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THE REMARKS OF

ATTORNEY GENERAL WILLIAM P. BARR

TO THE GOVERNOR'S CONFERENCE

ON JUVENILE CRIME, DRUGS AND GANGS

Wednesday, April 1, 1992, at 3 p.m.
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ACQUISITIONS

NOTE: Because Mr. Barr often speaks from notes, the speech as delivered may vary from this text. However, he stands behind this text as printed.

JUVENILE JUSTICE
ATTORNEY GENERAL'S REMARKS

I.

I'M HERE TODAY TO TALK TO YOU ABOUT THE IMPORTANCE OF JUVENILE JUSTICE REFORM.

IN MY VIEW, JUVENILE JUSTICE REFORM IS AN ESSENTIAL PART OF THE WAR ON CRIME.

IT IS NO MYSTERY WHO COMMITS THE LION'S SHARE OF CRIME IN THIS COUNTRY. STUDY AFTER STUDY SHOW THAT THERE IS A SMALL SEGMENT OF OUR POPULATION WHO ARE REPEAT VIOLENT OFFENDERS AND WHO COMMIT MUCH, IF NOT MOST, OF THE PREDATORY VIOLENT CRIME IN OUR SOCIETY.

UNFORTUNATELY, THESE HABITUAL OFFENDERS USUALLY EMBARK ON A CAREER OF CRIME AS JUVENILES. THEY BEGIN COMMITTING CRIMES IN THEIR MID-, OR EVEN EARLY-, TEENS, AND BY THE TIME THEY REACH THE AGE OF MAJORITY THEY ARE EXPERIENCED, INCORRIGIBLE CRIMINALS.

MOST KIDS WHO GET INTO TROUBLE HAVE ONLY ONE OR TWO BRUSHES WITH THE LAW AND STRAIGHTEN OUT AS THEY GET MORE MATURE.

A SMALL GROUP OF JUVENILE OFFENDERS, HOWEVER, BECOME HABITUAL OFFENDERS -- PROGRESSIVELY COMMITTING MORE SERIOUS AND MORE VIOLENT CRIMES.

MARVIN WOLFGANG'S FAMOUS STUDY IN PHILADELPHIA SHOWED THAT SEVEN PERCENT OF MALE YOUTHS WERE RESPONSIBLE FOR ABOUT TWO-THIRDS OF ALL SERIOUS OFFENSES COMMITTED BY JUVENILES.

LATER STUDIES IN PHILADELPHIA FOUND THAT 15 PERCENT OF JUVENILES ACCOUNTED FOR 82 PERCENT OF THE SERIOUS OFFENSES COMMITTED BY JUVENILES.

WOLFGANG'S STUDIES SUGGEST THAT, BY THE THIRD ARREST, A JUVENILE DELINQUENT IS ALMOST SURE TO CONTINUE IN A LIFE OF CRIME.

THE JUVENILE JUSTICE SYSTEM NEEDS TO DO TWO THINGS BETTER. FIRST, IT HAS TO BE MORE EFFECTIVE AT INTERVENING EARLY ENOUGH TO DIVERT TROUBLED YOUTHS AWAY FROM A CAREER OF CRIME. SECOND, IT HAS TO BE MORE EFFECTIVE AT IDENTIFYING AND DEALING DECISIVELY WITH THE CHRONIC OFFENDER WHO HAS EMBARKED ON A CAREER OF CRIME.

THE PROBLEM IS AN URGENT ONE. TODAY, JUVENILES ARE RESPONSIBLE FOR A LARGE PART OF THE VIOLENT CRIME WE SEE ABOUT US.

WHEN YOU LOOK AT THE PERCENTAGE OF TOTAL CRIME THAT IS COMMITTED BY JUVENILES, THE NEWS IS DISHEARTENING:

-- JUVENILES UNDER 18 ACCOUNTED FOR

-- 33% OF ALL BURGLARY --

-- 30% OF ALL LARCENY --

-- 24% OF ALL ROBBERY --

-- 15% OF ALL RAPE.

-- AND, 14% (OR 1 IN 7) OF ALL MURDER AND NONNEGLIGENT MANSLAUGHTER.

-- AND IF YOU ADD 18 YEAR-OLDS INTO THE EQUATION, THE NUMBERS ARE EVEN MORE STAGGERING. FOR EXAMPLE, IN 1990 PERSONS UNDER 19 ACCOUNTED FOR OVER 21% OF ALL ARRESTS FOR MURDER.

WORSE STILL, THE RATE OF JUVENILE CRIME CONTINUES TO INCREASE, AND THIS INCREASE AMONG JUVENILES IS DRIVING MUCH OF THE GENERAL INCREASE IN CRIME WE ARE SEEING TODAY.

FOR EXAMPLE, BETWEEN 1965 AND 1989 --

-- THE ARREST RATE OF JUVENILES FOR MURDER ALMOST TRIPLED.

-- THE RATE OF AGGRAVATED ASSAULT TRIPLED.

-- AND THE RATE OF WEAPONS VIOLATIONS INCREASED BY 2 AND 1/2 TIMES.

WITH NUMBERS LIKE THESE, ONE THING IS CLEAR -- IF WE ARE GOING TO DEAL EFFECTIVELY WITH VIOLENT CRIME GENERALLY, WE ARE GOING TO HAVE TO IMPROVE THE WAY WE ARE DEALING WITH JUVENILES.

II.

BROADLY DEFINED, I SEE THE JUVENILE JUSTICE SYSTEM AS COMPRISED OF THREE DISTINCT COMPONENTS:

FIRST, THERE IS THE CONSTELLATION OF PRIVATE AND PUBLIC INSTITUTIONS THAT SOCIALIZE THE CHILD AND SHAPE HIS OR HER MORAL CHARACTER.

SECOND, THERE IS THE OFFICIAL JUVENILE DELINQUENCY SYSTEM -- INCLUDING THE JUVENILE COURTS -- THAT IS DESIGNED PRIMARILY TO INTERCEDE IN THE JUVENILE'S LIFE EARLY ENOUGH TO STRAIGHTEN OUT THE BASICALLY GOOD KID WHO HAS "STRAYED" AND TO PREVENT THE

DELINQUENT CHILD FROM BECOMING THE CAREER CRIMINAL OFFENDER. THE PRIMARY GOAL IS TO DO WHAT IS "BEST FOR THE CHILD".

FINALLY, THERE IS THE REGULAR CRIMINAL JUSTICE SYSTEM THAT MUST TAKE OVER WHEN THE JUVENILE DELINQUENCY SYSTEM FAILS TO TURN AROUND THE YOUTHFUL OFFENDER OR WHEN THE JUVENILE'S OFFENSE IS SUFFICIENTLY SERIOUS. AT THIS STAGE, SOCIETY'S PRIMARY GOAL SHIFTS FROM SERVING THE BEST INTERESTS OF THE CHILD TO SERVING THE BEST INTERESTS OF SOCIETY.

IN MY VIEW, WE MUST TAKE A HARD LOOK AT EACH OF THESE THREE STAGES OF THE JUVENILE JUSTICE SYSTEM AND APPLY SOME COMMON SENSE TO MAKE THEM WORK BETTER.

III.

FIRST, SOCIETY'S CONCERN OVER HOW WE DEAL WITH JUVENILES SHOULD NOT START AFTER THE JUVENILE HAS ALREADY GONE ASTRAY.

THE FIRST PART OF ANY MEANINGFUL JUVENILE JUSTICE REFORM MUST INVOLVE THE STRENGTHENING OF SOCIETY'S MOST IMPORTANT SOCIALIZING INSTITUTIONS -- THE FAMILY, SCHOOLS, COMMUNITY ASSOCIATIONS AND RELIGIOUS INSTITUTIONS. THESE ARE THE PRIMARY VEHICLES BY WHICH VALUES AND ETHICS ARE INSTILLED IN OUR CHILDREN, AND THEIR IMPORTANCE CANNOT BE OVERSTATED.

THE DRAMATIC INCREASE IN THE RATE OF JUVENILE DELINQUENCY AND CRIME OVER THE LAST 30 YEARS CORRESPONDS WITH, AND IN MY VIEW HAS BEEN FUELED BY, THE BREAKDOWN OF THESE IMPORTANT INSTITUTIONS.

TAKE FOR EXAMPLE THE FAMILY. JACK KEMP HAS CALLED THE FAMILY THE ORIGINAL DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE. IT IS ALSO, IN SOME MEASURE, A DEPARTMENT OF JUSTICE: THE FAMILY IS PERHAPS THE SINGLE MOST IMPORTANT SOURCE OF THE VALUES THAT WILL DETERMINE WHETHER A CHILD WILL RESPECT AND ABIDE BY THE LAW. WE ALL KNOW THAT KIDS FROM DYSFUNCTIONAL FAMILIES ARE MUCH MORE LIKELY TO GET IN TROUBLE WITH THE LAW THAN KIDS FROM STRONG FAMILIES.

YET TODAY WE SEE OUR FAMILIES UNDER SIEGE, AND WE SEE THAT MANY OF OUR GOVERNMENTAL POLICIES HAVE BEEN ACCOMPLICES TO THE BREAKDOWN OF THE FAMILY.

FOR EXAMPLE, RATHER THAN STRENGTHEN FAMILIES, THE WELFARE POLICIES OF THE SO-CALLED GREAT SOCIETY CONTAINED PERVERSE INCENTIVES THAT ACTUALLY REWARDED AND PROMOTED NON-MARRIAGE AND ILLEGITIMACY.

AND THESE PERVERSE POLICIES HAVE WROUGHT HAVOC WITH THE FAMILY. SINCE 1965, THE PERCENTAGE OF CHILDREN BORN OUT OF WEDLOCK HAS MORE THAN TRIPLED, ABOUT 8 PERCENT IN 1965 TO ABOUT

25 PERCENT TODAY. ILLEGITIMACY RATES IN OUR INNER CITIES ARE EVEN WORSE, TYPICALLY IN THE 60 PERCENT RANGE. IN 1989, FOR EXAMPLE, 64% OF ALL CHILDREN BORN IN THE DISTRICT OF COLUMBIA WERE BORN TO UNMARRIED MOTHERS.

HAVING WITNESSED ~~TO~~ THE BREAKDOWN OF THE FAMILY -- THE PRIMARY TEACHER OF VALUES -- WE SHOULD HARDLY BE SURPRISED BY THE RISE IN JUVENILE DELINQUENCY AND JUVENILE CRIME.

IN HIS STATE OF THE UNION ADDRESS, PRESIDENT BUSH CALLED FOR FUNDAMENTAL REFORM OF OUR WELFARE POLICIES. PART OF THIS REFORM MUST REVERSE THE INCENTIVES SO THAT INSTEAD OF ENCOURAGING NON-MARRIAGE AND ILLEGITIMACY, WE ACTUALLY PROMOTE STABLE FAMILY LIFE.

I APPLAUD GOVERNOR THOMPSON FOR HIS LEADERSHIP EFFORTS IN REFORMING THE WELFARE SYSTEM.

ANOTHER AREA WHERE GOVERNMENT POLICIES HAVE ACTUALLY UNDERMINED FAMILIES IS IN TAX POLICY.

IN THE 1940'S WE ADOPTED THE DEPENDENT EXEMPTION. THIS WAS ENLIGHTENED BECAUSE IT SOUGHT TO ENSURE THAT FAMILIES WITH CHILDREN WOULD HAVE THE RESOURCES NECESSARY TO SUSTAIN THEMSELVES. UNFORTUNATELY, OVER THE PAST 40 YEARS WE HAVE NOT ADJUSTED THE DEPENDENT EXEMPTION FOR INFLATION. IF WE HAD IT

WOULD BE SEVERAL THOUSAND DOLLARS PER CHILD TODAY. THE EROSION OF THE DEPENDENT EXEMPTION HAS MEANT THAT THE GOVERNMENT HAS BEEN TAXING AWAY FROM FAMILIES THE BASIC RESOURCES NEEDED TO RAISE CHILDREN.

IN THE REAGAN ADMINISTRATION, WE TOOK THE FIRST STEP TO ADDRESS THIS BY INCREASING THE EXEMPTION FROM \$1000 TO \$2000 AND INDEXING IT. PRESIDENT BUSH HAS NOW PROPOSED RAISING THE EXEMPTION BY ANOTHER \$500 PER CHILD AS A FURTHER STEP IN RESTORING THE DEPENDENT EXEMPTION. THIS IS AN IMPORTANT REFORM THAT IS CRITICAL TO THE LONG-TERM HEALTH OF OUR FAMILIES.

BEYOND THE FAMILY, SCHOOLS HAVE HISTORICALLY PLAYED AN IMPORTANT ROLE IN SOCIALIZING CHILDREN AND IN THEIR MORAL FORMATION.

IT USED TO BE THAT SCHOOLS OPERATED IN LOCO PARENTIS -- IN THE SHOES OF THE PARENT -- AND TAUGHT THE CHILD ABOUT PERSONAL RESPONSIBILITY AND ACCOUNTABILITY.

AND TODAY -- MORE THAN EVER -- PARENTS WANT SCHOOLS TO HELP THEM INSTILL VALUES IN THEIR CHILDREN.

UNFORTUNATELY, OVER THE PAST THREE DECADES, THE ABILITY OF PUBLIC SCHOOLS TO EXERCISE ANY MORAL INFLUENCE HAS BEEN STEADILY WEAKENED.

BECAUSE OF LEGAL DECISIONS AND MISGUIDED PUBLIC POLICY, THE RANGE OF SCHOOLS DISCIPLINARY POWERS HAS BEEN VASTLY CIRCUMSCRIBED. SCHOOL OFFICIALS ARE NOW RELUCTANT TO EXERCISE DISCIPLINE OR CONTROL OVER THE TROUBLESOME STUDENTS.

MOREOVER, THERE HAS BEEN AN EFFORT -- LARGELY SUCCESSFUL -- TO DRIVE OUT OF SCHOOLS AND PUBLIC EDUCATION ANY KIND OF MORAL PERSPECTIVE OR MORAL CONTENT.

THIS MORAL LOBOTOMY OF PUBLIC SCHOOLS HAS BEEN BASED ON EXTREMIST NOTIONS OF SEPARATION OF CHURCH AND STATE OR ON THEORIES OF MORAL RELATIVISM WHICH REJECT THE NOTION THAT THERE ARE STANDARDS OF RIGHT OR WRONG TO WHICH THE COMMUNITY CAN DEMAND ADHERENCE.

WHATEVER THE BASIS FOR DRIVING ANY MORAL PERSPECTIVE FROM PUBLIC SCHOOLS, IT IS DIFFICULT TO SEE HOW SCHOOLS CAN HELP INCULCATE VALUES IN AN ATMOSPHERE OF COMPLETE MORAL RELATIVISM -- HOW CAN SCHOOLS HELP TEACH SUCH SIMPLE THINGS AS THE IMPORTANCE OF HONESTY, OF RESPECT FOR PROPERLY CONSTITUTED AUTHORITY, OF THE IMPORTANCE OF DEFERRAL OF GRATIFICATION.

TODAY, MANY OF OUR PUBLIC SCHOOLS ARE THEMSELVES RIDDLED WITH VIOLENT CRIME. AN ESTIMATED 9% OF STUDENTS AGES 12 - 19 (1.8 MILLION) WERE CRIME VICTIMS IN OR AROUND SCHOOL OVER A 6-

MONTH PERIOD IN 1989. FIFTEEN PERCENT OF THE STUDENTS SAID THEIR SCHOOL HAD GANGS, AND 16% CLAIMED THAT A STUDENT HAD ATTACKED OR THREATENED A TEACHER AT THEIR SCHOOL. IN 1987, AN ESTIMATED 400,000 BOYS TOOK GUNS TO SCHOOL.

IT IS CLEAR THAT TODAY OUR SCHOOLS, AS A GROUP, ARE MUCH LESS EFFECTIVE AT HELPING TO KEEP KIDS ON THE STRAIGHT AND NARROW. IT IS ALSO CLEAR THAT IF WE ARE TO MAKE HEADWAY IN HELPING TROUBLED YOUNG PEOPLE MATURE INTO LAW-BIDING, PRODUCTIVE CITIZENS, WE ARE GOING TO HAVE TO REFORM OUR EDUCATIONAL SYSTEMS AND RESTORE SOME MORAL AUTHORITY TO OUR SCHOOLS. SCHOOLS MUST BECOME A WORKING PARTNER WITH PARENTS AND WITH SOCIAL AGENCIES -- BOTH PUBLIC AND PRIVATE -- IN FORMING GOOD CHARACTER IN OUR YOUNG CITIZENS.

IN SUM, CRIMINAL LAW SHOULD NOT BE A YOUNG PERSON'S FIRST BRUSH WITH VALUES; WITH MORALS; WITH RIGHT AND WRONG; CONSEQUENCES AND RESPONSIBILITY; AND WITH PUNISHMENT.

I UNDERSTAND THAT REFORM OF OUR POLICIES CONCERNING THESE IMPORTANT MEDIATING INSTITUTIONS IS BEYOND THE PURVIEW OF MY DUTIES AS ATTORNEY GENERAL. MY POINT, IS, HOWEVER, THAT THE PROBLEM OF SERIOUS JUVENILE DELINQUENCY AND CRIME CANNOT BE LEFT SOLELY TO THE MECHANISMS OF THE FORMAL JUVENILE JUSTICE SYSTEM. ANY MEANINGFUL APPROACH TO THIS PROBLEM MUST BEGIN WITH A

BOLSTERING OF THE CORE SOCIAL INSTITUTIONS THAT HELP SHAPE THE DEVELOPMENT OF OUR CHILDREN.

IV.

LET ME TURN NOW TO OUR FORMAL JUVENILE JUSTICE SYSTEM.

WHAT HAPPENS WHEN A JUVENILE RUNS AFOUL OF THE CRIMINAL LAW? AT BOTH THE STATE AND FEDERAL LEVEL, AS I HAVE SUGGESTED, THERE IS A TWO-TRACK SYSTEM OF JUVENILE JUSTICE.

THE VAST MAJORITY OF JUVENILE OFFENSES ARE DEALT WITH ON THE JUVENILE DELINQUENCY TRACK. THIS TRACK INCLUDES THE JUVENILE COURTS AND VARIOUS SOCIAL WELFARE ORGANIZATIONS THAT INTERCEDE INTO A JUVENILE'S AFFAIRS. THE PRIMARY GOAL IS REHABILITATING THE JUVENILE.

THE OTHER -- AND LESS USED -- TRACK IS THE TRADITIONAL CRIMINAL JUSTICE SYSTEM, WHICH PROSECUTES SERIOUS JUVENILE OFFENSES IN THE SAME MANNER AS SERIOUS CRIMES COMMITTED BY ADULTS. ON THIS TRACK, THE GOAL OF REHABILITATION IS NECESSARILY SUBORDINATED TO THE PARAMOUNT OBJECTIVE OF PROTECTING SOCIETY.

IN MY VIEW, THE KEY TO AN OVERALL EFFECTIVE JUVENILE JUSTICE SYSTEM IS THE COORDINATED OPERATION OF THESE TRACKS.

IN PARTICULAR, I BELIEVE WE MUST FOCUS REFORM IN TWO AREAS. FIRST, THE JUVENILE DELINQUENCY TRACK MUST BE BEEFED UP SO THAT IT INTERVENES EARLY AND STERNLY TO MAKE THE JUVENILE ACCOUNTABLE FOR HIS OR HER ACTIONS AND STOPS FURTHER DETERIORATION OF THE JUVENILE'S CONDUCT.

SECOND, WE MUST REALIZE WHEN IT IS TIME TO SWITCH FROM TRACK 1 TO TRACK 2 -- I.E., WHEN THE PROTECTION OF SOCIETY REQUIRES THAT THE CHRONIC OR SERIOUS JUVENILE OFFENDER BE TREATED LIKE AN ADULT AND BE APPROPRIATELY PUNISHED.

LET ME EXPLAIN WHAT I MEAN.

A.

CURRENTLY, AT BOTH THE STATE AND FEDERAL LEVELS, THE VAST MAJORITY OF JUVENILE CRIME IS REFERRED TO WHAT I HAVE CALLED TRACK 1 -- EITHER THE JUVENILE COURTS OR TO SOCIAL WELFARE ORGANIZATIONS FOR DISPOSITION.

-- THE FBI REPORTS THAT 31% OF ALL JUVENILES ARRESTED IN 1990 WERE EITHER RELEASED IMMEDIATELY OR REFERRED TO A SOCIAL WELFARE AGENCY FOR DISPOSITION.

-- 64% OF THOSE JUVENILES ARRESTED WERE REFERRED TO THE JUVENILE COURTS.

-- 5% OF THE JUVENILE OFFENDERS ARRESTED WERE REFERRED DIRECTLY TO THE REGULAR CRIMINAL COURTS FOR PROSECUTION.

THE PUNISHMENTS IMPOSED BY THE JUVENILE COURTS AND THE JUVENILE DELINQUENCY SYSTEM ARE ALL TOO OFTEN LIGHT AND INEFFECTIVE, EVEN FOR SERIOUS OFFENSES.

INDEED, THIS FACT HAS NOT BEEN LOST ON ORGANIZED CRIME. TODAY, OUR YOUTH ARE BEING RECRUITED BY ORGANIZED DRUG CONSPIRATORS BECAUSE OF THE HIGH PROBABILITY THAT, IF CAUGHT, THEY WILL RECEIVE LITTLE TO NO PUNISHMENT FROM THE JUVENILE COURTS.

FACING NO REAL PUNISHMENT, THE JUVENILE IS LESS LIKELY TO "RAT" ON THE CRIMINAL ORGANIZATION THAN AN ADULT CO-CONSPIRATOR, WHO MIGHT COOPERATE WITH THE GOVERNMENT AS PART OF A DEAL FOR LESS TIME.

IT IS COMMON KNOWLEDGE AMONG LAW ENFORCEMENT PROFESSIONALS THAT GANG AND DRUG ORGANIZATIONS "LET THE KID DO IT" TO AVOID SERIOUS PUNISHMENT FOR THEIR CRIMES.

-- FOR EXAMPLE, RECENTLY IN WASHINGTON, D.C., A 14-YEAR-OLD DRUG RUNNER WAS USED TO SHOOT AND KILL 3

PEOPLE ON THE SAME DAY. 26 MONTHS LATER, HE WAS
BACK ON THE STREETS OF WASHINGTON.

INDEED, ONLY A SMALL PERCENTAGE -- ABOUT 9% -- OF THE
JUVENILE CRIMINAL OFFENDERS WHO ARE REFERRED TO THE JUVENILE
DELINQUENCY SYSTEM RECEIVE ANY DETENTION IN A JUVENILE
RESIDENTIAL FACILITY.

EVEN IN THE FEDERAL SYSTEM, THE PUNISHMENTS FOR JUVENILES
PROCESSED ON THE JUVENILE DELINQUENCY TRACK ARE VERY LIMITED.

-- FOR EXAMPLE, FOR A JUVENILE WHO IS UNDER 18, EVEN THE
MILD PUNISHMENT OF PROBATION CANNOT BE IMPOSED BEYOND
HIS 21ST BIRTHDAY, NO MATTER HOW SERIOUS HIS CRIME,
UNLESS THE JUVENILE IS TRIED AS AN ADULT.

-- SIMILARLY, NO MATTER HOW SERIOUS THE CRIME, A JUVENILE
UNDER 18 CANNOT BE PLACED IN DETENTION FOR LONGER THAN
3 YEARS UNDER THE FEDERAL JUVENILE DELINQUENCY STATUTE.

IN MY VIEW, WHEN THE JUVENILE DELINQUENCY SYSTEM DEALS WITH
A SERIOUS OFFENDER TOO LENIENTLY IT IS SERVING NEITHER THE
JUVENILE NOR SOCIETY.

I BELIEVE STATES MUST RESPOND TO JUVENILE DELINQUENCY WITH
MORE OF WHAT IS CALLED "TOUGH LOVE." THAT MEANS RESPONDING TO A

JUVENILE'S FIRST SERIOUS ACT OF CRIMINAL DELINQUENCY SWIFTLY AND STERNLY, AND PUNISHING SUBSEQUENT OFFENSES, PARTICULARLY VIOLENT CRIME, WITH TOUGHER SANCTIONS.

STUDIES SUGGEST THAT FAILURE TO IMPOSE CONTROLS AND DISCIPLINE EARLY CAN ENCOURAGE FURTHER DELINQUENCY.

AS I HAVE SAID, THERE IS EVIDENCE THAT BY THE THIRD ARREST OR SO FOR A SERIOUS CRIME, THE JUVENILE HAS EMBARKED ON A CAREER OF CRIME THAT WILL USUALLY PROVE TO BE IRREVERSIBLE.

OUR OBJECT MUST BE TO INTERVENE ENERGETICALLY AS EARLY AS POSSIBLE TO TURN AROUND THOSE KIDS WHO HAVE ANY RECEPTIVITY TO CORRECTION.

IF THE STATE INTERVENES EARLY WITH MEANINGFUL (THOUGH NOT OVERLY SEVERE) SANCTIONS, THE WAYWARD JUVENILE IS LESS LIKELY TO END UP AS A CAREER CRIMINAL OFFENDER.

CONVERSELY, IF THE SYSTEM METES OUT NO MEANINGFUL SANCTION FOR THE FIRST FEW OFFENSES -- FAILING TO HOLD THE JUVENILE ACCOUNTABLE -- THEN IT BECOMES A CONVEYOR BELT FOR CAREER CRIMINALS.

AS IN THE ADULT WORLD, THE PUNISHMENTS SHOULD "FIT THE CRIME."

I AM NOT SUGGESTING UNDULY HARSH RESTRICTIONS TO LESS-SERIOUS OFFENSES.

BUT THERE SHOULD BE A RESPONSE TO SUCH OFFENSES -- A RESPONSE THAT SENDS A STRONG MESSAGE TO THE JUVENILE, THAT TEACHES HIM ACCOUNTABILITY, AND THAT OFFERS AN OPPORTUNITY FOR REHABILITATION.

AND WHEN THE OFFENSE IS SERIOUS, THERE SHOULD BE AN EQUALLY SERIOUS RESPONSE -- UP TO AND INCLUDING DETENTION FOR THE VIOLENT OFFENDER.

THE SO-CALLED CONVENTIONAL WISDOM THAT DETENTION OF A YOUNG OFFENDER WILL SIMPLY TURN HIM INTO A MORE HARDENED CRIMINAL IS SIMPLY WRONG.

BUT WE DO HAVE TO BE SMARTER ABOUT THE KIND OF DETENTION AND PUNISHMENT WE IMPOSE.

SMART PUNISHMENTS ARE THOSE WHICH SEEK TO INSTILL IN A YOUNG OFFENDER THE VALUES, THE DISCIPLINE, THE RESPONSIBILITY THAT ARE NECESSARY FOR SELF-CONTROL.

WE KNOW THAT IF THE INDIVIDUAL IS RECEPTIVE, INSTITUTIONS CAN DO THIS. THE MARINE CORPS, THE IRISH CHRISTIAN BROTHERS,

BOYSTOWN -- THROUGHOUT OUR HISTORY SUCH INSTITUTIONS HAVE BUILT CHARACTER AND PRODUCED SOLID CITIZENS.

IN THIS REGARD, ONE INNOVATIVE OPTION FOR STATES IS BOOT CAMPS FOR JUVENILE OFFENDERS. THE JUSTICE DEPARTMENT, THROUGH THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, HAS RECENTLY AWARDED GRANTS TO FUND THREE SUCH EXPERIMENTAL JUVENILE BOOT CAMPS FOR NONVIOLENT OFFENDERS. AN EFFECTIVELY RUN BOOT CAMP CAN TEACH A FIRST-TIME JUVENILE OFFENDER ACCOUNTABILITY AND DISCIPLINE. OPERATED PROPERLY, A BOOT CAMP CAN ALSO INSTILL IMPORTANT NOTIONS OF TEAMWORK AND GROUP RESPONSIBILITY, AS WELL AS PRIDE IN ONE'S PHYSICAL AND ACADEMIC ACCOMPLISHMENTS.

IN KANSAS CITY, I SAW ANOTHER SMART OPTION -- WHICH CAN BE TIED EITHER TO DETENTION OR INTENSIVE PROBATION. THERE, FIRST-TIME OFFENDERS ARE PUT UNDER STRICT SUPERVISION AND USED ON NEIGHBORHOOD REHABILITATION PROJECTS. THEY ARE TAUGHT CONSTRUCTION SKILLS. SUCH PROJECTS NOT ONLY INSTILL DISCIPLINE AND A SOLID WORK ETHIC, THEY CAN ALSO HELP TEACH THE JUVENILE A TRADE THAT WILL HELP HIM GET A JOB ON HIS OWN.

ANOTHER EXAMPLE OF SMARTER DETENTION FOR JUVENILE OFFENDERS IS THE PAINT CREEK FACILITY IN SOUTHERN OHIO. THIS INNOVATIVE PROGRAM, FUNDED BY THE JUSTICE DEPARTMENT, EMPHASIZES VALUES THAT HAVE ALWAYS BEEN AN ESSENTIAL PART OF EVERY SUCCESSFUL FAMILY. PAINT CREEK STRESSES PERSONAL RESPONSIBILITY AND ACCOUNTABILITY

IN THE JUVENILE'S DAILY ACTIVITIES. BUT AT THE SAME TIME, THE HIGHLY MOTIVATED STAFF HAS ESTABLISHED AN ATMOSPHERE OF SUPPORT AND CARE. THESE COMBINED INGREDIENTS -- ACCOUNTABILITY AND CARE -- HAVE MADE A TREMENDOUS DIFFERENCE IN THE LIVES OF HUNDREDS OF YOUNG PEOPLE, MANY OF WHOM NEVER HAD SUCH AN ENVIRONMENT BEFORE IN THEIR LIVES. TO DATE, THIS PROGRAM HAS HAD AN EXTREMELY LOW RECIDIVISM RATE.

IN SUM THEN, IN MY VIEW, A STERN AND SMART RESPONSE THE FIRST TIME CAN HELP BOTH THE JUVENILE AND SOCIETY.

B.

NOW LET ME TURN TO TRACK 2 -- BRING SERIOUS JUVENILE OFFENDERS UNDER THE REGULAR CRIMINAL JUSTICE SYSTEM.

AS I SAID, THERE IS A SMALL GROUP OF JUVENILES WHO BECOME CHRONIC OFFENDERS, RESPONSIBLE FOR PROGRESSIVELY MORE VIOLENT CRIMES.

THIS HARDENED GROUP HAS PROVEN IMPERVIOUS TO REHABILITATION.

ONCE A JUVENILE HAS EMBARKED ON A CAREER OF CRIME, THE GOAL OF PROTECTING SOCIETY MUST BECOME PARAMOUNT.

OUR OBJECTIVE SHOULD BE TO IDENTIFY AS EARLY AS POSSIBLE THE

HABITUAL OFFENDER AND TO INCAPACITATE THAT OFFENDER THROUGH STIFF ADULT PENALTIES.

WE MUST STAND READY TO PROSECUTE AND PUNISH SERIOUS VIOLENT OFFENDERS AND REPEAT OFFENDERS AS ADULTS.

EVERY EXPERIENCED LAW ENFORCEMENT OFFICER HAS ENCOUNTERED 16- OR 17-YEAR-OLDS WHO ARE AS MATURE AND CRIMINALLY HARDENED AS ANY ADULT OFFENDERS.

PUBLIC SAFETY DEMANDS THAT THESE HABITUAL AND DANGEROUS CRIMINALS BE TRIED AND PUNISHED AS ADULTS.

UNFORTUNATELY, MANY OF OUR CRIMINAL JUSTICE SYSTEMS IN THIS COUNTRY, HARKEN BACK TO A MORE INNOCENT AGE, AND HAVE STRONG BUILT-IN PRESUMPTIONS AGAINST TREATING JUVENILES AS ADULTS.

IN GENERAL, I THINK WE HAVE TO PROVIDE GREATER FLEXIBILITY -- AND GIVE LAW ENFORCEMENT WIDER LATITUDE TO PROSECUTE SERIOUS JUVENILE OFFENDERS AS ADULTS.

WHILE THE PROCEDURE FOR CERTIFYING JUVENILES INTO ADULT COURTS IS AVAILABLE IN MOST STATES, IT CAN BE CUMBERSOME AND DIFFICULT, AND IN PRACTICE IT IS RARELY USED. THE RESULTING UNLIKELIHOOD AND UNCERTAINTY OF WAIVER INTO THE ADULT SYSTEM REDUCES OR ELIMINATES ANY DETERRENT EFFECT THAT THE THREAT OF

ADULT PROSECUTION COULD HAVE ON JUVENILES. AGAIN, EVERY LAW ENFORCEMENT PROFESSIONAL KNOWS THE STORIES OF JUVENILES WHO WHEN ARRESTED LAUGH IN THEIR FACES AND BRAG ABOUT HOW QUICKLY THEY'LL BE BACK ON THE STREETS.

MOREOVER, IN MANY STATES, THE RECORDS KEPT OF JUVENILE OFFENSES ARE WHOLLY INADEQUATE AND LAWS GOVERNING THE SHARING OF WHAT LITTLE INFORMATION DOES EXIST ARE UNDULY RESTRICTIVE.

WITHOUT MEANINGFUL AND ACCESSIBLE INFORMATION ABOUT A JUVENILE'S CRIMINAL HISTORY, IT IS VIRTUALLY IMPOSSIBLE TO DETERMINE WHETHER HE HAS BECOME THE SORT OF HABITUAL OFFENDER WHO SHOULD BE TRIED AS AN ADULT.

WHILE LAWS PROVIDING FOR THE SEALING OF JUVENILE RECORDS FOR PURPOSES OF LATER EMPLOYMENT APPLICATIONS MAY BE WARRANTED, THERE IS NO JUSTIFICATION FOR NOT KEEPING ADEQUATE JUVENILE CRIMINAL HISTORY RECORDS AND SHARING THAT INFORMATION WITH OTHER PARTS OF THE CRIMINAL JUSTICE SYSTEM.

THE THEORY OF SEALING THESE RECORDS IS TO GIVE A CLEAN SLATE TO THE JUVENILE WHO COMMITTED A YOUTHFUL ERROR BUT HAS SINCE MENDED HIS WAYS. THAT THEORY SIMPLY DOES NOT APPLY WHERE THE JUVENILE CONTINUES TO COMMIT CRIMES.

C.

LET ME TELL YOU SOME OF THE MEASURES WE ARE CONSIDERING AT THE FEDERAL LEVEL TO STRENGTHEN OUR ABILITY TO DEAL WITH JUVENILE CRIME.

FIRST, THE DEPARTMENT OF JUSTICE IS NOW IN THE PROCESS OF PROMULGATING A RULE THAT WOULD AUTHORIZE THE FBI TO INCLUDE JUVENILE RECORDS IN THE FBI CRIMINAL HISTORY INFORMATION SYSTEM. CURRENTLY, OFFENSES COMMITTED BY JUVENILE OFFENDERS CANNOT BE INCLUDED UNLESS THE JUVENILE WAS TRIED AS AN ADULT.

THE PURPOSE OF THE PROPOSED RULE IS TO MAKE THE RECORDS OF SERIOUS CRIMES COMMITTED BY JUVENILES AVAILABLE FOR LAW ENFORCEMENT AND JUDICIAL USE.

THE RULE DOES NOT COMPEL THE STATES TO PROVIDE SUCH INFORMATION TO THE FBI, BUT ONLY PROVIDES THE FBI WITH THE SAME AUTHORITY TO RECEIVE JUVENILE RECORDS. STATE LAW AND POLICY WILL DICTATE WHETHER A STATE FORWARDS JUVENILE RECORDS, AND IF SO, WHAT TYPES OF RECORDS ARE FORWARDED.

WE HAVE RECEIVED COMMENTS ABOUT THE PROPOSED RULE, INCLUDING SOME EXPRESSING CONCERNS ABOUT BLURRING THE DISTINCTIONS BETWEEN THE ADULT AND JUVENILE SYSTEMS. OVERALL, I

BELIEVE THAT THE BASIC PREMISE OF THE RULE IS SOUND, AND THAT THESE JUVENILE RECORDS ARE IMPORTANT TO OUR LAW ENFORCEMENT SYSTEM.

SECOND, I AM CONSIDERING AMENDMENTS TO THE FEDERAL CODE THAT WOULD GIVE THE FEDERAL GOVERNMENT MORE FLEXIBILITY TO TRY JUVENILES AS ADULTS.

UNDER CURRENT LAW, A JUVENILE MAY BE TRIED AS AN ADULT IN THE FEDERAL SYSTEM ONLY FOR CERTAIN VIOLENT FELONIES OR SERIOUS DRUG OFFENSES, AND ONLY IF HE MEETS CERTAIN AGE REQUIREMENTS.

MOREOVER, UNDER CURRENT LAW, THERE IS A PRESUMPTION AGAINST ADULT PROSECUTION THAT CAN BE OVERCOME ONLY BY A FINDING BY THE FEDERAL COURT THAT IT IS "IN THE INTEREST OF JUSTICE" TO TRANSFER THE JUVENILE TO THE ADULT SYSTEM.

WE ARE CONSIDERING CHANGING THIS SYSTEM IN TWO WAYS.

FIRST, WE MAY PROPOSE TO BROADEN THE TYPES OF CRIMES FOR WHICH ADULT PROSECUTION IS AVAILABLE TO OTHER AREAS OF STRONG FEDERAL LAW ENFORCEMENT INTEREST. IN ADDITION TO VIOLENT FELONIES AND SERIOUS DRUG CRIMES, WE ARE CONSIDERING ADDING SERIOUS FIREARMS OFFENSES AND CERTAIN OTHER GANG-RELATED CRIMES WHERE THERE IS A STRONG FEDERAL INTEREST.

SECOND, WE MAY SUGGEST CERTAIN ADJUSTMENTS IN THE CURRENT AGE REQUIREMENTS AND IN THE PRESUMPTIONS AND THE REQUIRED COURT APPROVALS TO MAKE IT LESS DIFFICULT TO TRY JUVENILES, ESPECIALLY REPEAT OFFENDERS, AS ADULTS IN APPROPRIATE CASES.

LET ME MAKE CLEAR WHAT WE ARE NOT CONSIDERING. WE ARE NOT SUGGESTING THAT THE PROSECUTION OF JUVENILE CRIME SHOULD BE FEDERALIZED. ON THE CONTRARY, AS IS THE CASE WITH VIOLENT CRIME GENERALLY -- WHERE 95% OF THE CASES ARE HANDLED BY THE STATES -- THE PRIMARY RESPONSIBILITY FOR THE PROSECUTION OF JUVENILE OFFENDERS LIES WITH THE STATES. THE IDEAS THAT I HAVE DISCUSSED TODAY RELATE ONLY TO CERTAIN UNIQUELY SERIOUS FEDERAL OFFENSES THAT THE FEDERAL GOVERNMENT HAS A STRONG INTEREST IN PROSECUTING.

ON THE OTHER HAND, I HOPE THAT THE STATES WILL AMEND THEIR CODES WHERE NECESSARY TO ALLOW FOR THE ADULT PROSECUTION AND PUNISHMENT OF JUVENILES WHO COMMIT SERIOUS, VIOLENT ACTS OR WHO ARE REPEAT FELONS. INDEED, I UNDERSTAND THAT MANY STATES HAVE ALREADY MADE SUBSTANTIAL PROGRESS IN AMENDING THEIR LAWS TO ALLOW FOR THE ADULT PROSECUTION OF SERIOUS JUVENILE OFFENDERS. I APPLAUD AND ENCOURAGE THAT TREND.

IN THAT REGARD, I UNDERSTAND THAT GOVERNOR THOMPSON HAS MADE A NUMBER OF PROPOSALS TO MODIFY THE WISCONSIN JUVENILE JUSTICE SYSTEM THAT ARE CONSISTENT WITH MY THEMES TODAY. IN PARTICULAR, HE HAS PROPOSED AMENDMENTS TO ALLOW FOR THE ADULT PROSECUTION OF

YOUTH FOR NUMEROUS SERIOUS OFFENSES, INCLUDING VIOLATIONS IN FURTHERANCE OF CRIMINAL ACTIVITY BY AN ORGANIZED GANG. I STRONGLY SUPPORT HIS EFFORTS TO RESPOND TO THESE VIOLENT JUVENILE OFFENDERS.

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IN SUM, THE KEY TO EFFECTIVE JUVENILE JUSTICE REFORM CAN BE BOILED DOWN TO FOUR COMMON SENSE IDEAS: FIRST, WE MUST BOLSTER THOSE INSTITUTIONS IN OUR SOCIETY THAT PREVENT THE JUVENILE FROM TURNING TO CRIME IN THE FIRST PLACE. SECOND, WE MUST REACT SWIFTLY AND STERNLY TO A JUVENILE'S FIRST TRANSGRESSION OF THE LAW TO PREVENT FURTHER DETERIORATION. THIRD, WE MUST RECOGNIZE WHEN THE JUVENILE DELINQUENT HAS BECOME THE SERIOUS, CAREER CRIMINAL OFFENDER AND DEAL WITH HIM APPROPRIATELY. FINALLY, IN ORDER TO MAKE THIS SYSTEM WORK, THE STATES AND THE FEDERAL GOVERNMENT MUST WORK TOGETHER TO KEEP AND SHARE MEANINGFUL RECORDS OF A JUVENILE'S CRIMINAL HISTORY.

THANK YOU.