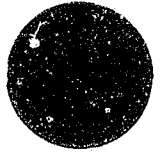




Department of Justice



STATEMENT

OF

THE HONORABLE JIMMY GURULE
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

BEFORE

THE

SUBCOMMITTEE ON JUVENILE JUSTICE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ACT OF 1974, AS AMENDED

ON

JULY 2, 1992

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Mr. Chairman, I am pleased to have this opportunity to present the Administration's position regarding reauthorization of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended. As you know, Mr. Chairman, the Act created an Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the United States Department of Justice to provide Federal direction, coordination, leadership, and resources to address the problems of juvenile crime and delinquency and to help improve the administration of State and local juvenile justice system.

OJJDP has worked to fulfill this mission by examining problems and testing possible solutions; creating, funding, and implementing programs that demonstrate the most promise; facilitating the exchange of information among Federal, State, and local juvenile justice policymakers and practitioners; and supplying technical assistance, training, and other expertise to juvenile justice personnel, communities, and organizations.

Program Priorities

Each year, OJJDP develops priority areas for the programs it supports through a program planning process. This program planning process is closely coordinated with the Assistant Attorney General and the bureau components within the Office of Justice Programs, of which, as you know, Mr. Chairman, OJJDP is a part. In this way, the impact of OJJDP programs can be maximized by targeting funds to mutual areas of high priority. Through this comprehensive program integration and coordination process, OJJDP efforts are further maximized by complementing OJJDP initiatives with programs from OJP's other bureaus.

Recent OJJDP priorities include programs aimed at juvenile gangs, including establishment of a National Youth Gang Clearinghouse; a major 5-year effort to improve national statistics on juvenile offenders and victimization; crises care for runaways and teen victims of sexual exploitation; intermediate sanctions, such as boot camp demonstrations for juvenile offenders; training for juvenile and family court judges and other juvenile justice practitioners; programs to improve literacy training for teachers in juvenile detention or correctional facilities; programs that provide treatment to drug and alcohol dependent juveniles; programs that provide education opportunities and job training skills; programs aimed at assisting high-risk youth stay in school, such as the Cities In Schools program, alternative activities for high-risk youth through the Boys and Girls Clubs of America; and programs relating to missing and exploited children. OJJDP also provides Federal direction and leadership by working to develop cooperative efforts with other Federal agencies, primarily through the Coordinating Council on Juvenile Justice and Delinquency Prevention, which is comprised of representatives of 17 Federal agencies with responsibility for delinquency prevention and missing and exploited children programs. Further, in accordance with the 1988 Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974, OJJDP has launched several efforts addressing the issue of minority over-representation in the juvenile justice system.

Formula Grant Program

In addition to these efforts, OJJDP provides formula grants to States and local governments to help them improve the juvenile justice system and address issues associated with preventing juvenile crime and delinquency. To receive formula grants, States and local governments must comply with provisions of the JJDP Act which require the deinstitutionalization of status offenders, site and sound separation of juveniles and adults in detention and correctional facilities, and removal of juveniles from adult jails and lockups.

I am pleased to report that of the 56 States and Territories that participated in the Formula Grant Program in Fiscal Year 1991, 52 are in full compliance with the deinstitutionalization mandate; one newly-participating State is demonstrating progress; one State is out of compliance; and data is not yet due from two newly-participating States.

A total of 41 States and Territories are in full compliance with the separation mandate; 11 are showing progress; more data is needed for one State; one State is out of compliance; and data is not yet due from two States.

Thirty-nine States and Territories are in full compliance with the removal mandate. A waiver has been granted to six States, and OJJDP is reviewing waiver requests from an additional 5 States. Data is not yet due from two States; additional data is needed to determine the compliance of one State; and 3 States are out of compliance.

OJJDP is continuing to work with the States and Territories to help them achieve compliance with all three of the mandates of the JJDP Act. But, Mr. Chairman, it is clear that considerable progress has been made towards achieving the major goals and objectives of this program. It is important to note that over \$1.2 billion has been provided to the States and Territories to assist them in these efforts since the program's inception. The Department believes that after these many years of Federal support, the states are keenly aware of the critical need of and benefits to juvenile delinquents in complying with the JJDP Act provisions and should now assume funding responsibility for achieving compliance with these mandates. The time has now come to try a new, coordinated and comprehensive approach to addressing serious and violent crime committed by juveniles.

Reauthorization

The Department of Justice supports reauthorization for OJJDP. However, the Department has a number of serious concerns with this Subcommittee's reauthorization bill, S.2792 which authorizes a total of \$250 million for programs to be administered by OJJDP. One is Section 6, which adds a Title VI, "Justice for Abused and Neglected Children." Title VI creates a \$20 million grant program aimed at assisting child victims of sexual or physical abuse and prosecuting abusers. The Department objects to the Title VI provisions, based on the fact that a number of Federal programs currently meet the purposes of this title and are operated under authorities existing within OJJDP, OJP's Bureau of Justice

Assistance (BJA) and Office for Victims of Crime (OVC), as well as other Federal agencies such as the Departments of Health and Human Services and Education, and we defer to these departments to comment specifically with regard to their related programs. In fact, OJJDP and OVC have an excellent record of cooperation in linking program efforts aimed at addressing the specific needs of physically and sexually abused children.

However, of primary concern is the bill's creation of new social service focused grant programs that duplicate not only existing authority within the JJDP Act but also programs administered by other Federal departments. For example, Section 2(g) would create a new OJJDP grant program titled "State Challenge Activities," authorized at \$50 million, that would fund health care, mental health, basic educational, and special educational programs without tying them to the juvenile justice system. Furthermore, Section 5 adds Title V to the JJDP Act entitled, "Incentives Grants for Local Delinquency Prevention Programs," authorized at \$30 million. This provision would authorize grants to support programs in the areas of recreation, tutoring, remedial education, employment skill development, health care, alcohol and substance abuse prevention, and leadership development, and would require a 100% match from local units of government.

These kinds of programs are, and have been, supported by not only OJJDP, but also numerous other Federal agencies, such as the Departments of Health and Human Services, Labor, Education, Interior, Housing and Urban Development, and Transportation.

Indeed, a recent General Accounting Office study found that, based on 1989 figures, the Federal Government was funding, through 7 Departments and 18 agencies, 260 programs with approximately \$4.2 billion in spending annually to serve delinquent and at-risk youth. The GAO study further emphasized, however, that most of this funding is for social programs such as job training, vocational education, and health services, with little funding (only 4 percent) directly targeted to preventing youth violence.

Statistics show that juveniles are responsible for a large share of violent crime in America. For example, the FBI's 1990 Uniform Crime Reports demonstrated that juveniles under the age of 18 made up the following percentage of all persons arrested for the following offenses: 33 percent of burglaries; 30 percent of larcenies; 24 percent of robberies; 15 percent of rapes; and 14 percent (1 in 7) murders and cases of non-negligent manslaughter. In 1990, persons under 19 accounted for 21 percent of all arrests for murder.

Moreover, the rate of juvenile crime in this country is increasing at an alarming rate. According to the FBI's Uniform Crime Reports, between 1965 and 1989, the juvenile arrest rate for murder almost tripled, the arrest rate for aggravated assault tripled, and the arrest rate for weapons violations increased 2-1/2 times.

Mr. Chairman, what is strikingly clear from these very alarming statistics is that the status quo is not working. In spite of annual Federal spending of \$4.2 billion in social

programs, juvenile violent crime is going up. We cannot continue on our current path. We must find new and innovative ways to intervene early and sternly, with "tough love," as Attorney General Barr has stated, by holding juveniles accountable for their actions. As the federal coordinator of juvenile justice programs, it is important that the Administrator, OJJDP, link that office's accountability programs with those of other federal agencies that address education, health, job training and other like programs. While we recognize the importance of prevention and education programs, there is no need to provide additional scarce Federal funds for duplicating these programs within OJJDP.

Attorney General William Barr recently outlined a four-point approach to address the problem of youth violence and reform the juvenile justice system, which the Department of Justice believes should serve as the foundation for any attempt to reauthorize the Office of Juvenile Justice and Delinquency Prevention.

The first part of this approach is to strengthen society's most important socializing institutions -- family, schools, community associations, and religious institutions. As the Attorney General has pointed out, "These are the primary vehicles by which values and ethics are instilled in our children, and their importance cannot be overstated."

The family is a child's first educator. It is from the family that children learn the values that will guide them throughout their lives. These values should include respect for themselves and others, and respect for the law and mores of society.

Our educational system also must restore moral authority to our schools. Schools must become a working partner with parents and social agencies to help form good character in young people, to reinforce the principles of hard work, honesty, self-discipline, responsibility for one's actions, and respect for authority. We recognize, however, that reform of our social institutions is largely outside the jurisdiction of the Department of Justice. Clearly, the juvenile justice system should not be the first place that affords an opportunity for juveniles to learn and develop values.

We must further recognize the need for early intervention and accountability in preventing gang-related and other criminal offenses committed by juveniles. This is the second part of the Department's approach.

The majority of juvenile delinquency cases are referred by juvenile courts to social welfare agencies for disposition. Sanctions imposed by juvenile courts are too often light and ineffective, even for serious offenses. According to Juvenile Court Statistics 1989, only a small percentage of delinquency referrals--just over 9 percent--were placed in residential facilities.

The Department does not maintain that confinement is an appropriate sanction for all juvenile offenders. However, if serious and violent juvenile offenders are returned to the community with only a slap on the wrist the juvenile justice system

is sending the wrong message both to the offender and to other young people in the neighborhood-- it's sending a message that the juvenile justice system has no "teeth," that it's a "joke," and that you can get away with almost anything. This is not serving either the best interests of society or juvenile offenders. Indeed, adult criminal organizations are reported to recruit and take advantage of juveniles because they believe that juvenile offenders receive little, if any, punishment and are often back on the street before their arresting officer has even completed the paperwork.

The Department believes that intermediate sanctions which provide alternatives to secure confinement should be available to juvenile and family court judges. These alternatives will instill in a young offender the importance of discipline, hard-work, responsibility and accountability. One innovative and promising option is boot camps for juvenile offenders. OJJDP is currently demonstrating boot camp programs for juvenile offenders in 3 sites. Recognizing the gradations of juvenile offenders, we must take advantage of the broad array of immediate and intermediate sanctions that are available to us, such as fines, restitution, community service, home detention, intensive supervision, electronic monitoring and boot camps, and community aftercare programs upon release from boot camps. We must also provide for the development of a network of secure community-based treatment facilities to provide accountability coupled with intensive services and a strong aftercare component. S.2792 fails to

adequately address these very important issue.

Furthermore, the unfortunate reality is that there are some young offenders who are not amenable to rehabilitation and refuse to respond to such efforts. Only a small percentage of youth fit this category. The National Youth Study published earlier this year found that 7 percent of all youth accounted for 79 percent of all serious, violent offenses committed by young people. Some of these young offenders commit hundreds of offenses each year. Moreover, there is evidence that once a juvenile offender is arrested three or more times for committing serious crimes, his chances of rehabilitation are slim. S.2792 also fails to provide for this group of juvenile offenders.

Government has a responsibility to protect law-abiding citizens from violent crime. As Attorney General Barr has said, "Once a juvenile has embarked on a career of crime, the goal of protecting society must become paramount."

The third component of the Department's approach, therefore, is that, for the protection of society, chronic serious and violent juvenile offenders should be treated like adults and be appropriately punished through the criminal justice system. To do this, we must be able to identify this category of offender.

However, records regarding a juvenile's criminal history are often inadequate, making it difficult to identify these offenders and determine whether a juvenile has become a chronic, habitual offender who should be tried as an adult. In order to make appropriate waivers to criminal court, states must keep meaningful

records of a juvenile's delinquent history. We need to establish standards, guidelines, and criteria with regard to the collection of this information at the State and local levels and its availability in both juvenile and criminal proceedings. Finally, in many states, statutes that allow juvenile cases to be waived to criminal court are cumbersome and difficult to use. The fourth component of the Department's approach recognizes the need for reform in these areas. Under Attorney General Barr's leadership, the Department of Justice is also considering other measures to strengthen the Federal Government's ability to deal with chronic serious and violent juvenile offenders.

Mr. Chairman, the Department of Justice believes that any reauthorization effort should reflect these themes for reform of the Nation's justice system in dealing with juvenile offenders, and in serving the best interests of juveniles and society.

In addition, the Department of Justice has serious problems concerning the line of authority that would be established by S.2792. The bill would establish a new direct reporting relationship between the Administrator of OJJDP and the Attorney General, and further prohibits delegation of the Attorney General's authority under the Act. This is in direct opposition to the Administration's proposal to reauthorize the Office of Justice Programs and the Executive Order signed by the Attorney General on February 19, 1991, which seeks to establish a clearer line of authority between OJP and its bureaus by enhancing the Assistant Attorney General's ability to administer and manage the bureaus.

The Administration's proposal creates an environment that fosters improved communication and cooperation, and the integration of resources by strengthening the connection between OJP and its bureaus and by enabling OJP to be more responsive to priorities of the Administration, the Department, and the Congress.

In this regard, I want to point out that we at the Federal level are making every attempt to coordinate and link projects to maximize their effectiveness and impact through comprehensive programs such as Operation Weed and Seed. Disconnecting OJJDP from OJP not only fragments these and other efforts, but impedes our ability to focus and coordinate other programs within the Department.

S.2792 would limit any authority of the Assistant Attorney General for OJP over the operation of OJJDP. The OJP components currently operate together as a coordinated unit, supporting the mission of the agency in providing leadership through innovation in the administration of justice, in keeping with the direction of the Administration, the Attorney General, and the priorities set forth in the National Drug Control Strategy. These collaborative programs prevent duplication of effort, take advantage of a wide range of expertise and resources among the OJP bureaus, and enhance the implementation and effectiveness of coordinated, comprehensive efforts and partnerships to combat crime and revitalize neighborhoods. By limiting the authority of the OJP Assistant Attorney General over OJJDP, S. 2792 would significantly obstruct such coordinated, comprehensive efforts, which the Department believes hold great promise for substantive improvement in crime

control.

Further, the bill's language appears to remove OJJDP from the administrative framework of OJP and, by doing so, from the administrative support services, such as personnel and grants financial management, that OJP provides. This removal would greatly increase the administrative costs of OJJDP.

The Department of Justice encourages this Subcommittee to seriously reconsider S.2792 in light of these concerns. The Department believes that its alternative proposals outlined herein will create a structure under which OJJDP, through OJP, can more effectively provide Federal leadership, direction, and assistance to State and local governments in dealing with the problem of youth crime, violence, and drug use.

I know that this Subcommittee and the Department of Justice are both committed to seeking ways to save our youth -- our Nation's most precious resource. We must stop the senseless tragedy of children killing children as a right of passage or as an initiation right into gangs. We must stop juveniles from randomly killing or resorting to violence to settle disputes, and in some instances killing for no reason at all. And we must stop our youth from dealing drugs for quick profits and from taking drugs as an escape. We must show our youth that there is a better way of life, filled with values and meaning that they can share. Juveniles must be taught how to become productive and law-abiding citizens. We must hold them accountable for their actions. Their lives and the future of America's children depend on it.

Thank you, Mr. Chairman. I would now be pleased to respond

to any questions you or Members of the Subcommittee may have.