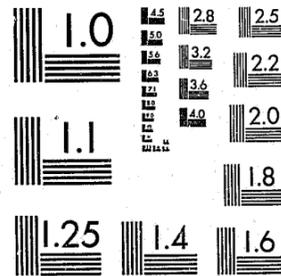


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UNITED STATES DEPARTMENT OF JUSTICE

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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1 APPEARANCES:

2 JEFFREY HARRIS,
3 Executive Director,
4 Attorney General's Task Force

5 GOVERNOR JAMES R. THOMSON
6 Co-Chairman

7 GRIFFIN BELL,
8 Co-Chairman,
9 King & Spaulding,
10 Atlanta, Georgia

11 DAVID ARMSTRONG,
12 Commonwealth Attorney,
13 Louisville, Kentucky

14 WILLIAM HART,
15 Chief of Police,
16 Detroit, Michigan

17 WILLIAM F. LITTLEFIELD,
18 Public Defender,
19 Los Angeles County, California

20 ROBERT L. EDWARDS,
21 Director, Division of Criminal
22 Justice Information Systems,
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Executive Director,
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U.S. Department of Justice
National Institute 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 FBI's 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

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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.

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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 preceding paragraph is the following.

19 The preceding 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

1 Justice.

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

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

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

10 MR. BELL: He knows what he told us.

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

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

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

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1 General of what he said to us, I'm trying to tell other
2 people, who weren't there, what the Attorney General
3 said to us; and to do it defending that. That is to say,
4 I think it was quite proper for him to ask us to accept
5 that particular mandate.

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

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

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

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

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

25 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 mitted 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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1 absent for an hour, or so, and he has asked me to begin
2 the agenda, with the testimony of the witness.

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

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

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

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

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

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1 He also brings to this Commission the diversity
2 of background, including a tour of duty as an Assistant
3 United States Attorney in the Northern District of
4 Illinois, where he both prosecuted and served in super-
5 visory ranks.

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

10 STATEMENT OF

11 THE HONORABLE TYRONE C. FAHNER,
12 ATTORNEY GENERAL,
13 STATE OF ILLINOIS.

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

22 Although the Governor, with his kind remarks,
23 has already done so, I plan to acquaint the members of
24 the Task Force, whom I do not know personally, with a
25 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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1 covered or included, along with the loss of earnings
2 up to \$750 per month. Now, total recovery may not
3 exceed \$15,000, and no recovery can be made for property
4 loss or damage.

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

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

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

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

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

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

24 We have distributed 30,000 plasticized cards
25 and posters to police and hospital emergency rooms.

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1 Which we have coined the phrase "The Reverse Miranda
2 Cards" that advise the victims of their rights in the
3 way that Miranda, of course, has come into great promi-
4 nence since the 60s.

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

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

14 Rape victims in the State cannot be charged
15 for emergency treatment by hospitals. If insurance does
16 not cover their cost, the Illinois Department of Public
17 Health reimburse the hospitals for the expense of treat-
18 ment.

19 And the General Assembly passed legislation
20 2 years ago termed the "Son of Sam Bill". And that
21 measure provides that any profit made by a convicted
22 criminal for publication of information concerning
23 illegal acts will be held in an escrow fund until all
24 restitution for the crime is paid to the victims of the
25 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

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

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 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. STIMELING: 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 comparaing 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 implańting 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,

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

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.

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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 --

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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.)

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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 probabilit-
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.)
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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.

1 Whereupon,

2 THE WITNESS

3 testified as follows:

4 BY MR. HARRIS:

5 Q For purposes of background, have you ever been
6 placed in a juvenile institution or juvenile program?

7 A Yes.

8 Q For what reasons?

9 A For running away, armed robbery, burglary,
10 purse snatching.

11 Q How old were you at the time that you were
12 first so placed?

13 A 8-1/2.

14 Q And during your youth, how many juvenile pro-
15 grams or institutions were you in?

16 A All of 'em.

17 Q About how many is all?

18 A About 7.

19 Q 7. How far did you go in school?

20 A 8th grade.

21 Q And why did you leave school?

22 A It didn't held my interest. I felt that I
23 couldn't identify with the things that were being taught
24 to me.

25 Q At what age did you first obtain a gun?

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1 A The age of 16.

2 Q And how did you get it?

3 A Through a friend; through a burglar.

4 Q Have you ever been convicted of a criminal
5 offense?

6 A Yes.

7 Q How many times?

8 A Twice.

9 Q And what were those offenses?

10 A Armed robbery, assault, aggravated battery.

11 Q How many crimes did you commit before the first
12 time that you were caught?

13 A About 100 or so.

14 Q And in how many of those 100 did you use a
15 gun?

16 A Practically all of 'em.

17 Q How long, at all, did you serve in prison?

18 A A total of 8 years.

19 Q Now did there come a time when you started
20 your own youth gang?

21 A Yes.

22 Q And how old were you when you started this
23 gang?

24 A 16.

25 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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2 OF 4

1 ask you to answer them.

2 THE WITNESS: Okay.

3 MR. HARRIS: Judge.

4 BY MR. BELL:

5 Q How many of the 8,000 members of the gang were
6 female?

7 A A very small portion.

8 Q A small portion.

9 A Yes.

10 Q Now, in this drug program, drug pushing, did
11 you use young members as pushers?

12 A Yes.

13 Q Why?

14 A Well, most times when young members are caught,
15 they -- they don't end up doing big time.

16 Q These are the very young, I take it?

17 A Right. They're 12, on up.

18 Q What you'd call children?

19 A Yes, I would call them children.

20 Q All right. How do you discipline those children
21 if they don't do what you tell them to do?

22 A Well, mainly, they are disciplined by their
23 own peer group, those who are in the age bracket of them-
24 selves. And, it pretty -- It works out pretty good that
25 way.

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1 Q Have you ever known any of the children
2 pushers to be killed?

3 A Not to my knowledge.

4 Q What about punished in other ways?

5 A I would imagine.

6 Q All right. Once you're in this gang, how do
7 you get out? How can you get out? How can you withdraw?

8 A Well, I think it depends on you. Some people,
9 they can't get out. Others are stronger than the gang
10 leaders, so they just don't mind letting 'em out.

11 Q Yeah. Could you tell us a little more about
12 how the gang happens to be in 5 states? Do you sell
13 franchises, or you just sell franchises? Just how do
14 you happen to be in 5 states?

15 A Well --

16 Q I know you could be here and over in Indiana
17 very easily, but --

18 A Well, the thing is it's just as that, as you
19 may remember, I spoke of a Council that's sets up.
20 That's really the government within the gang structure,
21 in addition to the leader.

22 This Council is sent out, like ambassadors,
23 and they go wherever they have to go, different states,
24 mainly the neighboring states -- Wisconsin, Indiana,
25 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

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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

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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?

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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.

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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 insci-
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 rejoin 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 subpoena 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 herein 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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1 (Laughter.)

2 JUDGE WHITE: After sitting here, I'm sure
3 there's a third thing that ought to be added: He
4 knows what ought to be done about juvenile justice.

5 None of your other witnesses had any doubts
6 about what ought to be done; they knew what was wrong
7 with our juvenile justice system and what was wrong
8 with our kids.

9 There are 3 pieces of conventional wisdom
10 which I would like to examine with you: No. 1, juvenile
11 crime is running rampant; No. 2, juvenile courts are
12 lenient, too lenient -- more lenient than they should
13 be in handling really bad kids; and 3, we ought to send
14 these kids to the adult system where they will be more
15 likely to get their just desserts.

16 Let's examine these pieces of conventional
17 wisdom. Our threshold question then is: How bad is
18 juvenile crime?

19 We know any level of crime is bad, and it is
20 particularly bad when, as so often is the case, both
21 the offender and the victim are young.

22 I resisted the temptation to give just my
23 assessment of the juvenile crime picture, based upon
24 my 12 years as Presiding Judge of the Juvenile Court
25 here in Chicago. Because, working there, frankly, it

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1 seemed to me that one dreary day looked very much like
2 the next one. So, therefore, I examined two of the
3 best sources of nationwide facts on this question.
4 One source was the Federal Bureau of Investigation
5 Unifying Crime Reports. These UCRs show: One, during
6 the 1960's arrests of person under 18 for violent
7 crime -- that's homicide, rape, robbery, and aggravated
8 assault -- grew faster than the arrest rate for adults.
9 The ones for juveniles grew faster than the arrest rates
10 for adults.

11 But, from 1970 to 1979, the arrest rate for
12 persons under 18 for violent crimes increased by 41.3
13 percent, while the arrest rate for persons over 18
14 for violent crime rose at an even greater rate, 50.2
15 percent.

16 Three, during the 1970's arrests of person
17 under 18 for all indexed crimes increased 17 percent.
18 But for the same period the arrests of persons over 18,
19 arrests for index offenses increased 54.4 percent,
20 triple that of juveniles.

21 So, it would seem that if Government was under
22 the control of juveniles, they'd be having an investiga-
23 tion as to what to do about adult crime, since it is
24 increasing three times as fast -- if you trust these
25 FBI statistics -- than that for juvenile crime. And

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1 these are taken from the Uniform Crime Reports, page
2 190, of their reports for 1970.

3 Continuing, No. 4, from 1975 to 1979, the
4 rate of adult arrests for violent crime went up by
5 3.9 percent. During this same most recent accounting
6 period, the rate of arrests for youths under 18 for
7 violent time went down by 10 percent.

8 You all have in the material that's furnished
9 you a table, and it's prepared from information taken
10 from the Uniform Crime Reports, to which I have re-
11 ferred, and it shows the grim fact that between 1975
12 and 1979 total arrests for persons under 18 for violent
13 crime increased. However, there were decreases in
14 some categories, significantly. It shows in percentages
15 that the contribution of persons under 18 to the crime
16 problem dropped in violent crime, dropped in index
17 crime, and dropped in property crime.

18 It would appear that the interest we have
19 now we should have shown during the 1960's, because
20 perhaps the tide has already turned.

21 The other data source, other than the FBI
22 statistics, is a survey sponsored by the Bureau of
23 Justice Statistics. Which focused on crime in which
24 the victims came face to face with the offenders --
25 rape, personal and commercial robbery, assault, personal

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1 larceny.

2 The Office of Juvenile Justice and Delinquency
3 Prevention sponsored a special analysis of this data
4 which compared the criminal involvement of juvenile
5 offenders -- that is, those under 18 -- with youthful
6 offenders -- those from 18 to 20 -- and adults -- that
7 is, those who are 21 or over.

8 It was found that during the period of 1973
9 to 1977, the rates per 100,000 persons in each category
10 were as follows: For juveniles, 4852; for youthful
11 offenders, 8116; for adults, 2582.

12 It would appear from these statistics that
13 youthful offenders, that is those who are 18 to 20, who
14 are the subject of adult justice should be the object
15 of special scrutiny.

16 These national findings confirm my observations
17 of the local picture. The following chart -- and you'll
18 see it, and I won't go over it -- but they show that
19 during the past 5-1/3rd years -- that is including part
20 of 1981 -- indicate that total index crimes there was
21 an overall increase. However, you will note, that in
22 certain crimes, including homicide, the numbers of
23 crimes in Chicago went down. It was like 119 in 1976
24 and was 103 in 1980. I'm not saying this is tolerable,
25 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 malleable.
 15 They could be better reformed than adults. And, there-
 16 fore, society's response to the juveniles ought to
 17 differ.

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 perencing 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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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 Secret
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

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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