  
18 million.

19 Q One in a million.

20 A Yeah.

21 MR. HARRIS: That's all the questions I have.  
22 If you'll bear with us, some of the other members of the  
23 Task Force might have some questions for you.

24 If there are any questions you feel might com-  
25 promise you, please let us know, and we, certainly, won't

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**CONTINUED**

**2 OF 4**

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.

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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

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1 consolidating the gangs that are already establish there  
2 but are unorganized. And they show them where their  
3 monitorial benefits, drugs, clothes, cars, etcetera,  
4 involved and including certain powers. And it becomes  
5 organized.

6 Q So, what we're talking about is, in addition  
7 to gangs, we're talking about a form of organized crime;  
8 I take it?

9 A Exactly.

10 Q All right. What indicia of membership is  
11 there in the gang? Do you have a membership card, or  
12 tattoo, or just what do you have?

13 A Well, there's no, no tradition of identifica-  
14 tion. Most gang members don't want to be identified  
15 as such. But you do have those who have tattoos on 'em  
16 representing the symbols or the signs that the gangs  
17 have accepted for themselves.

18 Q It's more of a word of mouth recognition, I  
19 take it?

20 A Well, there's more than just word of mouth.  
21 There are different signs and symbols that identify you  
22 as to, you know, who and what you are; most of 'em know  
23 each other.

24 Q Like a password?

25 A Well, not quite a password. But, just signs.

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1 Q Signs. All right.

2 MR. BELL: Thank you.

3 THE WITNESS: You're welcome.

4 MR. HARRIS: Mr. Littlefield.

5 BY MR. LITTLEFIELD:

6 Q Well, sir, I suppose that during the time that  
7 you spent in various institutions, that you were exposed  
8 to a number of rehabilitation programs; is that correct?

9 A Well, not really.

10 Q Did they have such programs in the various  
11 institutions where you were?

12 A Yes; they have some. They have some.

13 Q And, did you ever attend any of the programs?

14 A I attended one.

15 Q And do you think that that had anything to do  
16 with changing your way of life, or was it because of the  
17 fact that you were just tired of being locked up that  
18 made you change?

19 A Well, I'd like to say this.

20 I think, first of all, rehabilitation as it  
21 is now, or even when I was there, it's a myth. I think  
22 that the total restorement or transformation, a better  
23 word, has to come from within, and certain assessments  
24 and evaluations has to be made by that person in order  
25 for them to begin to make some type of positive moves

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1 in their life.

2 I say that they do help. They should be there  
3 more often. It is -- It is a plus. But, the truth,  
4 that the bottom line, I would say, still comes with the  
5 individual. No one can make you walk over there.

6 MR. LITTLEFIELD: Thank you.

7 THE WITNESS: You're welcome

8 MR. HARRIS: Chief Hart.

9 BY MR. HART:

10 Q Mr. Witness, I see you are concerned about the  
11 level of violence and the lack of longevity of members  
12 of the gangs these days.

13 Are you concerned about terrorists? Everyone  
14 is concerned about international terrorists. Do you  
15 have some feelings on whether the gangs would become so  
16 sophisticated until they'll get involved in corporate  
17 kidnappings of leaders, or extortion of large companies,  
18 bombing of buildings for pay, even be hired by inter-  
19 national terrorists? Do you think that would happen?

20 A Well, you know, in the life of crime, or  
21 criminal acts, all of those things are possible. They're  
22 things to consider. I would say if it did occur, it  
23 would be on a small scale. I don't foresee it happening  
24 soon.

25 Q Okay. One other question: In the area of

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1 auto theft, one of the fastest growing activities, I  
2 see you described an interstate group of people organized  
3 to commit crime.

4 One of the things that I'm concerned about,  
5 or have some strong feelings in, that I know that you  
6 can get more for an auto when you chop it up than you  
7 can selling it as is. It must be some pretty important  
8 business people involved in something as sophisticated  
9 as that; is that correct?

10 A Yes; that's correct.

11 Q So, some of the people involved hide behind  
12 the kid that's committing this crime to make huge profits  
13 on their right, right?

14 A Yes. I would think that's correct.

15 Q Okay.

16 MR. LITTLEFIELD: Thank you.

17 MR. HARRIS: Mr. Carrington.

18 BY MR. CARRINGTON:

19 Q Did your gang ever engage in any of these  
20 federal ripoffs, where the Federal Government was liter-  
21 ally paying money, hundreds of thousands of dollars, to  
22 gangs to keep out of trouble?

23 A Well, I want to understand you clearly, you  
24 know. You said, "my gang".

25 I have no gangs that have done that. I would

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1 say -- I don't want to answer that in it's total.

2 I'd like to just say I've known gangs that  
3 have done that.

4 Q Okay. I don't know if you want to pursue  
5 the answer to this one. I'll ask it anyway. Feel free  
6 not to answer.

7 A Okay.

8 Q The gangs that did do it, is there any doubt  
9 in your mind that this was just the purest kind of  
10 ripoff? I mean, was there ever any intention to use  
11 the federal money for the purpose it was ostensibly  
12 granted for?

13 A I think initially, yes. But, with the wrong  
14 influences that were coming from, maybe, community organ-  
15 izations, or whatever, or those who were liberals that  
16 came in, etcetera, it got lost along the way as to why  
17 the money was given and it began to be used for other  
18 reasons.

19 Q Finally, was there any single type of law  
20 enforcement effort, such as an aggressive gang intelli-  
21 gence unit, or any kind of more or less formal effort  
22 to deal with gangs that put fear into you -- that the  
23 police are on the right track to get us, type of thing?

24 A Well, there were, yes, gang intelligence units  
25 established. No, they didn't put fear in me, and, I

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1 assume, in others. But, I think it sort of like fused  
2 the situation even more. It's like fighting fire with  
3 fire.

4 MR. CARRINGTON: Thank you, sir.

5 THE WITNESS: You're welcome.

6 MR. HARRIS: Mr. Armstrong.

7 BY MR. ARMSTRONG:

8 Q Mr. Witness, let me thank you for coming here  
9 today. I can't see you, and you can't see me, I don't  
10 presume. But, I want you to know that I'm a prosecutor,  
11 and I'd like to ask you about the system that you've  
12 spent some time in for your life.

13 I think you've testified you've committed a  
14 number of crimes, and you spent some 8 years in peniten-  
15 tiaries. Were those penitentiaries you served in in  
16 Illinois or surrounding states in the Midwest?

17 A Illinois.

18 Q Were you on parole, or did you do the 8 years  
19 consecutively?

20 A Consecutively.

21 Q Then, I presume you were released on parole?

22 A I'd rather not answer that.

23 Q When you were in the juvenile system were you  
24 assigned a protective service worker or a social worker  
25 to assist you between your visits to the Court?

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1 A In my particular case, I don't recall anything  
2 like that. I've known that it had exist. I saw the  
3 Judge, and he sent me away.

4 Q Let me be more specific. In the juvenile  
5 system you were placed on probation allowed to remain  
6 in the community?

7 A Okay. Yes.

8 Q And you were assigned a social worker during  
9 that time?

10 A Probation Officer.

11 Q Probation Officer. How effective, and how  
12 much assistance was that probation officer to you?

13 A Well, I think he probably could have been very  
14 effective, but I never allowed it. By that, I mean,  
15 I really never exchanged what I was really doing with  
16 him.

17 Q You obviously committed other crimes while  
18 on probation?

19 A Yes.

20 Q Probation, then, is not a deterrent to the  
21 subsequent commission of crime, would you say?

22 A In some cases. I would say in some cases it  
23 may be.

24 Q Maybe I didn't hear your answer. I believe  
25 Mr. Harris asked you where you obtained the street

1 drugs, your gang obtained the street drugs?

2 A Yeah, I told him that I didn't know the source.

3 Q The hits that were contracted for by your  
4 gang, were they contracted by adults or other gangs?

5 A Well, adults are in other gangs, too, so are  
6 you asking me are adults in other gangs? I don't under-  
7 stand the question.

8 Q All right. Let me repeat it. When you were  
9 a juvenile and you were contracted as a juvenile, or  
10 your gang juveniles were contracted, were they contracted  
11 for the killings by adults?

12 A Right.

13 Q If you had the authority to redesign the  
14 juvenile justice system to become a deterrent towards  
15 future juvenile offenses, what would you design that  
16 system to be? Do you understand that question?

17 A Yes; I understand it correctly.

18 Well, first of all, I probably would establish  
19 an incentive that would allow the youth to proceed  
20 in getting an education, or some vocational training.  
21 And I would probably, those who have no record, whatso-  
22 ever, or never been involved in crime as far as our  
23 knowledge, try to do some evaluations to see what the  
24 potentiality of them being criminals, or whatever, is.  
25 And, probably, take them and put them into a minimum

1 situation where they would not come in contact more so  
2 with those who have been repeating cases or part of  
3 the rescidivist rate that constantly goes in and out  
4 of the Departments of Corrections, or whatever, Juvenile  
5 Department.

6 And set up some type of programs with the  
7 parents and also with the juvenile to help them under-  
8 stand the alternatives that are in life for them, as  
9 opposed to the one that they have made -- been made to  
10 believe, or pressed to believe, only exists.

11 MR. ARMSTRONG: Thank you.

12 THE WITNESS: You're welcome.

13 MR. HARRIS: Professor Wilson.

14 BY MR. WILSON:

15 Q I think, Mr. Witness, I'm your last questioner.  
16 Thank you for your patience.

17 Did you ever have a job in the straight  
18 society?

19 A Street society?

20 Q Straight society. In the conventional world,  
21 were you regularly employed at any time during your gang  
22 life?

23 A Not during my gang life.

24 Q If you wanted to find a job, would you have  
25 been able to find one?

1 A Possibly, yes, at that time.

2 Q Did you have any interest in looking for one,  
3 or did you prefer the life you were leading?

4 A I preferred the life I was living.

5 Q Was there anyone who you felt was in the gang  
6 for economic reasons, that is to say they could not have  
7 survived economically outside the gang for lack of other  
8 means of employment?

9 A Well, yes, there were a few cases of that  
10 but not many.

11 MR. WILSON: Thank you.

12 MR. HARRIS: Mr. Witness, we thank you very  
13 much for your cooperation today. Your answers have been  
14 very enlightening.

15 We will now take a 5-minute break while we  
16 set up for our next witness.

17 Thank you very much.

18 THE WITNESS: You're welcome.

19 (Recess.)

20 MR. HARRIS: Our next witness is the Honorable  
21 Richard M. Daley, who is State's Attorney for Cook  
22 County, Illinois.

23 Mr. Daley, we are very pleased to have you  
24 with us today. If you would care, for the record, to  
25 introduce the people with you at the table.

1 MR. DALEY: We thank you very much. Cathy  
2 Ryan is the Supervisor of the Juvenile Division in Cook  
3 County and Larry O'Gara is Chief of the Criminal  
4 Prosecutions Bureau of the State's Attorney's Office.

5 STATEMENT OF RICHARD M. DALEY,  
6 STATE'S ATTORNEY, COOK COUNTY,  
7 ILLINOIS: ACCOMPANIED BY:  
8 CATHERINE RYAN, SUPERVISOR,  
9 JUVENILE DIVISION, AND LARRY  
10 O'GARA, CHIEF, CRIMINAL PROSECUTIONS  
11 DIVISION.

12 MR. DALEY. It's a pleasure to speak before  
13 distinguished members of the Attorney General's Task  
14 Force on Violent Crime.

15 There is no greater issue concerning the people  
16 of this country than crime. And we are fortunate to talk  
17 about juvenile crime. And, I would specifically talk  
18 about violent juvenile crime.

19 And I think it's really an honor to have a  
20 hearing in Cook County, for the nation's first Juvenile  
21 Court was established in 1889 in Cook County. It was  
22 non-adversarial, non-punitive. It was an agency to  
23 cure problems unique to minors. It was devoting its  
24 attention to the rehabilitation of youngsters in trouble,  
25 rather than the infliction of punishment for illegal acts.

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1 That was in 1889. How well does the juvenile  
2 justice system function today?

3 I would like to consider 3 areas: First, the  
4 huge caseload; secondly, a reluctance to take the neces-  
5 sary steps to protect society and ensure the punishment  
6 of juveniles who commit violent crime; and, thirdly,  
7 the difficulties of keeping dangerous youngsters under  
8 the supervision of the Illinois Department of Correc-  
9 tions.

10 First: The Caseload. Last year, in Cook  
11 County, 7 judges heard 12,000 petitions in the Juvenile  
12 Court system. At the end of last month, this year,  
13 each judge faced an average active caseload of 1,161,  
14 as compared to the Criminal Division of Cook County  
15 Circuit Court with 47 judges who hear about 115 felony  
16 trials. There are 3 prosecutors assigned to those  
17 courtrooms, and that is manageable. It is only 1/10th  
18 of the caseload of the average Juvenile Court.

19 During the first 6 months of my administration,  
20 we have increased the number and the level of experienced  
21 prosecutors in Juvenile Court. For the first time in  
22 the history of that Courtroom, we have put 4 top felony  
23 trial lawyers within that Division. We have placed 15  
24 summer clerks to ease the backlog, to analyze ways to  
25 improve the operation of that Division.

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1 This new attention is already having an impact  
2 on the judiciary, the youthful offenders, and the com-  
3 munity.

4 I suspect this staggering burden is common  
5 in major urban areas throughout our country.

6 What can the Federal Government do?

7 I believe the Federal Government can work with  
8 the local authorities. Local governments will continue  
9 to devote whatever resources they can in regards to  
10 money.

11 And I understand the Reagan Administration's  
12 fight against inflation. However, I believe the failure  
13 of the Federal Government to continue to help law en-  
14 forcement agencies with funds to fight crime, especially  
15 juvenile crime, would not only be a false economy but  
16 also a great disservice to our society.

17 And, secondly, we have to be tough with  
18 violent juveniles.

19 As you know, in Illinois, the Juvenile Court  
20 maintains jurisdiction in which a person 16 years of  
21 age or younger is involved.

22 Under the Juvenile Court Act, it is possible  
23 to transfer the case of a minor 13 years of age, or older,  
24 to the Criminal Court for prosecution if the Court finds  
25 "it is not in the best interests of the minor or the

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1 public to proceed" under the Juvenile Court Act.

2 In the past, this transfer provision was  
3 rarely resorted to in Cook County. In 1980 there were  
4 a dozen transfers. That means 1 out of 1,000 cases  
5 were transferred. In 1981, already we are transferring  
6 a large group of cases over to the Felony Court Division.

7 I point out that the victims of violent crime  
8 in the Juvenile Court system are mainly young or old.  
9 This is true all over the country.

10 I have made proposals, as a State's Attorney,  
11 to the General Assembly, when a serious violent offense  
12 takes place -- murder, Class X felony, or Class 1  
13 felonies -- that there be automatic transfer of these  
14 cases from the Juvenile Court to the Adult Court Division.  
15 It has already been in effect in New York since 1978.  
16 They are reviewing the results there.

17 But, I think they're important, on a way, that  
18 we will treat violent offenders in a serious way.

19 We also look at the number of examples that  
20 we take place in this year alone. An example, just re-  
21 cently, we had a case in Juvenile Court. We requested  
22 to transfer the case of a 15-year-old who confessed to  
23 a double murder, for which there were 6 eyewitnesses.  
24 The request was denied, incredibly. The Judge ordered  
25 the release of the juvenile to the custody of his parents,

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1 despite the testimony of a psychologist, a psychiatrist,  
2 that the youngster is extremely dangerous and could kill  
3 again.

4 There are many examples in our system.

5 I believe that the Task Force -- We would re-  
6 quest that research funds from the Federal Government  
7 be directed to the question of the effects of the  
8 transfer of juvenile cases to adult criminal courts.  
9 I think it would be worth the money from the Federal  
10 Government.

11 Thirdly, I would like to make a point: Even  
12 when juveniles are found to have committed serious  
13 felonies, whether by a Criminal or Juvenile Court, they  
14 can expect to spend at most only a brief period of time  
15 in a correctional facility.

16 Under Illinois law, if they are found guilty  
17 in Juvenile Court, they cannot be confined to an insti-  
18 tution beyond their 21st birthday.

19 These figures do not begin to tell the whole  
20 story. However, the premature parole of juveniles from  
21 the Illinois Department of Correction is a serious prob-  
22 lem, and, I believe, throughout the country.

23 Those who are sent to the Department of Correc-  
24 tions are the most hardened of the hardened juvenile  
25 offenders. Yet, they only serve about 9.5 months for

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1 those violent crimes.

2 Part of this open door policy is due to the  
3 action of the Parole and Pardon Board, which considers  
4 proposed parolees from the Department of Corrections  
5 from the 8 juvenile centers.

6 I have directed the Juvenile Division of my  
7 office to vigorously oppose unjustified proposed releases  
8 of dangerous juveniles back into the community.

9 And, just 5 examples I would like to point out:

10 The first example was last June, a delinquent  
11 act of aggravated battery: A 16-year-old fired a .22  
12 caliber weapon at his 19-year-old victim, hitting him  
13 in the shoulder, stomach, and both legs in a gang-  
14 related case.

15 According to the reports of the Department of  
16 Corrections personnel, during his first 6 months in con-  
17 finement, he was unable to control his temper. However,  
18 he reportedly has made some progress in this area. The  
19 Department of Corrections youth counselor wants to return  
20 this youngster to his parents, where presumably he would  
21 réjoin his gang, the Latin Kings.

22 I deplore the fact that this neighborhood may  
23 have to find out the hard way whether or not he has been  
24 reformed.

25 And, again, it points out the need for some

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1 form of gun control in our society, anyway.

2 Another example is a 15-year-old committed to  
3 the Department of Corrections for the delinquency  
4 offense of aggravated battery against a 28-year-old  
5 female paramedic, hitting her over the head and face  
6 with a hammer. He escaped one month later; last March  
7 he was arrested by the Chicago police officers. Yes,  
8 he has been busy. In fact, he has been arrested on the  
9 charge of unlawful use of a weapon, was found guilty  
10 as an adult, and was placed on an 18-month probation  
11 as an adult, under assumed name.

12 All in all, he has spent approximately 4 months  
13 in the Department of Corrections since his original  
14 commitment. And, yet, he is before the Parole and  
15 Pardon Board for possible lawful release into the  
16 community.

17 Another example, that happened in 1977, a  
18 4th juvenile, the age of 16, deliberately and without  
19 provocation killed a 17-year-old, who he mistakenly  
20 believed to be a member of another rival gang.

21 After his confinement to the Department of  
22 Corrections, he escaped for 18 months, and was returned  
23 to Illinois after being arrested in Texas for the pos-  
24 session of a stolen vehicle. He was returned to the  
25 Department of Corrections in June of 1980.

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1 In short, he has spent half of the 4 years  
2 in the Department of Corrections after being committed  
3 for murder, and he has spent the other half of this time  
4 on the lam and committing a new offense.

5 Again, we are opposing his early release.

6 And, finally, the 5th juvenile, at the age of  
7 16-years-of-age, was committed to the Department of  
8 Corrections last January with the juvenile offense of  
9 voluntary manslaughter, where he stabbed his 19-year-  
10 old victim with a knife.

11 Yet, the Parole and Pardon Board must decide  
12 whether to release him only after 5 months after he  
13 was found delinquent for voluntary manslaughter.

14 Again, we oppose this.

15 These are just 5 examples in 1 week. I could  
16 go on, and on, and talk about the number of early re-  
17 leases that we have in Illinois.

18 A tight release review procedures must be  
19 assured for these dangerous juveniles. It is too early  
20 to know how the Parole and Pardon Board will respond to  
21 my office request to keep these juveniles confined.

22 Perhaps they will not be released, and I hope  
23 so.

24 It is important that the Illinois Department  
25 of Corrections is full and on its way, in order to be

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1 able to keep its population down and to discharge these  
2 dangerous juveniles. Which is a bad precedent, which  
3 is happening in the adult facility now as well as the  
4 juvenile facility.

5 I would like to point out that my 3 main  
6 concerns about the juvenile justice system in Cook  
7 County is:

8 First, it is terribly overburdened. In light  
9 of its limited resources, the federal assistance is  
10 essential.

11 And, secondly, better ways must be found to  
12 deal with a violent criminal juvenile. The Federal  
13 Government can help those of us involved in law enforce-  
14 ment to develop new approaches to combat this menace.

15 And, thirdly, I believe that the Federal  
16 Government can support for the expansion of inadequate  
17 state correction facilities for dangerous youthful  
18 offenders is essential if we are to make our communities  
19 more decent places to live and to work.

20 As Charles Silberman, who stated in the  
21 Criminal Violence and Criminal Justice book, he stated  
22 that: "The problem is not that Juvenile Courts are too  
23 lenient, but they are too lenient towards the wrong  
24 people." They are too lenient towards the violent  
25 juvenile offenders.

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1 Only when the juvenile justice system possesses  
2 adequate resources to handle the immense volume imposed  
3 on it -- which means, in part, the resources and the  
4 frame of mind to ensure the appropriate punishment for  
5 youngsters who commit violent crimes -- only then can  
6 victims and witnesses and communities be expected to  
7 come forward. And then we can expect to see some reduc-  
8 tion in these criminal activities.

9 The staggering problems of the Juvenile  
10 Court system must confront and are faced by the court  
11 system and the law enforcement generally, I would say  
12 that it's most important that we receive some form  
13 of federal assistance in order to work cooperatively  
14 with the courts in law enforcement in Cook County.

15 Thank you.

16 MR. HARRIS: Thank you, Mr. Daley.

17 Judge Bell.

18 MR. BELL: Yeah. Yes, Mr. Daley, I have 2 or  
19 3 questions.

20 On a juvenile, even though they may have been  
21 a -- find they've committed murder, at age 17 would  
22 automatically be released at age 21.

23 If they're transferred and treated as an adult  
24 defendants, would they serve the full time -- whatever  
25 term was imposed?

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1 MR. DALEY: They serve the same amount of  
2 time, a standard juvenile facility.

3 MR. BELL: They would. That's all?

4 MR. DALEY: Yes, right.

5 MR. BELL: Even though they're --

6 MR. DALEY: Charged as adults.

7 MR. BELL: -- tried as adults?

8 MR. DALEY: No. They would serve the time  
9 as an adult, but they would be placed, up to 21, in  
10 a juvenile detention center.

11 MR. BELL: Yeah, that's right.

12 MR. DALEY: Then, after that, they would go  
13 to an adult facility far earlier.

14 MR. BELL: Right. That's good. That's the  
15 answer I was seeking.

16 Now, you have 1,100 state-operated juvenile  
17 prison beds, according to your testimony. 60 percent  
18 of those 660 are usually occupied by --

19 MR. DALEY: Yeah, most of them --

20 MR. BELL: -- juveniles from Cook County.

21 MR. DALEY: That's right.

22 MR. BELL: Is there anything in the Illinois  
23 law that would prohibit Cook County from building its  
24 own facility -- if you needed a facility? I know in  
25 my state some counties, at least 1 or 2, have built

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1 juvenile facilities.

2 MR. DALEY: No, the responsibility is of the  
3 state.

4 MR. BELL: I understand that.

5 MR. DALEY: Yeah.

6 MR. DALEY: But if you couldn't get the state  
7 to do it, I guess you could build one of your own.

8 MR. DALEY: Well, we have found out, you know,  
9 they are trying to close some of the juvenile facilities  
10 in Illinois.

11 We have the early release problem. You have  
12 it in the adult facility, sending out murderers, and  
13 rapists, and violent offenders back in the community,  
14 it's happening to the juveniles.

15 But the saddest thing is that juveniles know  
16 that they can get away with it.

17 MR. BELL: Oh, sure.

18 MR. DALEY: So, you serve 4 months.

19 MR. BELL: Sure.

20 MR. DALEY: And what we're really doing -- it's  
21 the sad part, I believe, that rehabilitation can take  
22 place in a juvenile detention center much better than  
23 an adult facility.

24 I mean, you're taking this 14, 15-years-old  
25 into a juvenile detention center through high school,

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1 maybe college.

2 MR. BELL: I notice you recommend that Illinois  
3 pass legislation to require the automatic transfer --

4 MR. DALEY: Right.

5 MR. BELL: -- of juveniles --

6 MR. DALEY: Right.

7 MR. BELL: -- to adult courts for certain  
8 violent crimes.

9 MR. DALEY: Right.

10 MR. BELL: And you point to New York as having  
11 passed such a law in 1978.

12 Is -- and I assume you have something like a  
13 preliminary hearing, where if somebody wanted to contest  
14 the transfer, how do they do that?

15 MR. DALEY: No. They automatically transfer  
16 them for certain crimes. We are recommending murder,  
17 Class X felonies, violence over victim in certain Class 1  
18 felonies and in 3rd time offense.

19 MR. BELL: If you --

20 MR. DALEY: That would be automatically, without  
21 any hearing, over to the Adult Court.

22 MR. BELL: And any hearing would take place  
23 after that?

24 MR. DALEY: Oh, yeah.

25 MR. DALEY: If you want to contest it, you'd

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1 do it there.

2 MR. DALEY: You could have it in preliminary  
3 hearing, right.

4 MR. BELL: Right.

5 Now, on the Illinois law at the present time  
6 where you say this juvenile jury has turned out someone  
7 who has committed 5 murders, or 6 murders.

8 MR. DALEY: 2.

9 MR. BELL: 2 murders.

10 MR. DALEY: 2 brothers.

11 MR. BELL: 2 brothers, and then released him  
12 immediately --

13 MR. DALEY: That's right.

14 MR. BELL: -- to the parents. Is there any-  
15 thing you could do about that? I mean, is there --

16 MR. DALEY: Well, we are appealing -- We are  
17 presently appealing that ruling.

18 MR. BELL: You could appeal it?

19 MR. DALEY: Yes, we are.

20 MR. BELL: Could you file a mandamus proceed-  
21 ing against the juvenile jury?

22 MR. DALEY: There is a mandamus proceeding  
23 already.

24 MR. BELL: All right. Thank you.

25 MR. HARRIS: Mr. Littlefield.

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1 MR. LITTLEFIELD: Yes. Mr. Daley, with re-  
2 spect to the transferring someone 13 or older to adult --

3 MR. DALEY: 14. 14 is the age.

4 MR. LITTLEFIELD: Or, 14, it is. Is that  
5 request initiated by the prosecution, or by the proba-  
6 tion officer, or the Judge? Who initiates the request  
7 to transfer the juvenile to Adult Court?

8 MR. DALEY. We are requesting it, as the  
9 Prosecutor on behalf of the People.

10 And there's no particular laundry list of  
11 offenses right now that you have to do it. It's just  
12 if it's for the best interest to the minor -- or not  
13 in the best interest of the minor.

14 MR. BELL: Right. I see.

15 And is one of the reasons that these persons  
16 are being released, that you mentioned, the fact in  
17 that your Corrections Department had to use the rule of  
18 one in and one out, that for every one you put in, you  
19 have to let somebody out --

20 (Laughter.)

21 MR. BELL: -- is that one of the reasons?

22 MR. DALEY. Well, I don't know what the reason  
23 is. It's a sad comment to say when you have a violent  
24 crime that takes place that the person is released in  
25 6 months back into a community.

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1 Again, this idea, we have to move the beds  
2 out. I think the best interests of the child is for  
3 rehabilitation, and it can't be in 6 months. That is  
4 the best interests of the child.

5 MR. BELL: And, have you had any experience  
6 in your office with respect to the fact that it's more  
7 difficult to prove an adult guilty in a Criminal Court  
8 than to find -- or sustain a Juvenile Court petition  
9 in Juvenile Courts?

10 MR. DALEY: It's the same burden of proof and  
11 felony prosecuting.

12 MR. BELL: Well, I recognize. But, I mean,  
13 as a practical matter.

14 MR. DALEY. No. Well, I think, again, we  
15 get back to a belief that some people just don't believe  
16 that violent crime is taking place by juveniles. It's  
17 a belief that: Well, it's only the first murder --  
18 that's a good example -- It's only the first murder.  
19 Or: Well, it was just a rape; he's only 14. And, so,  
20 it's armed robbery; he only did it once.

21 That's it, it's only once. And the sad problem  
22 is we, as a prosecutor, then see this child in about  
23 3 more years he will come back into the adult system.  
24 And that's the saddest thing to see.

25 Because, after 4 years, if he gets out in 6

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1 months, we get him back in 2 or 3 years. And then,  
2 again, we sentence him down to the Department of Cor-  
3 rections for equal to the violent crime.

4 MR. BELL: Are you aware of the experiences  
5 of some prosecutors who have a law where they may  
6 transfer juveniles to Adult Court that they have to  
7 use a selective transfer that if the transfers -- or  
8 seek to have some cases transferred to Adult Court,  
9 they're going to lose them in Adult Court. They'd rather  
10 keep them in Juvenile Court, where they're going to get  
11 a better chance to have a conviction sustained.

12 MR. DALEY: Well, no, I have found out that  
13 out in the New York experience they say is that now  
14 they're treating violent juvenile offenders as a serious  
15 crime. Before it was: Well, it's just, you know, it's  
16 a juvenile.

17 Now, the community is treating it. And I  
18 have been out in many communities. They are more aware  
19 than anybody else. They want to know what we can do  
20 to keep that violent juvenile offender out of their  
21 block or their community who has committed that violent  
22 crime. They are more concerned than maybe any of us  
23 here.

24 Thank you, Mr. Daley.

25 MR. HARRIS: Mr. Edwards.

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1 MR. EDWARDS: No questions.

2 MR. HARRIS: Chief Hart.

3 MR. HART: I have one question, Mr. Daley.

4 You're concerned about early release. Who  
5 have the authority to make the early release? Do the  
6 Corrections people or the Department of Social Service  
7 in Illinois, or whatever you call it?

8 MR. DALEY: The Department. It's Prison  
9 Review Board.

10 MR. HART: I see. Then if you have a problem  
11 of early release, probably have the same problem as  
12 Michigan.

13 Once they walk away, they don't bother to even  
14 notify you. The first time you find out is when they  
15 commit another crime, is that --

16 MR. DALEY: Well, we are getting a better re-  
17 lationship from our office with the Department of  
18 Corrections. You know, this has existed for a long time.  
19 They're, you know, in the whole prison system. So, it's  
20 not, you know -- But, we are getting a much better work-  
21 ing relationship with the Department of Corrections  
22 under the, you know, new Superintendent just appointed  
23 by Governor Thompson.

24 MR. HART: Then what you've said mainly here,  
25 as most people who have made a presentation on juvenile,

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1 we'll just have to get serious about serious, violent  
2 juvenile offenders.

3 MR. DALEY: That's right.

4 MR. HART: And separate them from the people  
5 who are on the peripheral, but the leaders, the hardcore,  
6 have to be put away for some certain period of time.

7 MR. DALEY: That's right.

8 And, I think it's to the best interest of  
9 the child. Rehabilitation can work in a juvenile  
10 detention center. At least, it can be opportunity,  
11 or rather than leaving him out on the streets.

12 And to have Juvenile Court for its original  
13 purpose, to help nonviolent offenders.

14 We see it, and Cathy sees it more. The kids  
15 know better than us. They get away with it. Well, you  
16 can get away with a murder; you can get away with a  
17 rape; armed robbery is just -- just ain't a law.

18 And when they have that attitude, the saddest  
19 thing is we get 'em when they are adults. And that's  
20 what's happening. They have no, say, belief of any  
21 punishment for a violent act.

22 MR. HART: Okay. I agree with you.

23 Thank you very much.

24 MR. HARRIS: Mr. Carrington:

25 MR. CARRINGTON: Mr. Daley, you know as a

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1 prosecutor, and I know as a former policeman, if a  
2 policeman who is out on the street working under the  
3 acknowledged pressures of police work, making their  
4 decision on the spur of the moment, if he makes an  
5 arrest that is subsequently found to be without probable  
6 cause; or he makes a search that subsequently is found  
7 to be illegal, he can be, and quite often is, sued for  
8 either a civil rights violation or false arrest, or  
9 illegal search and seizure.

10 The system makes the policeman accountable.  
11 Coming to your first example of the 16-year-old,  
12 the aggravated assault that shot the guy 5 times, this  
13 youth corrections counselor has many more advantages  
14 than the policeman. He's probably better trained, at  
15 least for that specific thing. He has all of the  
16 psychiatric record before him.

17 And, yet, here you say that he wants to  
18 release a person and there is a very high likelihood  
19 that this kid may injure or kill somebody.

20 Why should the policeman be held accountable  
21 under the law for his conduct and the youth corrections  
22 officer not be held accountable? Should we address our-  
23 selves to the idea that if somebody wants to take a  
24 chance with society to the extent that apparently this  
25 youth corrections officer does, that he could be held

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1 accountable like the policeman?

2 MR. DALEY. Oh, I think everybody in the  
3 criminal justice system should be held accountable,  
4 regardless of what profession they're in.

5 MR. CARRINGTON: But, legally, could he be in  
6 Illinois? We know the policeman can be sued. I thought  
7 that there is immunity provision in the Illinois code  
8 that --

9 MR. DALEY: Well, yeah, I think in Illinois  
10 law I believe they could be immune. I don't think they  
11 can be sued.

12 MR. CARRINGTON: Okay. I think --

13 MR. DALEY. But, the way --

14 MR. CARRINGTON: I think we ought to examine  
15 this immunity doctrine.

16 MR. DALEY: That's -- Yeah, that's -- Because  
17 we see it. This 16-year-old maybe needs better rehabil-  
18 itation purposes. I mean, it's not in 6 months. I mean,  
19 that youngster who has taken that .22 and has fired it  
20 a number of times needs help. And, we don't want -- I  
21 don't want to get him back on the street and put him  
22 in for a more violent crime for another 20 years.

23 What we have done is we have failed him.

24 MR. CARRINGTON: I'm not thinking so much for  
25 the benefit of the shooter, but in the mind of the

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1 youth correction officer that now wants to cut him  
2 adrift, what could we do to make him think twice before  
3 he will make such a risky decision, risky for society?

4 MR. DALEY: Why, first of all, is to publicize,  
5 of course, decisions like this -- say, an early release  
6 of an individual.

7 Also, I have taken a public position to support  
8 more facilities for juvenile detention centers and  
9 adult facilities in Illinois supported by Illinois  
10 taxpayers, and, if possible, with the help and assistance  
11 of the Federal Government.

12 We need more facilities. The longer you wait,  
13 the worse off it's going to be.

14 MR. CARRINGTON: I agree we need more facili-  
15 ties. I just -- I'm trying to get at what can be done  
16 at the level of the decisionmaking. I don't know what  
17 the answer is. I'm just seeking your help.

18 MR. DALEY: Maybe just keeping a track record  
19 of the youth counselor in regards to his decisions, or  
20 their decisions in regards to these releases.

21 MR. CARRINGTON: Thank you, sir.

22 MR. DALEY: And how they substantiate in that  
23 they've had -- Have they had psychiatric help, has that  
24 child had educational help, you know, things like that,  
25 in the juvenile detention center?

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1 MR. CARRINGTON: Thank you.

2 MR. HARRIS: Mr. Armstrong.

3 MR. ARMSTRONG: Mr. Daley, let me commend you  
4 for your legislative effort that you're making in this  
5 area of transferring the more violent youthful offenders  
6 to the adult courts.

7 I'd like to ask you one question in that  
8 regard: Are you going to include crimes that involve  
9 handguns in your legislative package?

10 MR. DALEY: It would include all of them.  
11 Anything -- any, you know, under the Class X felony  
12 and Class 1, it would be, you know, anything committed  
13 with a gun. And, which is very common.

14 In Juvenile Court the juveniles having hand-  
15 guns is just so high. You know, it's an everyday oc-  
16 currence. Whether, or not, they will come into the  
17 juvenile courtroom. They usually stay outside of the  
18 facility. That has been our experience, and Cathy's,  
19 over the years.

20 MR. ARMSTRONG: I don't know if you were  
21 here to hear the testimony of the preceding witness,  
22 the former gang leader. The gang phenomenon in the  
23 Chicago, Cook County area, how much would you say  
24 accounts for your caseload in Juvenile Court, if you  
25 know?

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1 MR. DALEY: Oh, they -- You know, the gangs  
2 are the Mafia, you know, of the future. They are the  
3 Mafia. That is, they are not a group of kids on the  
4 corners. They use juveniles. And we just indicted 2  
5 adults for the use of a juvenile in 2 murder cases.  
6 They use a 14, 15-year-old to commit a murder, a hit.  
7 They know it's going to be treated, you know, a early  
8 release, or they get 9 months.

9 They use juveniles for a lot of their violent  
10 crime. They are sophisticated. They have the best  
11 attorneys. They are involved in narcotics, with  
12 organized crime.

13 So it's not a -- It's not new across our  
14 country. They are taking the role of organized crime.

15 MR. ARMSTRONG: I noticed --

16 MR. DALEY: And they are responsible for the  
17 majority of violent crime -- hits, murders.

18 We put a new Gang Unit, with 7 experienced  
19 prosecutors. Our of the first 100 cases, 75 percent are  
20 murder cases, right out murder cases. So that they --

21 And they're not just in the city. Suburban  
22 area, we had meetings of the 20 Police Chiefs, about  
23 20 of them in the suburban area. They are active in  
24 forest preserves for narcotics activity. They control  
25 a lot of the pushers in Cook County.

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1 MR. ARMSTRONG: Perhaps the Superintendent  
2 of your Police Department will have these answers.  
3 But, have you given any thought, as a newly elected  
4 District Attorney, to how you could design a program,  
5 something of a fast track, hard career criminal-type  
6 program to deal with juvenile offenders, violent juvenile  
7 offenders within the system?

8 Have you given any thought, and if you have,  
9 fine, we'd like to hear those. Of course, if not ---

10 MR. DALEY: Well, Cathy.

11 MS. RYAN: What we have begun to do is to  
12 identify those juvenile offenders whom we find to  
13 be repeaters, violent offenders, and, particularly, if  
14 they seem to have a gang affiliation. And to  
15 specifically direct our resources -- namely, our State's  
16 Attorneys and other personnel -- to prosecute these  
17 juveniles so that we can make sure that they first of  
18 all are found delinquent.

19 The difficulty we have is that we find we're  
20 using a disproportionate amount of our resources for  
21 these juveniles who seem to account for 1 or 2 percent  
22 of the delinquent population in our Court.

23 MR. ARMSTRONG: Fine. Thank you for an  
24 excellent presentation.

25 MR. HARRIS: Thank you all very much,

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1 Mr. Daley. Thank you all for coming. We appreciate  
2 your taking the time from your busy schedules to be  
3 here today.

4 MR. DALEY: Thank you very much.

5 MR. HARRIS: Thank you.

6 Our next witnesses are from the Chicago Crime  
7 Commission and we're pleased to have the Honorable  
8 Philip Wayne Hummer, who is the President of the Chicago  
9 Crime Commission and Patrick F. Healy, the Executive  
10 Director.

11 Gentlemen, welcome.

12 STATEMENT OF PHILIP WAYNE HUMMER,  
13 PRESIDENT, CHICAGO CRIME COMMISSION.

14 MR. HUMMER: Thank you very much. My name is  
15 Philip Hummer. I am a stockbroker by occupation. And  
16 I am also President of the Chicago Crime Commission.

17 The Chicago Crime Commission was organized  
18 62 years ago. It's a nonprofit, nonpartisan civic  
19 organization whose primary function is to act as a  
20 watchdog over the Cook County criminal justice system,  
21 and to ensure efficient and effective performance of  
22 that system.

23 The Commission has been responsible for many  
24 major improvements over the years in the Chicagoland  
25 criminal justice system. I welcome the opportunity to

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1 appear before this Task Force to comment on the two  
2 topics to be considered: Juveniles and Victims and  
3 Witnesses.

4 These issues go to the heart of our criminal  
5 justice system. The future of the nation is built on  
6 its youth. The enforcement of its laws is dependent  
7 upon the cooperation of victims and witnesses.

8 Although violent crime is a primary concern  
9 of our citizens, it is not the major problem facing law  
10 enforcement.

11 In the Chicagoland area between 1970 and '80,  
12 the incidents of violent crime was less than 3 percent.  
13 Violent crime represented only 11.4 percent of the total  
14 incidents of indexed crimes -- of all indexed crimes  
15 in that period.

16 The challenge of professionalism, careerism,  
17 and supporting resources is still the main problem facing  
18 law enforcement.

19 Despite the public outcry over crime, most  
20 citizens do not feel the urgent need to work to upgrade  
21 law enforcement. Most do not realize that crime costs  
22 every man, woman, and child at least \$750 per year.

23 The latest research information reveals that  
24 last year 1 in 3 households was the victim of some  
25 criminal act. Because of the fear of crime, many more

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1 people are virtual prisoners in their homes.

2 This situation must be addressed by the com-  
3 munities themselves. It cannot be foisted upon the  
4 Federal Government as being its problem.

5 We hope you will consider in these hearings  
6 across the country the principle that it is the primary  
7 duty of local government to fight crime. We strongly  
8 feel that local control is essential, if there is to  
9 be any type of lasting solution to the crime problem.

10 The position of the Federal Government must  
11 handle, or underwrite, the battle against crime has been  
12 for years a major handicap, and has kept the system  
13 from working at its maximum efficiency.

14 I would think that after 9 years and \$9 billion  
15 we have learned our lesson that we should not consider  
16 another LEAA concept. This has only delayed recognition  
17 of local government's responsibility.

18 We think Chicago can be proud of the advances  
19 that it has made in its criminal justice system, and I  
20 have asked our Executive Director, Patrick Healy, to  
21 highlight some of these advances in his testimony.

22 We feel that the gains that we have made are  
23 reflected in the crime statistics, novel approaches to  
24 programs, and programs to fight court delay.

25 The attention that's been given to the criminal

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1 justice system, the building of one of the most modern  
2 jails in the country, the advance training of its  
3 police force, and the providing of new and additional  
4 courtrooms.

5 Even with all of these accomplishments, much  
6 remains to be done in Cook County.

7 We would also petition the Task Force to  
8 address at an appropriate time what we consider one of  
9 the major problems facing law enforcement -- organized  
10 crime.

11 As I said earlier, the fear of violent crime  
12 is prominent in the public mind. But, as bad as it is,  
13 organized crime is a worse threat to the quality of  
14 life in the community. It is the type of crime that  
15 very few police departments are equipped to combat,  
16 and no jurisdiction that we know of has made an unquali-  
17 fied commitment to oppose it.

18 This is where the presence of Federal Govern-  
19 ment could be of most assistance.

20 Thank you for the opportunity to testify.  
21 The Chicago Crime Commission stands ready to be of all  
22 possible service to the Task Force.

23 And, I would now like to introduce Patrick  
24 Healy, the Executive Director of the Crime Commission.

25 Pat.

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1 STATEMENT OF PATRICK F. HEALY,  
2 EXECUTIVE DIRECTOR,  
3 CHICAGO CRIME COMMISSION.

4 MR. HEALY: Good afternoon, gentlemen.

5 In the interest of time, our statements have  
6 been submitted to the Commission. And we ask that they  
7 be made part of the records in the Proceedings.

8 MR. HARRIS: They will be.

9 MR. HEALY: And, as a result, I will tele-  
10 scope my testimony so we can move along.

11 I want to highlight, as the President has  
12 mentioned, some of the accomplishments of the Crime  
13 Commission.

14 We are familiar with the plight of the victims  
15 and witnesses, because for the last 40 years, the  
16 Chicago Crime Commission has been the only organization  
17 that we know of in the country that has taken the time,  
18 and effort to notify victims and witnesses concerning  
19 the return of felony indictments as to time of indict-  
20 ment, indictment number, court date, etcetera.

21 That entailed approximately 9,000 notifica-  
22 tions a year.

23 Another service we have is case watching.  
24 Calls come either from the public, or from the  
25 businesses concerning specific problems on cases. We

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1 send court watcher to the courtroom to watch that  
2 specific case. If there's a complaint on how it was  
3 handled, where the people are getting the short shift,  
4 we investigate and report back to them.

5 We have instituted a program for the last 2  
6 years to attack backlogs of cases. It was not uncommon  
7 to have a felony in the court calls in Cook County here  
8 for 5 years.

9 The program we instituted was what we called  
10 "The 10 Most Wanted Cases". We would take examples of  
11 10 cases in the court call of inexcusable delays. We  
12 would then list those cases, the judges, the nature of  
13 the charge, how many continuances, who made the con-  
14 tinuances, the name of the defendant, and send that around  
15 to the judges and to the news media.

16 The publication, alone, on that list was the  
17 results is astounding, if you'll notice the Exhibit,  
18 which is a part of my testimony.

19 It was a list that no one wanted to be on.  
20 As soon as the case appeared on the list, the Court moved  
21 the case. It had a very sobering effect.

22 As a result of that, we were instrumental in  
23 having a court rule passed that: When a case is on the  
24 ready trial status call, that in order to get a contin-  
25 uance, the lawyer must submit an affidavit under oath

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1 asking for a continuance. This enables us then to go  
 2 back and check the accuracy of the facts requesting a  
 3 continuance. And if the facts are not accurate, that  
 4 person can then be brought up on disciplinary hearings,  
 5 either before the bar, or ask the Court to hold them  
 6 in contempt for misstatement of facts.

7 Once, again, this has a sobering effect.

8 We are in the process right now of conducting  
 9 studies in the field of prostitution, shoplifting,  
 10 Juvenile Court, and gun prosecution. Not because we  
 11 think it's important, it's because citizen's groups  
 12 have come to us and asked us to look into those  
 13 situations.

14 As I said before, we are extremely involved  
 15 with victims and witnesses. As a result of that, we have  
 16 compiled a 6-year comparative study of crime in Chicago.  
 17 The filings, disposition, convictions, and imprisonments  
 18 are up. Chicago, I am proud to say, is not faced with  
 19 the crime wave that other large metropolitan areas are  
 20 faced with. We rank 53rd in cities of 100,000 and over.  
 21 And, for that, we are quite pleased.

22 We realize we have much to do. We also realize  
 23 we must be doing something right to enjoy that ranking.

24 We just got through with -- I won't go into  
 25 detail -- with the report of the Juvenile Court. But,

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1 we have noticed that some of those judges in Juvenile  
 2 Court as many as 1,000 cases on their call. As dedicated  
 3 as they are, and as modern as the facilities of the  
 4 juvenile court system here in Cook County is, that work-  
 5 load is just absolutely intolerable. You cannot work  
 6 with reasonable results in that type of workload.

7 When you consider that 12 percent of the  
 8 murders, 13 percent of the forceable rapes, 33 percent  
 9 of the robberies, 13 percent of the aggravated assaults  
 10 are committed by juveniles, that juvenile system deserves  
 11 more attention on behalf of Chicago.

12 When you consider 20 percent of the murder  
 13 victims are under the age of 20, it's time to reflect.

14 We are still proud to say that between 1975 to  
 15 '79, juvenile crime has gone down in Chicago.

16 Now, the only reason we mention these accomplish-  
 17 ments in the Chicago crime -- and those are just some  
 18 of the highlights -- everything that we have done has  
 19 been done without the assistance of federal money.

20 We have a policy of not receiving federal  
 21 grants. We do not want federal grants. We cherish our  
 22 independence, and our unbias is too much to ask for  
 23 federal money.

24 We try to cite these as examples of what  
 25 citizenry, and what localities can do if they wish to

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1 do.

2 We encourage other jurisdictions to replicate  
3 our efforts.

4 We would encourage this Committee to review --  
5 because it's our personal feeling that very little legis-  
6 lation is needed. In fact, no legislation is needed to  
7 fight crime. If anything, law enforcement has been  
8 saddled with so much legislation it's drowning.

9 You've got the Right to Privacy Law, The Free-  
10 dom of Information Act, the Bank Security Act; you got  
11 the Tax Reform Act; you got LEAA regulations. All of  
12 them, quite frankly -- and I'm mindful of the Constitu-  
13 tional restrictions and the rights -- have hampered law  
14 enforcement.

15 If this Commission wishes to do something con-  
16 structive, you should review the Right to Privacy Law;  
17 you should review the Freedom of Information Act, the  
18 Bank Security Act, the Tax Reform Act, and LEAA regula-  
19 tions; and strip away some of the extremes that these  
20 laws have taken us to.

21 Criminal intelligence is down. People are not  
22 speaking to each other; state will not speak to federal;  
23 federal will not share with state; they're all afraid  
24 of the exchange of information and the problems that flow  
25 from it. We encourage you to look into that, because

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1 it must be up and running before we can become success-  
 2 ful. I think it's evident to this Commission that over  
 3 9 years the passing of laws, and the throwing the money  
 4 at crime has not been successful. Crime is going up.  
 5 So the solution is not laws; and the solution is not  
 6 money.

7 We do encourage, though, under proper condi-  
 8 tions, that federal assistance be given to the local  
 9 governments. We do not encourage the creation of another  
 10 LEAA. We ask, and encourage, that that monster be buried  
 11 forever. If you must give money to the local units of  
 12 government, give it by a direct bypass, with a buy-in  
 13 provision. Local government must learn that they have  
 14 a responsibility to fight crime. And, unless they  
 15 shoulder that responsibility, we're going to be right  
 16 back where we are 5 years from now.

17 I encourage you to cut out the middleman, the  
 18 consulting firms, and all the research. It's been  
 19 studied to death. You can spend 15 minutes speaking to  
 20 an experienced cop on the corner, and he will tell you  
 21 what you're paying millions for. We, once again, re-  
 22 iterate that after 62 years in existence, we have ac-  
 23 complished what we have accomplished strictly with the  
 24 private sector. I think the Federal Government has missed  
 25 a golden opportunity in not taking advantage of the

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1 technological advancements of private industry and  
 2 adopting them to fight crime.

3 Thank you, gentlemen, we'll be glad to answer  
 4 questions.

5 MR. HARRIS: Judge Bell.

6 MR. BELL: We're not spending millions of  
 7 dollars doing research, and I don't want to have the  
 8 implication left that we're engaged in some sort of en-  
 9 deavor of that kind here.

10 LEAA, to the best of my knowledge, has been  
 11 shut down. They spent millions of dollars, it's true,  
 12 billions -- billions -- but very little of that has been  
 13 spent in recent years.

14 And the second thing I'd like to say for the  
 15 record is that we're assigned to look into violent crime.  
 16 And that -- other than in the area of drugs -- drug  
 17 trafficking, and a lot of these laws you're saying we  
 18 ought to repeal, really are not on point.

19 The third thing I'd like to say is that you  
 20 say we don't need any more laws. We're hearing testi-  
 21 mony that indicates that there are a lot of laws needed  
 22 in Illinois. You don't have to go away from this state  
 23 to find out that something will have to be done about  
 24 these juveniles who commit murders and are not transferred  
 25 to the Adult Court. The last witness told us about that.

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1 So, there are some laws that are needed.

2 If we didn't need any laws, we wouldn't be  
3 in the shape that we're in, I think. You can't always  
4 do everything by law. But you have to doctor the system;  
5 you have to fine tune it. So, you just can't say  
6 everything's in great shape.

7 Now, it may be here. I don't know. I didn't  
8 know you had such a crime-free city before.

9 (Laughter.)

10 MR. BELL: But, I'm glad to be here. I feel  
11 a lot safer having found that out from you.

12 MR. HEALY: We're glad to have you.

13 MR. BELL: But, getting down now, you say we  
14 ought to concentrate on organized crime. I would like  
15 to have one of you give me your definition of organized  
16 crime. I've been looking for this for a number of years.

17 We just heard a youth gang leader say that his  
18 gang was in organized crime. I know we have organized  
19 crime in drugs. We have the traditional organized crime  
20 that we -- a lot of people call the "la cosa nostra" or  
21 Mafia.

22 When I was the first Chairman of the Crime Com-  
23 mission in Atlanta, many years ago, I found out that the  
24 only organized crime that counted, locally, was something  
25 that was far away. We didn't have any local organized

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1 crime. Nobody wanted to admit that, although we had  
2 plenty.

3 Now, tell me what you think organized crime  
4 is that you recommend we attack?

5 MR. HUMMER: Rather than try and invent a  
6 definition, I think the main thrust of --

7 MR. BELL: Well, what did you mean in your  
8 statement?

9 MR. HUMMER: The main thrust is that our ex-  
10 perience has it that the local agencies do not have the  
11 capacity, or the stature, to cope with the problem of  
12 infiltration of government and business by crime elements.  
13 I'm speaking now about the more sophisticated kind of  
14 crime that is conducted by what is known as the --  
15 identified as the syndicate -- the crime syndicate.

16 MR. BELL: Yeah.

17 MR. HUMMER: And I only made the point that  
18 this is where we welcome the presence of Federal Govern-  
19 ment's efforts through the strike force. And we also  
20 would welcome hearings by the Senate permanent sub-  
21 committee, which would have usbpoena powers.

22 As far as we can see, the police -- the local  
23 police cannot be charged with that responsibility.

24 MR. BELL: Yeah. Well, that's a good -- good  
25 point. But, we're not dealing with that.

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1 MR. HUMMER: Right.

2 MR. BELL: We're dealing in violent crime,  
3 and I was hoping you were talking about these youth  
4 gangs, and drug trafficking that leads to violent crime.

5 What you're talking is something different,  
6 and probably would -- We have a strike force here,  
7 and probably a Senate subcommittee hearing, when they  
8 go back in to having hearings. I don't think they've  
9 had any this year. It would be a good thing. But,  
10 I can't speak for the Senate.

11 Page 3, of Mr. Healy's statement, you give  
12 us some statistics on Juvenile Court. Now, this is  
13 very much on point of what we're studying.

14 And you say that 33 percent of the robberies  
15 are committed by juveniles. Now, in what area and in  
16 what time do you have reference? What timeframe?

17 MR. HEALY: These are statewide statistics,  
18 Judge.

19 MR. BELL. Illinois.

20 MR. HEALY: Yes. It's statewide and they're  
21 taken out of the Illinois Law Enforcement Commission  
22 Annual Report.

23 MR. BELL: Do you think it'd be about the  
24 same for Chicago, Cook County?

25 MR. HEALY. I can't speak with certainty. I

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1 would probably say it would be higher.

2 MR. BELL: It would be higher?

3 MR. HEALY: I would think that the downstate  
4 figures would probably dilute the Chicago figures.

5 MR. BELL: What is a juvenile in Illinois,  
6 18 or under -- 17

7 MR. HEALY: 17.

8 MR. BELL: 17. Have not reached their 18th  
9 birthday.

10 MR. HEALY: Right.

11 MR. BELL: So, statewide, 1/3rd of the robberies  
12 would be committed by that group, according to these  
13 figures.

14 MR. HEALY: That's right. A high percentage.

15 MR. BELL: Yeah. Well, that's -- I think it  
16 points up the problems of the juvenile crime about as  
17 well as anything any of us could say about it.

18 Has the Chicago Crime Commission done any work  
19 in the juvenile crime area and/or the violent crime area?

20 MR. HEALY: The only thing that we have done  
21 in the juvenile crime area was review -- and I shouldn't  
22 say a management study -- but review the juvenile report  
23 itself, in that we have gone out there to review judges,  
24 the prosecutors, the defense lawyers, and the Probation  
25 Department to see about facilities, services, security,

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1 and things like that.

2 We did that at the request of some neighborhood  
3 groups who came to us to complain. So, we went out there  
4 with the blessing of the -- of all parties and we looked  
5 around.

6 That report is just about in its final stages  
7 to be submitted to the presiding judge.

8 MR. BELL: Yes.

9 MR. HEALY: We have found the services to be  
10 overtaxed, case loads to be monstrous, alternative pro-  
11 grams for the judges to use almost nonexistent in rela-  
12 tion to what they should be. I mean, the judge does  
13 not have that many alternatives when faced with where  
14 to send somebody.

15 MR. BELL: Well, as you recall, I was not  
16 being critical of the Chicago Crime Commission. As you  
17 know, it's the leader in the country. Most all other  
18 Crime Commissions have been patterned after yours. So --  
19 And, I'm sure it's the oldest in the country.

20 I know when we set the Crime Commission up in  
21 Atlanta, we sent people here to learn how to do it.

22 In Chicago, I think it might be well to give  
23 some thought to violent crime now. That we've -- In the  
24 last 3 or 4 years, 5 years, really tracing back to the  
25 middle 60's, when the drug scene came on us, we just had

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1 this massive increase in violent crime. And people that  
2 have the experience that you've had that could make some  
3 meaningful studies, so I would commend that thought to  
4 you.

5 MR. HEALY: We'll consider that, Judge.

6 MR. BELL: Thank you.

7 MR. HARRIS: Mr. Littlefield.

8 MR. LITTLEFIELD: Yes, Mr. Healy, I've had  
9 a question with respect to Juvenile Court: When you  
10 say that the judges have as many as 1,000 cases on their  
11 call, does that mean pending cases, or does that mean  
12 1,000 a year?

13 MR. HEALY: That's everything. I mean, that  
14 could go to a pending case; that could go to a case  
15 which is presently under supervision and he's following  
16 it, just tracking it, checking on it every 6 months.  
17 But, still it requires time; it requires administering;  
18 it requires attention.

19 MR. LITTLEFIELD: Now, with respect to your  
20 juvenile law, you have a faster timetable required here  
21 in Illinois to process juvenile cases as opposed to adult  
22 cases?

23 MR. HEALY: Yes; you do, depending upon in  
24 custody or out of custody, things like that, yes.

25 MR. LITTLEFIELD: One other thing. Every

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1 jurisdiction uses different types of shorthand to help  
2 me understand the table on page 5, of Justice -- Delayed  
3 Justice Denied.

4 Could you tell me what is meant by B/A?  
5 What would that --

6 MR. HEALY: By agreement.

7 MR. LITTLEFIELD: And O/C?

8 MR. HEALY: Order Court.

9 MR. LITTLEFIELD: M/D?

10 MR. HEALY: M or N?

11 MR. LITTLEFIELD: M, as in Mike.

12 MR. HEALY: Motions Date.

13 MR. LITTLEFIELD: And M/S?

14 MR. HEALY: Motion Defense.

15 MR. LITTLEFIELD: And then NFT, in parenthesis;  
16 that's in the last column.

17 MR. HEALY: Not For Trial. It's not something  
18 for trial.

19 MR. LITTLEFIELD: All right. Thank you very  
20 much.

21 MR. HARRIS: Mr. Edwards.

22 MR. EDWARDS: Mr. Healy, you made the statement  
23 that criminal intelligence is down due to the chilling  
24 effect of the Freedom of Information Act and the Privacy  
25 Act of '74, were references that you made.

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1 In making that type of statement are you re-  
2 ferring to intelligence within the Chicago area, the  
3 County, the State, or are you making a universal type  
4 of statement?

5 MR. HEALY: I'm making sort of a universal  
6 statement. In the course of talking with law enforcement  
7 people across the country what we consider ignorance  
8 that should not be there for the simple reason they are  
9 not keeping track of current events, and their just not  
10 sharing information among themselves.

11 It never used to be that way. People used to  
12 very freely share information -- I'm talking about law  
13 enforcement now -- of the community. And they used to  
14 be able to know who was where, what, why, and when.

15 Now, those lines are pretty well dried up.

16 MR. EDWARDS: Another statement that you made,  
17 you reference the technological advancements used by  
18 the private sector should be used by the Federal Govern-  
19 ment.

20 Could you give me some specific cites of what  
21 you're referring to there, please?

22 MR. HEALY. Well, I'll be specific because I've  
23 been in the prosecution field almost 21 years.

24 The data processing, and which is now I wouldn't  
25 consider the rage of the law industry. You know, private

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1 industry has had that years, and years, and years.  
 2 The computerization of court call, you know, which is  
 3 relatively new for law enforcement is old hat for private  
 4 industry. It's a very simple business proposition.

5 Business could not afford to run their show  
 6 the way Government does and still stay in business to  
 7 make a profit. So, they learn quicker; they learn how  
 8 to be more efficient. And, I think we have found -- be-  
 9 cause we are a very heavy relier upon the private in-  
 10 dustry here in this community -- We have found private  
 11 industry only ready, and able, and willing to help,  
 12 believe me.

13 MR. EDWARDS: I was thinking in terms -- I  
 14 do believe that the state-of-the-art, the technological  
 15 state-of-the-art in computers has advanced rapidly in  
 16 the last 10 years within the law enforcement community --  
 17 in the criminal justice community, as a whole.

18 So, I am not so sure that we're not coming  
 19 to a state where we can say that we are more sophisticated  
 20 in our attitude toward technological usages than we were  
 21 in the past.

22 But, I was more interested if you were referring  
 23 to something beyond data processing, or just basic con-  
 24 cept of using a private sector principle in a public  
 25 environment?

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1 MR. HEALY: Basically, both. I just -- I just  
 2 think we have not touched an available resource that we  
 3 should be touching.

4 Sensitivity programs in relation to training,  
 5 that's old hat to business. Law enforcement has to --  
 6 has to become attuned to that if they're going to avoid  
 7 a lot of the lawsuits that they're being faced with be-  
 8 cause the way they handle people.

9 You know, I just -- You just encounter it every  
 10 day things that you do in law enforcement which would  
 11 not be tolerated in business.

12 MR. EDWARDS: Thank you.

13 MR. HARRIS: Chief Hart.

14 MR. HART: The questions I had to ask have been  
 15 answered. Thank you very much, Mr. Healy, for your  
 16 presentation.

17 MR. HARRIS: Mr. Carrington.

18 MR. CARRINGTON: About you, yourself, when  
 19 you were Executive Director of the National District  
 20 Attorneys Association were responsible in large measures  
 21 for one of the most successful programs that LEAA put  
 22 out, that is the Victim Witness Program under the day-  
 23 to-day operation through the National District Attorneys  
 24 Association.

25 There are other programs: ICAP, Integrated

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1 Criminal Apprehension Program, the STING Operations,  
2 Career Criminal. You painted with an awfully broad  
3 brush when you said, you know, LEAA is a monstrous thing.  
4 Don't you think that those particular programs that  
5 worked should be maintained?

6 MR. HEALY: Quite frankly, those programs do  
7 work. They are a benefit to the community. But, any  
8 jurisdiction that has savvy of public relations will  
9 adopt those programs with or without federal assistance.

10 Now, it is true it's easier to start them  
11 with a helping hand from the Federal Government. That's  
12 true. But a Victim Witness Program, if I was an elected  
13 official, you'd have to be a very foolish person not  
14 to have one. Because the benefits -- the positive benefits  
15 are just so overwhelming.

16 But you are right. It's also easier if someone  
17 comes along and says: Would you start it, here's our  
18 helpinghand.

19 MR. CARRINGTON: But, don't we know that Victim  
20 Witness, and ICAP, and programs like that are successful  
21 because of the initial infusion of the federal money to  
22 get them started.

23 Don't get me wrong. I'm not calling for a  
24 rebirth of LEAA. But, I think that, at least, in these  
25 particular areas, the communities, obviously, didn't start

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1 them by themselves. They needed that federal infusion.  
2 And most of the programs have become self-sustaining in  
3 that the county or jurisdiction picked it up.

4 And that's something I don't think we can  
5 afford to lose. There have got to be other innovative  
6 ideas like what we're talking about that could use the  
7 federal --

8 MR. HEALY: Well, I agree. I agree with you  
9 there. I agree with you there. What I am worried  
10 about is a rash of programs started that as soon as the  
11 federal money stops, the programs are chucked. That's  
12 what I'm afraid of.

13 MR. CARRINGTON: Wouldn't it be a measure of  
14 the success of a program that it is continued. That  
15 when the federal money runs out, then the county, or  
16 city, or state, or locality picks it up.

17 I think that's --

18 MR. HEALY: It'd be a major factor, absolutely.

19 MR. CARRINGTON: Yeah. And, that's in the  
20 programs I've talked about.

21 Thank you.

22 MR. HARRIS: Mr. Armstrong.

23 MR. ARMSTRONG: A question for Mr. Hummer.

24 There's some legislative proposals around  
25 Congress today that call for a youth minimum wage, or a

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1 variation of the minimum wage to allow companies in the  
2 private sector to be able to employ youth at a lower wage  
3 than our standard minimum wage.

4 Have you examined that and do you see that  
5 as a viable alternative to allow our young people in  
6 America to work and have jobs, and keep them off the  
7 street, and out of crime.

8 MR. HUMMER: I have not examined it. We have  
9 not, Mr. Armstrong. But I would be very happy to refer  
10 to a source that does -- that does have interest in this  
11 area, and I know of business sources that have made some  
12 serious analysis, and it's a terribly self-defeating --  
13 The conclusion is that it's terribly self-defeating for  
14 our purpose of giving youths chance -- opportunities to  
15 have these -- to set these minimums. And they should --  
16 There should be a flexibility.

17 And there are statistics to back it up, and  
18 I'm going to see that you get them.

19 MR. ARMSTRONG: Would you provide them to the  
20 Staff, then.

21 Thank you.

22 MR. HARRIS: Professor Wilson.

23 MR. WILSON: No questions.

24 MR. HARRIS: Gentlemen, thank you very much.  
25 We appreciate you taking the time from your schedules

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1 to come today.

2 MR. HARRIS: We are pleased to have as our  
3 next witness, the Honorable William S. White, Justice  
4 of the Illinois Court of Appeals.

5 Your Honor, if you'll take the witness chair.

6 JUDGE WHITE: Thank you.

7 STATEMENT OF

8 THE HONORABLE WILLIAM S. WHITE,

9 JUSTICE, ILLINOIS COURT OF APPEALS;

10 ACCOMPANIED BY: JUDGE JOHN MENDOZA,

11 PRESIDENT-ELECT OF THE JUVENILE AND

12 FAMILY COURT JUDGES,

13 MR. HUNTER HURST, DIRECTOR,

14 NATIONAL CENTER OF JUVENILE

15 JUSTICE, PITTSBURGH.

16 JUDGE WHITE: Seated at the table, shortly,  
17 with me will be Judge John Mendoza, who is the President-  
18 Elect of Juvenile and Family Court Judges, and Mr.  
19 Hunter Hurst, who is the Director of the research arm  
20 of that organization, called the National Center of  
21 Juvenile Justice in Pittsburgh.

22 Over the years I've noticed that almost every-  
23 body knows two things: He knows that he can make the  
24 best martinis in town; and he also knows what's wrong  
25 with the Chicago Cubs.

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(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

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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 indexed crimes increased 17 percent. But for 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

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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

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larceny.

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 that which it was in

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1 1980.

2 MR. BELL: Judge, I think I ought to say to  
3 you that we're just as concerned with adult crime as  
4 we are with juvenile crime.

5 JUDGE WHITE: I mention --

6 MR. BELL: But, we're not -- Today we just  
7 happen to be taking up juvenile. We take -- We're  
8 studying all violent crimes.

9 JUDGE WHITE: This is relative to the point  
10 being made by some.

11 MR. BELL: Yeah. We're --

12 JUDGE WHITE: That perhaps we ought to send  
13 children to the adult system.

14 MR. BELL: Yeah, right.

15 JUDGE WHITE: As though there they would be  
16 more than likely to get their just results. And perhaps  
17 the adult system is more successful in handling their  
18 cases.

19 These statistics indicate that that premise  
20 just isn't so.

21 MR. BELL: Yeah, Well, I see your point.

22 JUDGE WHITE: So, that's the reason it's  
23 relevant. I know you're just as interested. But, it's  
24 because the proposal made by some, very seriously, that  
25 we ought to send children to the adult system because

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1 there they would more likely get their just desserts.

2 MR. BELL: Yeah, all right.

3 JUDGE WHITE: I'm saying, if that system works,  
4 why is adult crime going up faster than juvenile  
5 crime?

6 And, so, locally and nationally, I see a  
7 serious crime problem, but little support to the oft  
8 repeated complaint that juvenile crime is especially  
9 rampant.

10 And as to the charge that juvenile courts  
11 are soft on violent crime, and the courts of juvenile  
12 and family jurisdiction are too lenient, I ask: What  
13 is the accepted standard? Is it that which is done in  
14 the Criminal Court?

15 The only documentation of which I am aware on  
16 this subject suggests that courts of juvenile jurisdic-  
17 tion are as likely to impose sanctions of institutional  
18 commitment for violent crimes by youth as its criminal  
19 counterpart is for adults, and is far more likely to  
20 impose some sanctions for all offenders referred then  
21 to Criminal Court.

22 Juvenile Courts are more likely to act in  
23 cases of violent crime; and when they do, they are  
24 more effective than adult criminal courts.

25 In a recent study comparing the processes of

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1 processing of 16 and 17-year-olds in the juvenile  
2 justice system with an equal match of offenders in the  
3 adult justice system, it was found, as I have indicated  
4 before, that the Juvenile Court was much more likely  
5 to act; they dismissed far fewer cases; and they acted  
6 effectively.

7 Now, skipping ahead, because the time is  
8 late, I am going to say this.

9 You ask: Maybe, what can the Federal Govern-  
10 ment do?

11 Now, Juvenile Courts were established here  
12 based upon a fundamental assumption: That juveniles  
13 were less culpable than adults because their maturation  
14 hadn't been completed, and also they were maleable.  
15 They could be better reformed than adults. And, there-  
16 fore, society's response to the juveniles ought to  
17 different.

18 From the very beginning, it was contemplated  
19 that some juveniles would not be responsive to the  
20 rehabilitative efforts of the Juvenile Court. And from  
21 the very beginning, in almost every state in the Union,  
22 there were processes for getting some juveniles to the  
23 Adult Court, because these would not be responsive to  
24 those things that juveniles do.

25 Now, there's no debate to that. As to whether

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1 all kids should come to Juvenile Court, nobody says,  
2 yes.

3 So, the only question that is before us:  
4 Which juveniles should, and which juveniles should not?  
5 And this is where research by the Federal Government  
6 would be helpful.

7 To indicate the nonsense, in the 50 states,  
8 I bet there are at least 10 different ages at which  
9 somebody comes to the Juvenile Court. And, in addition  
10 to that, there are 3 basic means by which they decide  
11 when there is going to be an exception to age rule,  
12 how you make the exception and go the waiver route.

13 Now we heard -- as a matter of fact, here  
14 in Cook County, we've had 2 different systems. When I  
15 first went to the Juvenile Court, it was a matter of  
16 prosecutorial discretion. Those kids were prosecuted  
17 in the Juvenile Court that the Prosecutor wanted to  
18 prosecute there; other than that, he took them to the  
19 Adult Court.

20 I heard it proposed that it be a matter of  
21 legislation. Let's examine this.

22 I'll say the word "armed robbery". Should  
23 that send the kid to the Adult Court? Well, what did  
24 you see when I said the word "armed robbery"? Did you  
25 see some kid going into the grocery store with a

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1 submachinegun; or did you see him taking his buddy's  
2 lunch money with his boy scout knife? Both of them  
3 would be armed robbery.

4 That illustrates that the mere charge, alone,  
5 is a poor basis for anticipating in advance what child  
6 would be unamenable to juvenile court processes.

7 I like it to be a matter of individual  
8 selection by the Juvenile Court Judge. And, hopefully,  
9 in each case, it would be well done.

10 And, I, of course, won't comment upon recent  
11 events, because that wouldn't be appropriate. But, again,  
12 I am in favor of judicial discretion in determining  
13 which child should, which child should not go to the  
14 Adult Court.

15 So, therefore, the Federal Government could  
16 be of help to us in reexamining the basic philosophy  
17 that undergirded the Juvenile Court in deciding which  
18 ones should go to the Adult Courts and which ones should  
19 not.

20 I like the present thrust of this Task Force,  
21 because it reflects what is more and more true of those  
22 of us in the juvenile justice system. We recognize  
23 fully that we have dual responsibilities: The protection  
24 of the community, and the rehabilitation of the kid.  
25 And we recognize fully that always we cannot

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1 rehabilitate and that kid needs to be incapacitated.  
2 And, therefore, I would join with my people who have  
3 testified here earlier that I think a Juvenile Court  
4 Judge ought to be capable of giving a determinate  
5 sentence.

6 How can we tell the public that we are inter-  
7 ested in the incapacitation of kids and the protection  
8 of the community, unless by -- We can by the sentence  
9 we impose.

10 The way it is now, a child is sent to the  
11 Department of Corrections and that is all that happens,  
12 whether he's a pickpocket or whether he's a murderer,  
13 and that doesn't really make much sense.

14 MR. HARRIS: Thank you, Judge.

15 Judge Bell.

16 MR. BELL: Well, I was going -- I've got to  
17 catch a plane

18 JUDGE WHITE: That's the reason I cut my  
19 speech short.

20 MR. BELL: I've got my 2 questions that I've  
21 planted with my colleagues on the right and left.  
22 They're going to ask my questions for me.

23 MR. HARRIS: Okay. Mr. Littlefield.

24 MR. LITTLEFIELD: I have no questions, sir.

25 MR. HARRIS: Mr. Edwards.

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1 MR. EDWARDS: No.

2 MR. HARRIS: Chief Hart.

3 MR. HART: Judge, I appreciate your presenta-  
4 tion, and I don't think that we have an argument on  
5 this Task Force with your assessment of the problem.  
6 However, I think what we're all trying to say that  
7 you've made a point.

8 That the public certainly expect better of us  
9 than we've doing in the past. And I think what they  
10 want basically is some certainty of incarcerating those  
11 who have repeatedly reeked violence in the community.

12 And you hit on that point. And I, certainly,  
13 am not going to be one to think that Judges should be  
14 given mandatory sentences.

15 I realize what you're saying about a robbery,  
16 and a holdup. One could take ones lunch money and be  
17 charged with armed robbery --

18 JUDGE WHITE: And if you have a statutory  
19 standard, that kid would go to the Adult Court, and that  
20 would be silly.

21 MR. HART: Well, I'm sure that none of us  
22 here would advocate anything such as that.

23 JUDGE WHITE: But, if you advocate fixed --  
24 doing it statutorily, rather than leaving it up to the  
25 Juvenile Court Judge, well, that's the kind of thing

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1 that could happen.

2 MR. HART: But, then, if that would happen,  
3 sir, it would seem to me that the Prosecutor would  
4 not be doing his job. He should --

5 JUDGE WHITE: Well, then you'd be certain.  
6 Well, then that would make it matter of prosecutorial  
7 discretion.

8 I submit to you that judicial discretion is  
9 the most public place to put it, where the public  
10 can watch it and know what's happening.

11 MR. HART: But, what I'm getting at. I  
12 agree with you, sir. But, many times the Police  
13 Department will investigate a case. They don't ask  
14 the Prosecutor for a warrant, they lay the facts before  
15 him. And if he's not satisfied with the investigation  
16 he can call others into making an assessment as to  
17 whether he should charge that child or an adult, for  
18 that matter, with a misdemeanor or a felony.

19 I didn't think we were talking about locking  
20 the system so tight until we couldn't be discretionary  
21 at any of them.

22 MR. LITTLEFIELD: Could I just say one thing?

23 Justice White, the jurisdiction where I am  
24 is where the juvenile is sought to be held unfit, the  
25 proceeding is instituted by the Prosecutor. They have

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1 a laundry list of offenses, the serious offenses. But  
 2 then it's the discretion of the Judge. The Judge may,  
 3 or the Prosecutor brings the hearing and evidence is  
 4 introduced by both sides. On the part of the youth,  
 5 or the minor, there's possibilities of rehabilitation,  
 6 previous record, or, if there is any, and then the  
 7 Judge makes the final determination as to whether or  
 8 not this child should remain in Juvenile Court or be  
 9 tried as an adult.

10 Would that system be all right? Because --

11 JUDGE WHITE: That seems to be more restrictive  
 12 than our present system here in Illinois.

13 MR. LITTLEFIELD: On any offense a child  
 14 could be removed to the Adult Court. It seems to be  
 15 saying that only in these cases may he be removed,  
 16 and then it's a question of judicial discretion.

17 JUDGE WHITE: I have no question with that,  
 18 because that's what's happened as a practical matter  
 19 anyhow.

20 MR. LITTLEFIELD: Might I ask you one ques-  
 21 tion on your procedure. The Judge does it in Illinois;  
 22 is that correct, sir?

23 JUDGE WHITE: Yes. And, may I --

24 MR. LITTLEFIELD: Is it done at the -- What  
 25 stage of the proceedings is it done? Do you go ahead

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1 and have a full-blown hearing hearing as to whether  
 2 or not the minor has committed the offense?

3 JUDGE WHITE: No. There is a probable cause  
 4 hearing.

5 And let me say this: That many years, for  
 6 many years, the Prosecutor in the Juvenile Court was  
 7 successful in 90 percent of his motions to transfer.

8 So, having it a matter of judicial discretion  
 9 really, historically, has not been a problem for the  
 10 Prosecutor.

11 MR. LITTLEFIELD: Thank you.

12 MR. HARRIS: Mr. Carrington.

13 MR. CARRINGTON: Judge, I have no questions.

14 But, I would like to point out that we are charged  
 15 under federal law as a federal Task Force to bring to  
 16 our deliberations for our recommendations a balanced  
 17 view of all of the issues that we're going to comment  
 18 on. And I want to thank you very much for giving us  
 19 this particular kind of balance by your presentation.

20 Thank you, sir.

21 MR. HART: May I say something for the record  
 22 because it's so seldom said. And I think in meetings  
 23 such as this we ought to remember it.

24 But, from a functional point of view, the  
 25 problems of youth, or any other problem, cannot be

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1 viewed as an isolated phenomenon, and we're talking  
2 about it here as though it were. I know you know it's  
3 not. But, just for the record, I want to say: I know  
4 it's not, too.

5 Similarly, can any specific problem of youth  
6 be understood or studied as a part and unto itself.  
7 And the study of crime as a conscious conspicuous  
8 example of this. But, such aspects of the dreary  
9 scene in our inner city as unemployment, undernourish-  
10 ment, disease, deterioration, and demoralization -- there  
11 are many others, including crime, itself -- are simply  
12 parts of a whole picture.

13 And if we are going to do something about  
14 this business of crime, I don't think anything really  
15 meaningful can be done about it, unless we look at the  
16 total picture.

17 A sound approach to the field of crime would,  
18 therefore, involve an approach to all of these other  
19 problems which are part and parcel of the etiology of  
20 crime.

21 MR. HARRIS: Mr. Armstrong, do you have any  
22 questions?

23 MR. ARMSTRONG: Just one. And it's probably  
24 one that you may not be able to answer: What should we  
25 do with the status offenders in the juvenile justice

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1 system? I mean, do you have an opinion about that?  
2 Should they be processed the same as we're handling  
3 others.

4 JUDGE WHITE: Oh, of course, not. I think  
5 any time society's response to a runaway is the same  
6 as it is for a pickpocket or a thief, that that's  
7 absolutely silly.

8 My position was that of the National Council  
9 that I thought the status offender jurisdiction should  
10 be a last resort alternative, and that there should be  
11 first an exhaustion of voluntary means. And be used,  
12 principally, where a child was at risk.

13 But routine runaways to run first to the police  
14 and to the courts to settle a family dispute, I don't  
15 believe in. And I certainly don't believe that they  
16 should be handled as we handle delinquents.

17 MR. ARMSTRONG: You heard the figures that  
18 the District Attorney read here of the caseload, and  
19 average monthly caseloads, were those, in your opinion,  
20 having been in the Juvenile Court in Cook County, were  
21 those violent offenses or were a lot of those status  
22 offenders?

23 JUDGE WHITE: I think he was saying 1,000  
24 a month?

25 MR. ARMSTRONG: They were large, I remember.

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1 JUDGE WHITE: Let me say that the workload  
2 is too large. Too, it has, historically, not been given  
3 high priority.

4 Young lawyers were sent there to learn how to  
5 try a case, and when they learned how to try it, they  
6 were shifted to the Adult Court. Which made the job of  
7 a Judge very difficult. And the same thing was done by  
8 the Public Defender.

9 So, not only quantitatively did we not have  
10 enough manpower, but we qualitatively didn't have enough  
11 manpower either.

12 Now, maybe he would say it, with some justi-  
13 fication, that our Chief Judge didn't send his sharpest  
14 judges out; but I won't say that.

15 (Laughter.)

16 MR. HARRIS: Judge, I want to be clear about  
17 this. Do you favor decriminalization of status  
18 offenders?

19 JUDGE WHITE: I don't think as a practical  
20 matter and as a political matter it can be done now.

21 MR. HARRIS: If it could be done as a political  
22 matter, would you favor it?

23 Should this Task Force come out with a strong  
24 statement in favor of destatus -- decriminalization of  
25 status offenders?

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1 JUDGE WHITE: No. I think you ought to  
2 stick to your agenda and concentrate on violent crime,  
3 which hasn't received enough attention in Juvenile  
4 Court or in discussions either.

5 If much of the time and money that the LEAA  
6 spent on the status offender had been put on violent  
7 crime, maybe your Task Force wouldn't have been  
8 necessary?

9 MR. HARRIS: Well, would we not have more  
10 resources in the criminal justice system to do that if  
11 there were no such thing as status offenders?

12 JUDGE WHITE: I am not sure. I am not sure  
13 of that.

14 MR. HARRIS: Are you aware that most people  
15 who have discussed the subject of status offenders,  
16 other than the organizations which the General and  
17 Flank (sic) are with take the view that it is absolutely  
18 essential in order to make any sense out of the  
19 criminal justice system to decriminalize status offenders?

20 JUDGE WHITE: I think a disproportionate amount  
21 of time and heat has been spent on this, sir.

22 I was a member of the Drafting Committee of  
23 the IJA that came up with the recommendation that status  
24 offenders be excised from Juvenile Court jurisdiction.

25 But, I also sat in a Juvenile Court day after

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1 day, where really no social services sprung into  
2 existence when we did nothing. Now, I'm not so sure  
3 if we'd stepped out of the picture that the service  
4 system that was dreamed up in the Standard would  
5 come into existence.

6 Why not phase it in? If it is, start it.

7 MR. HARRIS: Well --

8 JUDGE WHITE: And then Juvenile Court would  
9 be glad to --

10 For example, in Chicago, I turn away truancy  
11 petitions. Nothing has happened in place of the  
12 Juvenile Court.

13 MR. HARRIS: Well, one of the most serious  
14 problems facing the criminal justice system is the  
15 shortage of correctional facilities and space in  
16 correctional facilities.

17 What about state systems which incarcerate  
18 status offenders.

19 JUDGE WHITE: Horrible.

20 MR. HARRIS: Excuse me.

21 JUDGE WHITE: It's horrible.

22 MR. HARRIS: I have no further questions.

23 JUDGE WHITE: Maybe my colleagues here might  
24 differ with me, but that's my personal opinion. I  
25 think it's horrible.

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1 MR. HARRIS: Justice White. Thank you very  
2 much for coming today. We really appreciate your  
3 taking the time and effort to appear before us and you  
4 leave with our thanks.

5 JUDGE WHITE: Thank you.

6 MR. HARRIS: The last witness on our agenda  
7 is Richard J. Brzeczek, Superintendent of the Chicago  
8 Police Department.

9 It's hard for me to call you Superintendent.  
10 In every city I've ever been it would be Chief. But,  
11 you explained to me when we last met that, I guess, in  
12 Chicago and --

13 MR. BRZECZEK: New Orleans.

14 MR. HARRIS: New Orleans take a different  
15 view of it.

16 Be that as it may, maybe that accounts for  
17 Chicago's -- one of the difference is they put Chicago  
18 in a better crime posture, as we heard described.

19 In any event, welcome.

20 MR. BRZECZEK: Thank you very much.

21 STATEMENT BY HONORABLE RICHARD J. BRZECZEK,  
22 SUPERINTENDENT, CHICAGO POLICE DEPARTMENT.

23 MR. BRZECZEK: I have a brief prepared state-  
24 ment I'd like to read into the record. And I'll be  
25 happy to answer any questions that the Commission has.

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1 On behalf of the Mayor of the City of Chicago,  
2 and the men and women of the Chicago Police Department,  
3 I would like to express our collective thanks for being  
4 given the opportunity to participate in these most  
5 important hearings on violent crime.

6 Pursuant to the instructions of Mr. Buckman,  
7 of your Staff, I am confining my remarks to the problems  
8 of violent juvenile offenders and programs directed toward  
9 victims assistance.

10 Since becoming Superintendent of the Chicago  
11 Police Department in January of 1980, I have given a  
12 great deal of time and thought to the area of youthful  
13 crime.

14 As the father of 4 children, who are nearing  
15 their teen years, I share the same worries as any other  
16 responsible parent about the temptations, relaxed moral  
17 standards, fragmentation of the family structure, dis-  
18 integration of the traditional institutions such as  
19 church and school, and the easy availability of handguns,  
20 narcotics and alcohol.

21 The decline of the family structure is evidenced  
22 by the extremely high divorce rate that we've been ex-  
23 perienicing in the last decade. The absence of the father  
24 figure in the home leaves children without an important  
25 role model to which they can look for direction.

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1 Mothers, whether out of choice or necessity,  
2 work outside of the home, leaving youngsters without  
3 the type of adequate parental supervision and direction  
4 that is so essential in their formative years.

5 The family, as an institution, now seems to  
6 encounter a failure rate greater than it's suffered in  
7 the past.

8 Our educational and religious institutions,  
9 which were typical supportive role models upon which  
10 children could rely during their formative years, appears  
11 to have also abdicated the responsibilities toward the  
12 development of values.

13 Furthermore, commodities such as handguns,  
14 narcotics and alcohol, which generally stigmatized the  
15 lone deviant user in our neighborhoods of yesterday, now  
16 have become to be regarded as status symbols. The use  
17 and abuse of narcotics and alcohol have either been  
18 ignored or condoned. But, in any event, have contributed  
19 substantially to the rise in youthful criminality.

20 Lastly, new role models for youngsters have  
21 been defined by the commercial media, glamorizing alcohol-  
22 ism, narcotics consumption, promiscuity, and violence.

23 During my recent trip to the Orient, it was  
24 impressed upon me by my peers -- that is, my peers in  
25 the Orient -- that the factor most responsible for the

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1 increase in criminality among the young Japanese and  
2 Chinese is the influence brought upon them by Western  
3 commercial television.

4 While they see this dimension of the entire  
5 neoplasm in its embryonic state, we have sat back for  
6 more than a decade and watched a metastases ruin a  
7 substantial portion of an entire generation in our  
8 country.

9 Locally, our definition of a juvenile is any  
10 person under the age of 17 years. For them, during the  
11 year of 1980, the aforementioned considerations in the  
12 City of Chicago translated into 50 murders, 118 rapes,  
13 1,124 serious assaults, and 2383 robberies.

14 Over a more protracted period of time rapes  
15 committed by juveniles increased by 1/3rd, robberies  
16 by 40 percent.

17 In the past 3 years, the number of females  
18 juveniles involved in a commission of murder has doubled.  
19 Last year, alone, Chicago Police Department seized 1,041  
20 deadly weapons from juvenile offenders.

21 While this brief account that I have presented  
22 regarding juvenile violence may appear, at first blush,  
23 to be somewhat unencouraging, it may also seem to be  
24 somewhat parochial in light of the fact that there still  
25 is a large number of youngsters who are raised in good

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1 homes, attend school, and obey the law.

2 But, we cannot ignore the ever-growing number  
3 of those whom I have portrayed statistically. To ignore  
4 the problem makes as much sense as to recommend that  
5 we shut down all hospitals and medical schools and dis-  
6 continue medical research, because a substantial number  
7 of people in this country are healthy.

8 I'd like to address the issue, Mr. Buckman asked  
9 me to, and that is the issue of victim assistance.

10 The Chicago Police Department has always been  
11 in a leadership position in the area of victim assistance.  
12 While we've attempted to fulfill our legal responsibili-  
13 ties and protect the rights of the offender, we have,  
14 likewise, within the limits of our resources tried to  
15 appreciate the impact that criminal victimization has  
16 on an individual.

17 As early as 1974, the Chicago Police Department  
18 cosponsored with the Chicago Hospital Council, the Cook  
19 County State's Attorney's Office, and the Citizen's  
20 Committee for Victim Assistance and ad hoc Rape Task  
21 Force which evolved through the years into a more formal-  
22 ized structure to include child victims of sexual crimes.

23 A statement of policy encompassing all phases  
24 of law enforcement and citizen groups' efforts in this  
25 area of rape was formulated. 600,000 copies printed

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1 in English and Spanish were distributed throughout the  
2 state. To-date, Chicago is the only major American  
3 city to set forth in written form this coordinated  
4 statement of responsibility. And copies of that booklet  
5 are being made available to the Task Force.

6 In 1976, the Chicago Police Department, in con-  
7 junction with the agencies already mentioned, cosponsored  
8 a research project throughout the State of Illinois  
9 to discover the needs of police officers, state's  
10 attorneys, hospital personnel, and social services,  
11 and dealing with the victims of sexual assault.

12 Because of this research project, 3 training  
13 materials are now used throughout the state. Training  
14 is given in child and adult interviewing techniques,  
15 the criminal and juvenile court processes, and how they  
16 work to make community referrals.

17 That document is also being made available to  
18 the Task Force.

19 In 1977, it became increasingly evident that  
20 there was a desperate need for accurate evidence collec-  
21 tion in cases of sexual assault. The Police Department  
22 assisted and cosponsored with the Citizens Committee  
23 for Victim Assistance.

24 The development of an evidence collection kit,  
25 which is now in use in 220 hospitals throughout Illinois.

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1 The next largest evidence collection program  
2 is in the State of Michigan, and it involves 18 Michigan  
3 hospitals.

4 Our program is the largest, most successful,  
5 most uniform in the United States, and has brought about  
6 the reduction of error in evidence collection from 27  
7 percent in 1977 to the current 5 percent in 1981.

8 Based on our success, the Brooklyn District  
9 Attorney's Office and the New York City Police Department  
10 have instituted a pilot program using our evidence  
11 collection kits in 3 Brooklyn hospitals.

12 This is an example of how the public and private  
13 sectors can work together, avoiding the need to reinvest  
14 programs and reinvent programs which have already been  
15 proven successful elsewhere.

16 It also demonstrates support for the position that  
17 I previously took that the City of Chicago and the  
18 Chicago Police Department have been in a leadership  
19 position in this often forgotten area.

20 The most recent step taken by the Chicago Police  
21 Department in the area of victim assistance involves  
22 the use of dolls. The limited vocabulary of a young  
23 child, or a mentally handicapped person precludes an  
24 accurate step-by-step description of sexual assault.  
25 To overcome this obstacle, we are employing rag dolls,

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1 which are anatomically correct to aid a child or a  
2 mentally handicapped adult to qualify for testifying  
3 in Court.

4 With the aid of the dolls, which represent an  
5 adult male, a juvenile female, and a juvenile male,  
6 the victim can demonstrate to the investigator exactly  
7 what occurred. We are enthusiastic about this latest  
8 addition to our investigative techniques, and anticipate  
9 a greater conviction rate of sexual assault cases  
10 involving such hapless victims.

11 Our work with the Citizens Committee for Victim  
12 Assistance is not limited to this one area. The Chicago  
13 Police Department uses the Citizens Committee for  
14 Victim Assistance as a resource for locating and identi-  
15 fying the appropriate counseling and information referrals.

16 Here again we see the concern of the community  
17 express itself in a pragmatic manner to the benefit  
18 of people who are limited in helping themselves.

19 There is hardly a more forlorn human being than  
20 one who has suffered a sexual assault or seen a beaten  
21 or sexually abused child.

22 The Chicago Police Department and Citizen's  
23 Committee for Victim Assistance worked together and  
24 designed a new Illinois Police Training Board curriculum  
25 to ensure that all police officers in the state receive

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1 comprehensive training in handling, with sensitivity  
2 and compassion, all cases of rape and child abuse.

3 Additionally, we are participating in a Family  
4 Sexual Abuse Task Force to study and evaluate the system  
5 now used in dealing with child abuse. The goal of this  
6 Task Force is to design and present recommendations  
7 to all public and private agencies in Cook County which  
8 deal with such cases.

9 This will consolidate and make more efficient  
10 the currently fragmented efforts.

11 Each agency will benefit from the knowledge  
12 gained in the cross-training of police officers, state's  
13 attorneys, hospital personnel, and social service  
14 agencies.

15 We are proud that Chicago is the only city in  
16 the United States which has a long-standing program  
17 designed to build a viable solid policy in victim  
18 assistance.

19 The average citizen finds the courtroom, and  
20 courtroom procedures, a very alien and stressful environ-  
21 ment. The only contact prior to being a witness or  
22 victim of a violent crime might have been a Traffic  
23 Court appearance.

24 In 1977, in cooperation with the City's Department  
25 of Human Services, a Victim Witness Advocacy Unit was

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1 formed. It's primary purpose is to offer a full range  
2 of supportive services to victims to assist them with  
3 crime-related problems, and to promote victim witness  
4 cooperation within the criminal justice system.

5 A victim of a violent crime under this program  
6 can receive counseling, information about court dates  
7 and times, and escort to and from court, and information  
8 on obtaining financial restitution.

9 And in extreme cases, victims and witnesses  
10 may be relocated and sequestered for their own protection.

11 The Chicago Police Department has also established  
12 for notification of court witnesses. Under the provi-  
13 sions of this program over 50,000 witnesses to serious  
14 felonies have been notified by mail of when and where  
15 to appear for court testimony.

16 In conclusion, I submit that we are not content  
17 to the extent of services that we presently provide  
18 the victims of crime. While we are proud to discuss  
19 the steps already taken, our goal is to develop additional  
20 innovative approaches which tend to minimize both the  
21 physical and emotional trauma suffered by the victim  
22 of a criminal attack.

23 However, as in the past, our reference will  
24 be as successful as the commitment which the community  
25 will receive from all agencies of the criminal justice

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1 system.

2 It is only through a coordinated effort that  
3 we can have any type of expectation of moving forward  
4 in this somewhat neglected area. We hope that part  
5 of the Task Force's recommendation will include such  
6 a mandate for commitment from all of the components  
7 of the criminal justice system.

8 That, Mr. Harris, is my prepared testimony.

9 MR. HARRIS: Thank you, Superintendent.

10 Mr. Littlefield, do you have questions?

11 MR. LITTLEFIELD: Yes, Superintendent, do  
12 you have any figures that's -- I ought to congratulate  
13 you on your victim witness assistance program.

14 Do you have any cost figures of how much  
15 that program costs?

16 MR. BRZECZEK: Not really, from the standpoint  
17 of the commitment of the Chicago Police Department,  
18 because we simply tap existing resources.

19 For example, back in June of 1979, when the  
20 ABA Committee on Victim Witness Intimidation was holding  
21 hearings in Washington, I testified, prior to becoming  
22 a member of that Committee, about several examples of  
23 how we would provide direct physical protection to  
24 witnesses who are awaiting trial and at the same time  
25 receiving harrassment, either from unknown people or

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1 people that we could possibly identify as remotely being  
 2 connected with the defendant. But, those are basic,  
 3 some costs that we expend in -- There's really no dollar  
 4 figure that we put on it, because it's really a redirec-  
 5 tion of resources from other areas.

6 MR. LITTLEFIELD: And has there ever been  
 7 any federal assistance, any federal grants, in connec-  
 8 tion with the program?

9 MR. BRZECZEK: I think there may have been  
 10 some prior to my Superintendency, in terms of getting  
 11 some of the programs off the ground. I know we received  
 12 some money also from the state, through the State  
 13 Planning Agency, which would have been the conduit  
 14 for some of the federal funds.

15 But, right now, we're doing most of these  
 16 things on our own.

17 MR. LITTLEFIELD: And you have a lot of help  
 18 from volunteers, as well; is that correct, sir?

19 MR. BRZECZEK: Yes, sir. Quite a few volun-  
 20 teers in the audience. I know that they were here  
 21 earlier. I think a few of them have left, but we received  
 22 a lot of assistance from the private sector. Simply,  
 23 we have found that just opening our doors and asking  
 24 them to come in to give us a hand in an area -- especially  
 25 in victim assistance. -- that we really don't know too

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1 much about -- especially from the psychological and  
 2 emotional trauma. To open up our doors and let them  
 3 in met with nothing more than an enthusiastic response,  
 4 an overwhelmingly enthusiastic response.

5 And, of the private sector, the many ladies  
 6 who devote a lot of their time to victim assistance  
 7 have been very, very helpful in actually developing  
 8 the training programs that we now use in our Police  
 9 Academy and that will be used throughout the state.

10 They have also been directly involved in  
 11 developing some policy considerations in terms of  
 12 conducting investigations. They are also developing  
 13 the training programs for our investigators, as I men-  
 14 tioned, about the use of the dolls.

15 There is, I think, a great deal of sensitivity  
 16 that is required on the investigator's part to use that  
 17 investigative technique, and they, again, are developing  
 18 the training programs for us.

19 Of course, not only are we happy to have them  
 20 with us, but there is savings factor to us. Because  
 21 otherwise we'd have to commit our resources in developing  
 22 a program. So I am not sure if we would be able to  
 23 develop internally the requisite expertise that we're  
 24 getting from them.

25 MR. LITTLEFIELD: Thank you.

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**CONTINUED**

**3 OF 4**

1 MR. HARRIS: Mr. Edwards.

2 MR. EDWARDS: Yes. Earlier we heard testimony  
3 that the robberies and burglaries committed by juveniles  
4 was up, but that the murders and rapes had maintained  
5 a rather constant level. This was, I think, from a  
6 statewide collection not just for Chicago.

7 Then later Mr. Healy referenced the fact that  
8 the crime rate in the Chicago area had stabilized --  
9 I don't know that that was his exact word, but he  
10 implied stabilization. Yet, in your testimony you  
11 indicate that within the last 2 years that the crimes,  
12 such as murder and rape committed by juveniles, unless  
13 I misinterpreted, were up rather drastically.

14 Am I misinterpreting some statistics, or?

15 MR. BRZECZEK: No, I'm not really sure what  
16 perspectives were given to you by prior witnesses. But,  
17 let me explain the dimension to you in a nutshell.

18 No. 1, you can talk about reported crimes  
19 and reported crime rates, and for the most part you  
20 could possibly speculate as to the age of the offender.  
21 But when arrests are made for specific offenses, then  
22 you can make an actual determination of the age of the  
23 offender.

24 What I'm talking about here, basically, is  
25 that the number of people that we've taken into custody,

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1 the number of people that we've arrested of juvenile  
2 age for murder, serious assault, robbery, rape, has  
3 increased over the past couple of years. So, that we --  
4 It could be that we are arresting more juveniles.  
5 Maybe the involvement of juveniles in the commission  
6 of these crimes could be stable. It could be that we're  
7 arresting more.

8 And I think that we should all be cautious  
9 to make sure that we are not interchanging the data,  
10 so that we're talking about apples and oranges. Because  
11 I think we have to keep in mind reported crimes versus  
12 the number of actual arrests.

13 MR. EDWARDS: Okay. Thank you. That's what  
14 I wanted clarified.

15 Thank you.

16 MR. HARRIS: Chief Hart.

17 MR. HART: I don't have any questions.

18 I'd like to congratulate you, Superintendent  
19 Brzeczek, on not only your victim witness program, but  
20 the excellent job you're doing as Superintendent. And  
21 I don't have any questions at all. I think you're doing  
22 a good job.

23 MR. BRZECZEK: Thank you, Bill. It's good  
24 seeing you again, too.

25 MR. HART: Same here.

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1 MR. CARRINGTON: I have no questions, except  
2 to heartily echo what Chief Hart just said.

3 MR. BRZECZEK: Thank you, Frank, I appreciate  
4 that.

5 MR. HARRIS: Mr. Armstrong.

6 MR. ARMSTRONG: Just one question, I'm not  
7 sure: Does Chicago have the ICAP program, the identifica-  
8 tion of repeat offenders or serious offenders?

9 MR. BRZECZEK: No, we don't.

10 MR. ARMSTRONG: Do you know about that program?

11 MR. BrzeCZEK: Do you have an opinion about  
12 it?

13 MR. BRZECZEK: I think that there is room  
14 for that program, probably, in any jurisdiction. But  
15 I think the selling point of any program versus its  
16 ability to be flexible and fluid so that the appropriate  
17 modifications can be made tailored to meet the needs  
18 of the given jurisdiction.

19 I think the biggest problem we're having right  
20 now, though, with the programs like ICAP, and STING  
21 Operations, of course, will be the financial resources  
22 to implement those kinds of programs.

23 MR. ARMSTRONG: This is not on the topic of  
24 what you have addressed today, but it is on the topic  
25 of federal, and state, and local law enforcement

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1 cooperation.

2 Do you feel that you have good working rela-  
3 tionships with the federal law enforcement authorities  
4 that are in Cook County?

5 MR. BRZECZEK: It's outstanding, Mr. Armstrong.  
6 I can say that for every federal agency -- the FBI Secrēt  
7 Service, DEA, postal inspectors, the U.S. Marshal's  
8 Office.

9 We have developed a relationship here in  
10 Chicago that is probably at two levels, and then the  
11 two levels are integrated:

12 One, I regularly meet with the heads of the --  
13 mainly the SACs of the federal agencies on a regular  
14 basis, even if it's just at lunch. But there's a lot  
15 of business discussed at lunch.

16 And then we have our operating components  
17 working together. Right now, I think if you would look  
18 back at the cooperative efforts between DEA and local  
19 law enforcement, you'll see that we have several role  
20 models which other cities have patterned their operations  
21 after -- our DEA Chicago Police Task Force, our  
22 Continuing Conspiracy Squad. Which you may find it  
23 unusual that we have an Assistant U.S. Attorney, IRS  
24 agents, and DEA agents who actually office in our buil-  
25 ding. Which is somewhat, I think, unusual without --

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1 somewhat unprecedented on a regular basis. And, of  
2 course, the Airport Detail.

3 But, the operating components work regularly  
4 together. And the integration, of course, is that when  
5 we all get together and either sit down and map out  
6 targets that we're going to pursue or to, once we've  
7 identified those targets, to sit down and get briefings  
8 on progress of those investigations.

9 But there is a personal and very integrated  
10 cooperation among all the agencies here. And I think  
11 that I feel very secure in speaking on behalf of the  
12 heads of the federal agencies. If they were here, they  
13 would say the same thing about the local agencies.

14 MR. ARMSTRONG: That's good. Thank you very  
15 much, sir.

16 MR. HARRIS: Thank you, Superintendent. We  
17 appreciate your testimony today and taking time to  
18 appear.

19 MR. BRZECZEK: Thank you, Mr. Harris.

20 MR. HARRIS: Just before we conclude our  
21 hearings in Chicago, I'd like to publicly thank the  
22 U.S. Marshall in Chicago and Staff for the assistance,  
23 without which these hearings could not have taken place.

24 And with that, we will adjourn today's hearing,  
25 next to convene tomorrow morning at 9:00 a.m. in

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1 Detroit, Michigan.

2 (Whereupon, at 4:46 p.m., the hearing was  
3 adjourned, to reconvene at 9:00 a.m., on June 18, 1981.)  
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C E R T I F I C A T E

290.

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.

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