

**THE PRESIDENT'S FISCAL YEAR 2000 OFFICE OF  
JUSTICE PROGRAMS BUDGET: UNDERCUTTING  
STATE AND LOCAL LAW ENFORCEMENT IN  
THE 21ST CENTURY**

---

---

**HEARING**

BEFORE THE

SUBCOMMITTEE ON YOUTH VIOLENCE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

THE PRESIDENT'S FISCAL YEAR 2000 OFFICE OF JUSTICE PROGRAMS  
BUDGET: UNDERCUTTING STATE AND LOCAL LAW ENFORCEMENT IN  
THE 21ST CENTURY

—————  
MARCH 25, 1999  
—————

**Serial No. J-106-11**

—————

Printed for the use of the Committee on the Judiciary



COMMITTEE ON THE JUDICIARY

ORRIN G. HATCH, Utah, *Chairman*

STROM THURMOND, South Carolina	PATRICK J. LEAHY, Vermont
CHARLES E. GRASSLEY, Iowa	EDWARD M. KENNEDY, Massachusetts
ARLEN SPECTER, Pennsylvania	JOSEPH R. BIDEN, JR., Delaware
JON KYL, Arizona	HERBERT KOHL, Wisconsin
MIKE DEWINE, Ohio	DIANNE FEINSTEIN, California
JOHN ASHCROFT, Missouri	RUSSELL D. FEINGOLD, Wisconsin
SPENCER ABRAHAM, Michigan	ROBERT G. TORRICELLI, New Jersey
JEFF SESSIONS, Alabama	CHARLES E. SCHUMER, New York
BOB SMITH, New Hampshire	

MANUS COONEY, *Chief Counsel and Staff Director*

BRUCE A. COHEN, *Minority Chief Counsel*

---

SUBCOMMITTEE ON YOUTH VIOLENCE

JEFF SESSIONS, Alabama, *Chairman*

BOB SMITH, New Hampshire	JOSEPH R. BIDEN, JR., Delaware
JON KYL, Arizona	DIANNE FEINSTEIN, California
JOHN ASHCROFT, Missouri	HERBERT KOHL, Wisconsin

KRISTI LEE, *Chief Counsel*

SHERYL WALTER, *Minority Chief Counsel*

# CONTENTS

## STATEMENTS OF COMMITTEE MEMBERS

	Page
Sessions, Hon. Jeff, U.S. Senator from the State of Alabama .....	1
Kohl, Hon. Herbert, U.S. Senator from the State of Wisconsin .....	4

## CHRONOLOGICAL LIST OF WITNESSES

Statement of Laurie Robinson, assistant attorney general, Office of Justice Programs, U.S. Department of Justice .....	5
Panel consisting of Colonel John H. Wilson, chief of police, Montgomery, AL; Hon. Chet W. Vahle, juvenile court judge, Quincy, IL, on behalf of The National Council of Juvenile and Family Court Judges; Hon. Patricia L. West, juvenile and domestic relations district court, Virginia Beach, VA; and Harry L. Shorstein, state attorney, Fourth Judicial Circuit of Florida, Jacksonville, FL .....	19

## ALPHABETICAL LIST AND MATERIAL SUBMITTED

Robinson, Laurie:	
Testimony .....	5
Prepared statement .....	12
Shorstein, Harry L.:	
Testimony .....	34
Prepared statement .....	41
Article from the New York Times: "System in Florida Intervenes To Ward Off Juvenile Crime", dated Oct. 4, 1997 .....	37
Vahle, Chet W.:	
Testimony .....	21
Prepared statement .....	23
West, Patricia L.:	
Testimony .....	28
Prepared statement .....	31
Wilson, Col. John H.:	
Testimony .....	19
Prepared statement .....	20



**THE PRESIDENT'S FISCAL YEAR 2000 OFFICE  
OF JUSTICE PROGRAMS BUDGET: UNDER-  
CUTTING STATE AND LOCAL LAW EN-  
FORCEMENT IN THE 21ST CENTURY**

THURSDAY, MARCH 25, 1999

U.S. SENATE,  
SUBCOMMITTEE ON YOUTH VIOLENCE,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:04 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Jeff Sessions (chairman of the subcommittee) presiding.

Also present: Senator Kohl.

**OPENING STATEMENT OF HON. JEFF SESSIONS, A U.S.  
SENATOR FROM THE STATE OF ALABAMA**

Senator SESSIONS. Good afternoon. Thank you very much for being here. I would like to begin today by welcoming our panel of witnesses. They are very distinguished. Some of you have traveled great distances to be here, and I appreciate your efforts and willingness to share your thoughts on the subjects we will be discussing.

I have called this hearing to examine President Clinton's decision to eliminate over \$1.4 billion in fiscal year 2000 funding from several important programs which assist State and local law enforcement efforts. The subcommittee has an important oversight function with respect to programs administered by the Office of Justice Programs. Because of the importance of this oversight, I want to take this opportunity to examine why the President has proposed a budget which eliminates funding for three specific law enforcement programs administered by OJP: the juvenile justice accountability incentive block grant program, the local law enforcement block grant program, and the truth-in-sentencing/violent offender incarceration program. Additionally, I would also like to use this opportunity to discuss a proposal to reorganize OJP that the office has developed.

Before proceeding further, let me briefly discuss the programs that will be the subject of today's hearings. As a lead sponsor with Senator Hatch on the Hatch-Sessions Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, I have worked with Senator Hatch to include a 5-year authorization of the juvenile justice accountability incentive block grant program in this legislation. In fact, the version of this bill we have introduced in the 106th

Congress, S. 254, contains an annual authorization of \$450 million each year for the next 5 years for the program. The money that is distributed under this program can be used by States and local communities as they see fit for a variety of law enforcement purposes, including the building or expanding of juvenile detention facilities, which are oftentimes far more than just a jail. They have school programs in them, mental health treatment programs, and work training programs, all a part of those juvenile detention facilities.

The juvenile accountability block grant program will allow for the development of accountability-based sanctions for juveniles and the establishment of juvenile drug courts and a number of other programs that help take young people who have run afoul of the law into a new life of law-abidingness. So I am looking forward to the testimony of one of today's witnesses, Judge West, about the link between this block grant program and the development of graduated sanctions programs.

Why do Senator Hatch and I care so much about the program? Because it is the only Federal program that dedicates money to States for juvenile justice purposes. In 1997, I commissioned a GAO study to examine how the Federal Government addresses the issue of juvenile crime and the question of prevention, because some say you should not spend any money on juvenile justice programs until you have spent even more money on prevention. And I really do not see them to be in conflict. But the GAO concluded that the Government administered 129 juvenile programs focusing on prevention at an annual cost of \$4.3 billion, while spending no money at all on the juvenile law enforcement programs.

Since that report, I have worked to change this. Over the last 2 years, Senator Hatch and I were able to work with the appropriators to ensure that \$250 million was made available in 1998 and 1999 to support State and local juvenile law enforcement efforts, which include the combination of probation, court systems and follow-up, and education programs and drug treatment and testing as a part of that.

In fact, my home State of Alabama received \$3.7 million in fiscal year 1998 and will receive another \$3.7 million under this program for fiscal year 1999. Surely you can imagine my disappointment when I realized that the President's budget eliminated this program entirely without any communications or hearings or analysis that I am aware of.

The second program I wish to speak about is the law enforcement block grant program. This program is one of the most important crime-fighting provisions adopted a number of years ago. It represents a serious partnership between the Federal Government and local law enforcement. How serious a partnership? Over the last 2 fiscal years, more than \$1 billion in funding has gone to help local law enforcement improve their ability to fight crime.

I would like to read a passage from a letter I received from an Alabama mayor of a smaller town. The mayor writes:

The local law enforcement block grant we received has enabled our city to increase the size of its police fleet by five cars and to relegate five older cars, most of which do not have safety features, such as antilock brakes and airbags, to administrative and investigative purposes rather than emergency response and patrol purposes. This grant also has allowed our police department to standardize its hand-

guns and to issue safety holsters to our officers, making for a safer working environment for both the police and the public.

He added,

We appreciate your continued support for these programs. Without them the quality and quantity of police service in our community would certainly suffer.

As you can see, this administration decision to eliminate this vital program, which provides actual funding to local communities for their use, is damaging. Those funds can be used for the purposes of hiring additional officers, the payment of overtime, the acquisition of new technology, and the enhancing of security around schools. The loss of it will be a big setback to local law enforcement.

Larger cities also find merit in the local law enforcement block grant, and I am pleased to see Colonel John Wilson, chief of the Montgomery, AL, Police Department here today. Montgomery is Alabama's capital city and also has the distinction of having received more local law enforcement block grant money under this program last year than any city in the State. So I look forward to hearing Chief Wilson, whom I have admired for a number of years, to discuss how his program and that of his mayor, Emory Folmar, work to strengthen the outstanding police force that they have in the city.

The third item for discussion today is the President's decision to eliminate over \$600 million in the truth-in-sentencing/violent offenders' incarceration grant program. These programs serve two important law enforcement goals. They encourage States to implement truth-in-sentencing laws that require people convicted of violent crimes to serve no less than 85 percent of the sentence imposed and to assure the availability of funds to allow for building or expansion of juvenile correction facilities and jails. This program helps to ensure that those who are found guilty of violent crimes, such as murder, rape, robbery, and assault, will remain locked up and off the street. And I would hope that we can encourage the President to rethink his opposition to this program that helps ensure that violent predators remain safely behind bars.

I also look forward to the testimony of Judge Vahle, who will comment on his State's use of the money made available under this program to improve juvenile correctional facilities.

Clearly, I believe that the administration's decision to eliminate funding for this program is in error. The budget as submitted will result in an undercutting of the ability of State and local law enforcement entities to combat crime in their communities. The President's budget request will also make it more difficult for State prison systems to keep murderers, robbers, and sexual predators imprisoned. I also question many of the projects the President has chosen to fund with an additional request of his.

Finally, I am interested in hearing Director Robinson's comments on the specific programs that are being proposed and also on the Office of Justice Programs' proposal for restructuring of the office. I believe we should look favorably upon efforts that seek to reduce the size and ineffectiveness of Government and that will improve efficiency in Government. Sometimes this requires consolidation and simplification of duplicative programs. The Director's comments on the proposed restructuring plan of this office could be

very helpful as we seek to be more effective in looking at the OJP office.

I am also honored to have with us Senator Kohl, who is the ranking member, and I would appreciate any comments you would have, Herb, at this time.

**STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM  
THE STATE OF WISCONSIN**

Senator KOHL. Thank you very much, Mr. Chairman.

I won't take up too much time today discussing what is in the administration's budget and what is not. Every year the administration uses its budget to signal its priorities, and then Congress does its job. In the end, we all know the Local Law Enforcement Block Grant and the Juvenile Accountability Block Grant will get funded. And they should because these programs provide real assistance to real people on the front lines fighting crime, and they put spending decisions into the hands of State and local officials who know best, not Washington insiders.

But block grants are supposed to offer flexibility, and that should include the flexibility to choose a balanced strategy to reduce juvenile crime with both aggressive enforcement to keep the dangerous criminals off the streets and also prevention to stop crime before it happens. These block grants are good as far as they go, but they do not provide the balance. In fact, they deliberately short-change prevention. The Juvenile Accountability Block Grant, for example, provides hundreds of millions of dollars to juvenile justice assistance, but not one single dollar can be used for prevention. That is right, not even a dollar. This is not only wrong, in my opinion, it is unacceptable.

And very little of the Local Law Enforcement Block Grant goes to prevention even though it is supposed to be available for this purpose. Why? Because year after year a slim majority of appropriators single out most of the prevention language and say, "You cannot use this money for these purposes."

And so my question is this: If local officials know best, then why can't they invest this funding in crime prevention? If prevention works in their communities, why should they be told no just because some people in Washington don't like it? Mr. Chairman, I support these programs, but I hope we can work together to support a more balanced approach.

And so today I am introducing the 21st Century Safe and Sound Communities Act. This comprehensive measure to fight juvenile crime builds on what is already working in cities across the country: a combination of putting dangerous criminals behind bars, keeping guns out of the hands of young people, and creating after-school alternatives to guns and drugs. In my own city of Milwaukee, similar efforts in three targeted neighborhoods led to dramatic reductions in violent crimes and gun crimes, and "Safe and Sound" is the name of the program that we have established to expand this success citywide. This bill will help make other communities across our Nation safer and sounder as well.

Our measure helps stop violent juveniles by hiring 50,000 new police officers, building new juvenile jails, and cracking down on gun-toting kids and the people who illegally supply them with



weapons. It helps keep guns out of the wrong hands by requiring the sale of child safety locks with every handgun, by expanding Richmond's Project Exile to aggressively enforce Federal firearms laws, and by closing the inexcusable loophole that allows violent young offenders to buy guns once they turn 18. And it promotes crime prevention by opening the juvenile accountability block grant to prevention, cutting redundant and wasteful prevention programs, expanding the successful ones, and subjecting even the good ones to rigorous evaluations.

In short, Mr. Chairman, I believe this bill strikes a responsible balance, and on an issue as important as juvenile crime, I am hopeful it is a balance we can all support.

I thank you.

Senator SESSIONS. Thank you, Senator Kohl, and I look forward to working with you and reviewing that proposal. I certainly respect your commitment to this issue.

I do think that one thing we will discuss as we go forward is how a juvenile justice system, properly organized and coordinated with all the efforts in the community, can in itself be a crime prevention technique, maybe the best because it identifies those kids most at risk, the ones that are already getting arrested, and maybe can turn them around.

Our first panelist I would like to call at this time is Ms. Laurie Robinson, who was appointed by the President as Assistant Attorney General in September of 1994. She heads the Justice Department's Office of Justice Programs, which includes the National Institute of Justice, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office for Victims of crime, and the Office of Juvenile Justice and Delinquency Prevention. Prior to joining the Department, Ms. Robinson served as director of the American Bar Association's Criminal Justice Section.

So, Ms. Robinson, I want to welcome you to this hearing and say to you that I have admired the work you are doing, and I have enjoyed working with you. And at this time, I would like to hear your statement.

**STATEMENT OF LAURIE ROBINSON, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE**

Ms. ROBINSON. Mr. Chairman and members of the subcommittee, thank you so much for inviting me here today to talk about the work that OJP is doing to help ensure that States and local communities, in fact, have the funding and the other help that they need to combat crime and to address public safety. And I do want to express my appreciation to you, Mr. Chairman, for your support of OJP, and particularly our work on counterterrorism and the work that we are doing together at Fort McClellan. And I look forward to also continuing to work closely with you as we move OJP toward a new, more integrated organizational structure that can enhance our ability to help States and localities address public safety.

As you know, at the request of Congress, we have developed a plan for a new organizational structure for OJP, one that would consolidate and streamline the agency and also enhance our grant-

making and our information-sharing functions. And I look forward very much to working with you and others in Congress to implement what I see as very much needed management changes.

In the interim, however, we are continuing to move aggressively ahead to carry out our mission of assistance to States and localities. As you know, crime rates are down this year for the sixth year in a row. The programs that are proposed in the budget are designed to build on this momentum. And I must say that back to the earliest days of our program in LEAA, it is clear to me that we do need a mix of discretionary funding, technical assistance, research, training, and block grant funds. It is also clear, however, that some difficult choices had to be made by the administration within the spending levels available.

What I would like to do today briefly, Mr. Chairman, is highlight six critical areas, among others, where the budget proposes to target funds in the next fiscal year to build on efforts that I think are making our communities safer.

First, enhancing law enforcement technology. Law enforcement professionals tell us today that they need a solid technological infrastructure to fight crime effectively. They need computer hardware and software for crime mapping, and they need resources to help reduce the backlog of DNA samples in our Nation's crime labs. They need interoperable wireless communications, and they need sophisticated technology to improve their forensic science capabilities. The Justice Department I think can play a vital role by providing seed money for pilot projects, demonstration programs, and, importantly, advances in our knowledge.

Second, OJP will continue its focus on addressing crime and drug abuse by juveniles. I know this is a subject of deep concern to you, Mr. Chairman, as well as to those of you on the committee and in the Department.

Despite statistics showing decreases in juvenile arrest rates, we all know that youth crime remains a continuing concern. So among other requests, we are asking for \$20 million for fiscal year 2000, a \$10 million increase, for the drug prevention demonstration program which Congressman Rogers initiated 2 years ago, and we are also seeking funding for a new youth gun violence initiative, recognizing that the impact of such violence on young people remains tragically high.

I was very shocked recently as the mother myself of a 15-year-old boy to read that a teenager today is more likely to die of a gunshot wound than of any disease. So we are proposing an initiative that builds on a pilot effort now under way in four cities to aggressively address juveniles' illegal access to guns. And beyond that as well, we are requesting funding in a number of areas to ensure effective law enforcement prosecution and prevention in dealing with juvenile offenders.

A third area of focus is strengthening prosecution. The budget's request for \$200 million for hiring community prosecutors builds on the success of community policing by emphasizing prosecutor partnerships with the community to solve crime-related problems.

Under community prosecution—and I must say I have had the chance to see successful results from that around the country—we are seeing prosecutors shift their emphasis from solely processing

cases to actually identifying local crime problems and then working in concert with the community, with law enforcement, and with other parts of the system to identify and find solutions to local crime problems.

This proposal can help provide needed funds to adjudicate offenders and ensure convictions, as well as meeting a need not addressed by the 1994 Crime Act to address prosecution needs.

A fourth important focus is ensuring offender accountability. Research has shown over and over the link between drug use and crime, and we know from that research that drug testing, coerced treatment, and sanctions when we have offenders in the system works. We also know that transitional programs for the post-release supervision period are essential to making these changes stick. So we propose to continue and expand the drug court program, which has had a number of successes in Alabama, Mr. Chairman, as you know, as well as many other States, and we also propose a new drug-testing intervention and sanctions initiative to help local communities take drug-involved offenders and hold them responsible for changing their behavior, getting off drugs, and staying away from offending.

The fifth area I want to mention is enhancing community-based public safety efforts, and I view OJP's role here as one of providing hands-on technical assistance, funding, and knowledge to help communities identify their crime problems, develop a strategy to address those specific needs, and then implement efforts to put those plans into action.

We have seen how successful that approach can be through the weed-and-seed program, which, as you know, was developed by the last administration and is now under way in about 200 communities around the country.

The final area I want to highlight today is counterterrorism/domestic preparedness, and I want to thank you, Mr. Chairman, the members of this committee, and the Congress for your support for this critical area. OJP is proud to be a part of the Justice Department's team in addressing this issue. And while this may be a new mission for OJP, working in close partnership with State and local jurisdictions is not. We are now putting that experience to work to address the problem of State and local domestic preparedness, and from what I have seen from my visits to Fort McClellan and the other counterterrorism training centers, there is a great need there to be met.

In conclusion, Mr. Chairman, I look forward to working with you to help ensure our common goal of public safety in America's communities, and I would now be happy to answer your questions.

Senator SESSIONS. Thank you, Ms. Robinson. I appreciate those comments, and I know you have worked hard to make OJP the kind of effective program it can be.

I would just like to ask a few questions and get our thinking straight. I think Senator Kohl is correct that our budgets, particularly as we have seen from the administration over the years, have not been as serious as they ought to be, and it has gotten to the point where we just say they are blueprints or guidelines or something. But real programs are involved, programs I care about, Senator Hatch cares about, local law enforcement cares about. And

when they have a zero by them, it makes you nervous because you believe that they are, in fact, working.

Let me mention a couple of things. The way we look at the budget as it is written now, would you disagree that the prison grant truth-in-sentencing program has been cut back under the President's budget to \$75 million, and the local law enforcement block grant has been zeroed and juvenile accountability incentive block grant has been zeroed out? Is that the way you understand the budget? We are not incorrect about that, are we?

Ms. ROBINSON. \$75 million.

Senator SESSIONS. \$75 million, yes. That is correct. And so I think that is one of the things that I am concerned about.

You are talking about the efforts of enlisting the community through prosecutors, through other programs, to come together to develop a strategy to fight crime. With regard to the juvenile crime program, I believe that the juvenile grant program that we have has great flexibility and, in fact, encourages local communities to come together. It requires before any grant can be approved that the sheriff and the judge and the probation officers and other leaders in the community sign off on the program and are participants.

Don't you think that is one way that would help bring the community together, that that grant program does, in fact, do that?

Ms. ROBINSON. Mr. Chairman, OJP and specifically our Juvenile Justice Officer are very proud of the way we have moved that program ahead. Within 2 months of our having the delegation to run it last fiscal year, we had already gotten the outreach to the field completed, developed guidance, and had the applications out to the States and moved money out very quickly. And as you describe it, that is correct, of course, that it really contemplates that outreach at the local community level.

What the President's budget attempts to do is to address on a broader plane a number of these issues, addressing them, for example, through the \$200 million community prosecution project, through additional community policing support, and other efforts. But I certainly agree with you that that kind of community-based outreach and bringing all the players to the table is essential. That is what I see when I go out on the road, when I see the weed-and-seed sites, another example from your own experience as U.S. Attorney in southern Alabama, for example, that that is the effective approach to really addressing a problem, analyzing it, and then developing solutions.

Senator SESSIONS. That is what our goal is, and I think, as we were discussing previously with some of our panelists, that when you get right down to it, what those of us who have been involved in crime fighting for a long time believe is that when we talk about it honestly, we tend to agree exactly on how to do it.

My concept has been—and I believe the juvenile block grant program, which is the smallest of the three block grant programs—does encourage that juvenile justice system, including the judge and his prosecutors and probation officers, where most of the effort is done, encourages them to develop a comprehensive community plan, usually bringing in mental health people, drug treatment people, and those prosecutors and police to develop a comprehensive—from arrest to final end of probation or parole—system that actu-

ally can change the lives of young people. But I have some doubts about \$20 million, I believe, for prosecutors, you know—how much did you say?

Ms. ROBINSON. \$200 million.

Senator SESSIONS. \$200 million, well, that is one part of the juvenile system, prosecutors is, and a key part. I was one for nearly 17 years. So that is a key part of it, but to me, to just focus the biggest part of your money on one aspect of it probably is not the best way to do that. I will be talking with you some more about it, but I tend to believe our comprehensive effort of having the whole system involved is a better approach.

Let me ask you, you mentioned drug courts and drug testing. Does the administration's plan contemplate the drug testing of all arrestees for crime in the juvenile court system?

Ms. ROBINSON. The President's budget includes \$215 million for offender accountability programs, which embrace, yes, drug testing. We see that as a very critical piece of offender accountability on the adult side as well as the juvenile side. So the components of that \$215 million piece are \$50 million in the request for drug courts, \$65 million for the in-prison drug treatment, and we have seen a number of jurisdictions of States, because this is block grant money, use that funding for juveniles as well.

Then the final piece, the \$100 million piece, is the one I mentioned in my opening statement that would contemplate locally based programs for offenders who are on pretrial release, probation, parole, or in local jails or local facilities for juveniles that can institute a program of drug-testing intervention and sanctions for failure to stay drug-free. We think that is an important component of the plan.

Senator SESSIONS. Well, I guess to me the missing link in all of this—and I am not sure whether I have had the support of the Department. I think not. But it strikes me that the way to find out whether a child who has been arrested has a drug problem is to test them when they are arrested, and it could be that they are arrested for shoplifting or for small petty theft or minor burglary. And it may be that that burglary and shoplifting was driven by a drug habit. And if you care about those children, if you really want to help a child that has been arrested, one of the most important things to know is whether or not they are using drugs. Their parents may not even know it. And the sooner you find that out, the better chance there is to reverse that bad habit and keep them.

Does your plan require that arrestees be tested?

Ms. ROBINSON. For the money I mentioned, yes, it does. But I should also clarify—

Senator SESSIONS. Does it require it or does it just make it available for it if they choose to do so?

Ms. ROBINSON. No. If they accept that funding, they would have to be doing that.

Senator SESSIONS. I am glad to hear that. I have tried to get that done, and I think it is important.

Ms. ROBINSON. Right. I should clarify that we are strongly supportive of the notion of drug testing and are trying to support and encourage jurisdictions to do this whether or not they have Federal funding. We think it is a very complementary piece to really track-

ing what the kind of behavior problems are. And I certainly agree with you that many times people are arrested for crimes that may not per se on the charges be drug-related, but that the behavior and the activity and the offending is related to their drug use.

Senator SESSIONS. Deputy Attorney General Eric Holder, who was a Federal judge in the District of Columbia, and I discussed that at his hearings, and in the District of Columbia everyone is tested upon arrest, and he says it is an invaluable tool for a judge—not that they are going to lock them up for any longer period of time or punish them for testing positive, but so that the judge can craft the kind of sentence or parole or probation or drug testing or treatment that would be appropriate to change that person's life for the better. And to that degree, I feel very strongly that a well-run juvenile court system or any court system can, in fact, reduce drug addiction and reduce crime.

Tell me about your reorganization efforts, how that would actually play out, and let me ask you: What would you say to those who might say, well, this is just OJP's attempt to take control of grant programs authorized by Congress and micromanage them? How would you respond to that comment?

Ms. ROBINSON. Mr. Chairman, I spent the majority of my career outside the Federal Government, and I think one thing I have tried to do very much during my nearly 6 years within the Justice Department is to listen a lot to practitioners and constituent organizations about what they see as the problems in their interactions with the Federal Government, because I must say I experienced some of those frustrations when I was on the outside.

Last year, or 2 years ago at this point, in our appropriations law, Congress directed me to present a report by January 1st of last year which discussed duplication and overlap within the Office of Justice Programs. The way our agency has grown up over the 30 years, going back from the LEAA period and up through several successive agencies to OJP, a variety of different components have greatly overlapping, statutorily overlapping jurisdiction, so that we have had a situation where, as an example, four of our bureaus and one office handle corrections issues, four of our bureaus and two offices handle domestic violence; gang issues are addressed by a whole variety of the components. And it was important particularly because of the need for outsiders, a mayor in a local jurisdiction, for example, a local DA, a police practitioner, to not have to be an expert on Washington and know what the 55 different funding streams are coming into OJP or which component and bureau and office or branch or section has a program. They need to just come to us and say: I have got a gang problem. What do I do?

We need to make it very accessible, and we need to streamline so we don't have a whole variety of different pockets of activity on one issue within the agency.

In our appropriation law for the current fiscal year, as you know, Congress directed us to develop elements of a proposed reorganization plan. And even though we had a relatively short time period, about 4 months, to do it in—it was submitted in early March—I thought it was very important that we do as much outreach as we could. So we talked to over 50 practitioners and constituent organizations, and we also went around and talked to people within OJP

and within the Justice Department and the U.S. Attorney community about what they saw.

The report that we filed with Congress in the first part of March outlines a streamlined plan for advancing OJP, in my view, into the 21st century. It contemplates organizing around function to a greater degree than has existed before. It envisions organizing subject areas so that if you are interested in law enforcement or corrections, you can, in fact, go to one place. It envisions having research in one place, having statistics in another place, and not spread in several places across the agency.

Very importantly, it also envisions a central—what I call a kind of information point or information central where an outside practitioner or constituent organization could come in and say, again: I have got a problem. What do I do? What can you offer to help? That will, in effect, serve as kind of a high-level triage, and here I would say I don't imagine the usual kind of 800 number with someone who is not knowledgeable answering the phone. I think we need to put our best expertise and resources into helping communities that call in for help find what they need. And it may be technical assistance; it may be some research knowledge and publications; it may be funding streams that are available or a conference coming up. It may be things they can—information they can get down off of our home page, but to make that real accessible to the outside world.

Finally, it also envisions administration of the formula grant programs by geographic location so that you in effect have State desks. You would have an Idaho desk. You would have an Alabama desk. Right now we have people spread all across OJP, whether it is one program or the other or this one, who handle formula grant programs for a particular State. And that expertise is not being pooled. I think we can be a lot more responsive if we think in a geographically based way.

So that is a very quick overview, but we do look forward to working with you and others in the Congress to forward these ideas.

Senator SESSIONS. I think that has great potential, and I would like to see you succeed in that. I suppose one of the problems you may face is that over the last 25 years, a lot of different grant programs have been created. Senator Kohl just announced one today, and I announced one 2 years ago, and we all have it and it seemed like a good idea at the time. But fundamentally it sort of divides up, it strikes me, and makes it more difficult to give the freedom and to respond most effectively to a community in need.

So it may be that you will find that we need to consolidate some programs that have been on the books a long time, and that the money can come out of one pot for a general effort rather than having to reach into a number of different program areas. Is that a problem?

Ms. ROBINSON. Well, Senator, what this report does is not address the 55 funding streams, but tries to organize our administrative structure in a way that we can, for example, jointly administer all of the corrections grants together or all of the law enforcement—

Senator SESSIONS. Well, let's just say we took all—theoretically, at least, wouldn't it be progress if we found that there were 50 pro-

grams that are designed to help community-based law enforcement and if we could get that money into one area and a community could call in with a plan to strengthen their community justice law enforcement program and the money could come out of something like that? Would that be progress?

Ms. ROBINSON. Consolidation of that kind is definitely a step that should be looked at. It would be very helpful to communities. I think once we get beyond the Beltway people don't know how to find their way through the maze, and we are trying to make it as easy as possible. But it certainly would be a step forward.

Senator SESSIONS. With regard to the local law enforcement block grant, it was not the recommendation of OJP that that program be eliminated, was it? Your office didn't recommend that to the President, did it?

Ms. ROBINSON. Mr. Chairman, we did not recommend its abolition.

Senator SESSIONS. And you didn't recommend the truth-in-sentencing be abolished either, did you?

Ms. ROBINSON. We did not.

Senator SESSIONS. Well, I just think that those are sound programs. If they need to be improved, we will try to improve them. But I really believe that money—and I think we will hear it today—is providing some real freedom and flexibility for local communities to craft their own plan for how to deal with crime in their communities.

You have done an excellent job as always today, and I thank you for your courtesy, your responsiveness, and we want to make OJP better and to be an asset instead of a liability to the work that you are doing. Thank you very much.

Ms. ROBINSON. Thank you, Senator.

[The prepared statement of Ms. Robinson follows:]

PREPARED STATEMENT OF LAURIE ROBINSON

Mr. Chairman and Members of the Subcommittee: I am pleased to have this opportunity to discuss the progress the Office of Justice Programs (OJP) has made over the last year in helping states and local communities reduce crime, improve their criminal and juvenile justice systems, assist crime victims, and restore public confidence in our nation's system of justice. I want to thank you, Mr. Chairman, and the other Members of this Subcommittee for the bipartisan support you have given OJP in working toward this mission.

As you know, Mr. Chairman, OJP is comprised of five program bureaus and six program offices. The OJP program bureaus are: The Bureau of Justice Assistance (BJA) provides funding, training, and technical assistance to state and local governments to combat violent and drug-related crime and to help improve the criminal justice system. Its programs include the Edward Byrne Memorial State and Local Law Enforcement Assistance formula and discretionary grant programs and the Local Law Enforcement Block Grants (LLEBG) program. BJA also administers the new Bulletproof Vest Grant Partnership Program, the State Criminal Alien Assistance Program, and the Regional Information Sharing System (RISS) Program.

The Bureau of Justice Statistics (BJS) collects and analyzes statistical data on crime, criminal offenders, crime victims, and the operations of justice systems at all levels of government. It also provides financial and technical support to state statistical agencies and administers special programs that aid state and local governments in improving their criminal history records and information systems.

The National Institute of Justice (NIJ) supports research and development programs, conducts demonstrations of innovative approaches to improve criminal justice, develops new criminal justice technologies, and evaluates the effectiveness of OJP-supported and other justice programs. NIJ also provides major support for the



National Criminal Justice Reference Service (NCJRS), a clearinghouse of information on justice issues.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides grants and contracts to states to help them improve their juvenile justice systems and sponsors innovative research, demonstration, evaluation, statistics, replication, technical assistance, and training programs to help improve the nation's understanding of and response to juvenile violence and delinquency.

The Office for Victims of Crime (OVC) administers victim compensation and assistance grant programs created by the Victims of Crime Act of 1984 (VOCA). OVC also provides funding, training, and technical assistance to victim service organizations, criminal justice agencies, and other professionals to improve the nation's response to crime victims. OVC's programs are funded through the Crime Victims Fund, which is derived from fines and penalties collected from federal criminal offenders, not taxpayers.

OJP's six program offices are: The Violence Against Women Office (VAWO) coordinates the Department of Justice's policy and other initiatives relating to violence against women and administers grant programs to help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking.

The Corrections Program Office (CPO) provides financial and technical assistance to state and local governments to implement corrections-related programs, including correctional facility construction and corrections-based drug treatment programs.

The Drug Courts Program Office (DCPO) supports the development, implementation, and improvement of drug courts through grants to local or state governments, courts, and tribal governments, as well as through technical assistance and training.

The Executive Office for Weed and Seed (EOWS) helps communities build stronger, safer neighborhoods by implementing the Weed and Seed strategy, a community-based, multi-disciplinary approach to combating crime. Weed and Seed involves both law enforcement and community-building activities, including economic development and support services. United States Attorneys are essential partners in the implementation of Operation Weed and Seed in communities throughout the country.

The Office of the Police Corps and Law Enforcement Education (OPCLEE), which in November 1998 was moved by the Attorney General to OJP from the Justice Department's Office of Community Oriented Policing Services (COPS), provides college educational assistance to students who commit to public service in law enforcement, and scholarships—with no service commitment—for dependents of law enforcement officers who died in the line of duty.

The proposed Office of State and Local Domestic Preparedness Support (OSLDPS) is responsible for enhancing the capacity and capability of state and local jurisdictions to prepare for and respond to incidents of domestic terrorism involving chemical and biological agents, radiological and explosive devices, and other weapons of mass destruction (WMD). It awards grants for equipment and provides training and technical assistance for state and local first responders. It also provides training for state and local first responders through five counterterrorism training centers, including the Center for Domestic Preparedness at Fort McClellan, Alabama.

In addition, OJP's American Indian and Alaskan Native Office (AI/AN) improves outreach to tribal communities. AI/AN works to enhance OJP's response to tribes by coordinating funding, training, and technical assistance and providing information about available OJP resources.

#### PROPOSED OJP REORGANIZATION

As you know, Mr. Chairman, the Conference Report for the Department of Justice 1999 Appropriations Act directed me to work with the Department of Justice to develop a plan for "a new organizational structure" for OJP. In calling for a new organizational plan for OJP, Congress specifically directed me to explore the consolidation and streamlining of agency activities in order to enhance OJP's stewardship of criminal and juvenile justice grant-in-aid initiatives.

A few weeks ago, the Department submitted its plan to the Congress proposing a new organizational structure that we believe will meet the goals set by the Congress and that, in addition, is responsive to the principles of good government and sound management. In developing our proposal, we solicited guidance from a broad range of individuals, both from within the Department of Justice, and from the criminal justice field. The resulting plan reflects a shift from a decentralized to a centralized structure for OJP, under which overall authority for the management and administration of OJP programs and activities would be vested with the OJP Assistant Attorney General, under the general authority of the Attorney General.

The reorganization plan also would streamline and consolidate functions within OJP; eliminate duplication and overlap of agency functions by integrating similar

and related responsibilities into coherent organizational components; and move away for the historical practice of creating separate, and virtually independent, agency bureaus and program offices to administer specific federal funding streams authorized by the Congress. And I look forward to working with you, Mr. Chairman, on next steps.

#### CRIME RATES CONTINUE DECLINE

At present, however, OJP continues to move aggressively ahead to meet its mission of assisting states and local communities to address crime. As a result of the sustained, bipartisan support—at the federal, state, and local levels—for comprehensive initiatives to address crime, we are continuing to see decreases in crime rates all across the nation. As you know, Mr. Chairman, crime rates are now at their lowest point in over 25 years. For the sixth year in a row, both major statistical indicators—the FBI's Uniform Crime Reporting Program (UCR) and the BJS National Crime Victimization Survey (NCVS)—show significant decreases in crime. And violent crime rates have fallen more than 21 percent since 1993.

To help states and local communities maintain this momentum, and to build on what we have learned, OJP requested a total of \$2.2 billion for fiscal year 2000. As you know, Mr. Chairman, this is less than our fiscal year 1999 appropriation, but to arrive at their request, some difficult choices had to be made by the Administration within the spending levels available.

In my view, Mr. Chairman, a critical role the federal government can and should play in helping states and communities reduce crime is to support research, demonstrations, and evaluations to determine what works, and then to target funds to help local jurisdictions adopt and adapt specific approaches that have shown to be effective or promising. And back to the earliest days of this program in LEAA in the 1960's, it is also clear to me that a mix is needed of formula funds, discretionary monies, technical assistance, research, and training.

I would like to highlight, Mr. Chairman, five critical areas where we propose to target OJP funds next fiscal year to build on efforts that are promising or having a positive impact in making communities safer.

#### ENHANCING CRIMINAL JUSTICE TECHNOLOGY

The first area I would like to highlight is enhancing criminal justice technology. Law enforcement today must have a solid technological infrastructure to fight crime effectively. This means possessing adequate computer hardware to utilize software such as geographic information system for crime mapping, and having adequate resources to reduce the backlog of DNA samples in our nation's crime laboratories. It means providing interoperable wireless communications systems and global information networks. It also means developing sophisticated technology and improving the overall forensic science capabilities of state and local labs. While the federal government cannot and should not be the sole support for these efforts, it can provide seed money for pilot projects, demonstration programs, one-time technological upgrades, and laboratory equipment.

For fiscal year 2000, DOJ is requesting a total of \$350 million to help states and local communities build technological infrastructure and leverage limited dollars to ensure the greatest effectiveness in our efforts to secure public safety. Out of that total, OJP will administer the following programs:

—\$80 million for a new Public Safety Wireless Telecommunications Assistance Program. The goal of this program is to ensure that state and local public safety wireless communications systems are compatible with federal law enforcement radio systems. Currently, in every metropolitan area of the country, each federal, state, and local law enforcement agency operates separate tactical radio networks. This hampers communication between different jurisdictions, a problem that can mean the difference between life and death in responding to crisis situations. This program would provide grants to states to help them develop comprehensive telecommunications system plans and fund demonstration grants. The program also would assist jurisdictions in implementing public safety communication systems and provide technical assistance in the planning and development process.

—\$20 million for the Global Information Integration Network Initiative. This effort seeks to develop a nationwide network of criminal justice information systems so that state and local authorities will have immediate access to information needed to help them on the job. With this funding, OJP can expand the assistance it is already providing to state and local government by funding a limited number of planning grants. The grants will be used by states, which will work with their local governments to develop strategies for integrating existing criminal justice information systems. Pilot projects would also be conducted. In addition, funding would be pro-

vided to develop standards, guidelines, and protocols for information sharing and analysis tools to facilitate interoperability.

—\$10 million to continue funding for the National Law Enforcement and Corrections Technology Centers (NLECTC). These centers help law enforcement and corrections practitioners identify appropriate technology solutions for specific problems. For example, NLECTC helped Utica, New York improve its case closure rate for arson from 2 percent to 52 percent with a 100 percent conviction rate, by providing them with tools such as a digital camera system to record suspects' faces at vulnerable buildings.

—\$15 million to eliminate the 1 million convicted offender DNA sample backlog at state and local crime labs. Currently analysts find one "hit" or match per 1,000 samples entered into the FBI's national database (CODIS). At this rate, eliminating the 1 million case backlog could result in 1,000 more offenders off the streets.

—\$15 million for other police communications improvements, including further development of the AGILE (Advanced Generation of Interoperability for Law Enforcement) car. This high-tech car allows officers to enter data electronically at the scene of a crime, accident, or traffic stop, and receive responses without returning to their vehicles. Officers may use hand-held units linking electronically the information from the car to the unit. The AGILE system also allows officers to transmit accurate voices and images while at the scene. The open architecture of the system will allow industry to quickly develop and integrate new technologies into these cars.

—\$5 million for continued based funding for NIJ's DNA Research and Development Program. The goal of this multiyear program, started in 1999, is to reduce the time and cost of performing DNA analysis—and make it more easily portable for use right at crime scene.

—\$55 million to establish the Crime Lab Improvement Program (CLIP). This new program will be an expanded version of the DNA Identification Grant Program. CLIP seeks to go beyond DNA analysis and improve the general forensic sciences capabilities of labs by awarding grants to state and local governments to improve their investigative and analytic capabilities. Funding will also be used to provide research, technical assistance, and training to help inform agencies about lab capabilities that are available nationwide and to provide guidance on the types of equipment to purchase.

—\$50 million to upgrade criminal history, criminal justice, and identification record systems; promote compatibility and participation in federal, state, and local systems; and capture information for statistical and research programs, as authorized by the Crime Identification Technology Act of 1998.

#### ADDRESSING YOUTH CRIME AND VIOLENCE

OJP will continue its focus on preventing and intervening in crime, violence, and substance abuse by juveniles. Despite statistics showing decreases in juvenile arrest rates, youth violence is still a continuing concern. I want to highlight two key areas where OJP is focusing its efforts;

1. Substance Abuse. Although we have made progress in teaching young people about the dangers of substance abuse, we still have a long way to go to prevent young people from abusing drugs and alcohol. OJP is requesting \$20 million for fiscal year 2000—a \$10 million increase—for the Drug Prevention Demonstration Program for youth to build on our current effort by supporting new suites to demonstrate proven methods to reduce teenage drug use.

2. Youth Gun Violence. Although the violent crime arrest rate for juveniles has dropped 23 percent from 1994 to 1997, as we saw with last year's shootings, the impact of gun violence on young people remains tragically high. Between 1984 and 1993, the firearm homicide rate for youth between the ages of 15 and 24 increased 158 percent. According to studies, a teenager today is more likely to die of a gunshot wound than of any disease.

OJP proposes to set aside \$10 million from the Title V, At Risk Children's Program for an initiative to prevent and reduce youth gun violence. This program, currently being implemented and evaluated in four cities, seeks to reduce juveniles' illegal access to guns and address the reasons they carry and use guns in violent exchanges. Communities participating in the program are required to implement seven program strategies that, together, represent a comprehensive approach to addressing the prevention, intervention, and suppression of youth gun violence. This funding would enable OJP to provide approximately \$300,000 in grants to 20–25 new communities to implement this program; \$1 million will be used to provide technical assistance and training to the sites, and \$1.5 million will support an evaluation of this initiative.

And we are also requesting \$35 million for grants to states and localities to develop alternative methods of punishment for young offenders, including juvenile gun courts, restitution, education and job training programs, and correctional options such as electronic monitoring and community-based or weekend incarceration.

#### ENSURING OFFENDER ACCOUNTABILITY

OJP also continues to be committed to finding ways to hold offenders accountable for their behavior, to reduce recidivism, and to increase public safety. One behavior that we know is closely linked to crime is, of course, substance abuse. Data from our Bureau of Justice Statistics show, for example, that—1 in 6 offenders landed in prison for a crime committed just to get money for drugs; almost a third of prisoners were using drugs or alcohol at the time they committed their crimes; and more than 80 percent of prisoners have a history of drug and alcohol use.

Yet our data also show that only 15 percent of inmates received drug treatment while in prison, even though from the huge volume of research in this area by our National Institute of Justice and others, we know that treatment works, we know that coerced treatment works, we know that the longer an offender is in treatment the greater the likelihood of success, and we know that transitioned treatment under post-release supervision is essential to making treatment in prison “stick.”

For fiscal year 2000, OJP is requesting over \$240 million to break the cycle of substances abuse and crime through a comprehensive strategy of drug testing, drug treatment, sanctions, and community follow-up for released offenders, as well as research, targeted juvenile prevention efforts, and data collection to measure program success.

Of this total, \$100 million would support a drug testing and intervention initiative that would provide discretionary grants to states, local units of government, courts, and Indian tribal governments for comprehensive drug testing, treatment, and graduated sanctions programs that address adults and juveniles under the supervision of the criminal justice system. In essence, this program could help keep offenders on a “short leash,” and hold them responsible for their drug addiction with a combination of drug testing, interventions, and sanctions.

OJP is also requesting \$65.1 million for the Residential Substance Abuse Treatment (RSAT) Program, which provides funds for individual and group substance abuse treatment activities for offenders in residential facilities operated by state and local correctional agencies. In addition, we have proposed allowing states to use their RSAT grant funds for testing, treatment, and sanctions, both during incarceration and for aftercare, which research has found to be critical for ensuring continued abstinence.

And we are requesting \$50 million, a \$10 million increase, for the Drug Court Grant Program, which has proven so successful in reducing recidivism among non-violent, drug-abusing offenders. In quick summary, drug courts use the coercive authority of the courts to change offender behavior. In 1989, a few communities began experimenting with an approach to address the needs of substance-abusing offenders that integrated substance abuse treatment, sanctions, and incentives with case processing to place nonviolent, drug-involved defendants in judicially supervised habitation programs. Now, nationally more than 530 jurisdictions have implemented or are planning to implement a drug court to address the problems of substance abuse and crime. Local coalitions of judges, prosecutors, attorneys, treatment professionals, law enforcement officials, and others are using the coercive power of the court to force abstinence and alter behavior with a combination of escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs to teach responsibility and help offenders reenter the community. OJP’s fiscal year 2000 budget request would provide continued federal assistance to help local communities plan, implement, or enhance drug courts.

Our Arrestee Drug Abuse Monitoring (ADAM) program, managed by NIJ, enables urban, suburban, rural, and tribal communities to collect and analyze data on local drug use based on interviews and urinalyses of booked arrestees. Communities can then use their analyses to identify local drug use trends and to strategically plan policies and approaches to address their specific drug problems. This is the only ongoing federally conducted survey specifically collecting local data on crime-drug links. OJP has requested \$4.8 million in fiscal year 2000 to expand ADAM from 35 to 50 sites.

In addition, we are requesting \$7.2 million to support a national demonstration initiative on alcohol and crime. Research shows a definitive relationship between alcohol abuse and crime, but more needs to be known about how to effectively address this problem. Under this initiative, \$4 million would be used to award grants to 13 communities to develop comprehensive, community-level enforcement and preven-

tion programs aimed at combating underage drinking, drinking and driving, and alcohol-related crime to break the link between alcohol and crime, within the criminal justice system.

#### ENHANCING COMMUNITY-BASED EFFORTS

One of the key roles in federal criminal justice assistance is to provide hands-on technical assistance, research, and demonstration project grants to local communities to help them identify their unique crime problems, develop a comprehensive strategy to address those specific problems, and then, on a limited basis, implement projects to put those plans in action. OJP's premier grassroots, community-level program is Weed and Seed, an initiative combining law enforcement and prevention that was developed during the Bush Administration. Weed and Seed programs have tremendous community and neighborhood support. In addition, their methodologies have been independently evaluated and determined to work in reducing crime and improving the vitality of neighborhoods. The number of Weed and Seed sites has grown from 23 in 1993 to 178 today. In fact, as you know, Mr. Chairman, Mobile was one of the original Weed and Seed sites, and has provided technical assistance and training to help two other Alabama sites develop their Weed and Seed strategies. We are requesting a total of \$40 million, the same as in 1999, including \$6.5 million from the Asset Forfeit Super Surplus Fund, for this program to bring the number of sites to 225 in fiscal year 2000.

We also are requesting \$200 million for a Community Prosecutor Grant Program that would increase the number of local prosecutors who work closely with law enforcement, other criminal justice system members, and community groups to prevent, investigate, and respond to local crime. This program would build on the success of community policing by emphasizing partnerships with the community to solve crime-related problems and ensure public safety. Under community prosecution, prosecutors shift their emphasis from processing cases to focus on identifying local crime problems and working to address public safety issues and improve the quality of life in neighborhoods. And they do so by maintaining a presence in the community, not from inaccessible downtown office buildings.

We are also seeking \$125 million for a crime prevention initiative to support partnerships among police, prosecutors, probation and parole agencies, schools, business leaders, civil associations, social service agencies, and other stakeholders who can work together to create safe and secure neighborhoods. Of this total funding, OJP would administer \$65 million to develop community planning strategies and implement prevention programs, including \$20 million specifically targeting at-risk groups, such as court-involved youth and neglected and abused children, and for programs that improve the reintegration of released offenders into the community. I cannot tell you, Mr. Chairman, how many local police chiefs I have talked to as I have traveled the country over the past five years who told me the importance they place on prevention as a critical part of our efforts to reduce crime in this nation. The requested funds would help communities implement these important prevention efforts.

And we are requesting \$30 million for the Community Mapping, Planning, and Analysis for Safety Strategies program (COMPASS). COMPASS uses advanced crime mapping techniques to build local crime data collection and analysis capacity in urban, suburban, and rural communities to better predict crime in neighborhoods. COMPASS would develop a whole new way of understanding crime in its local context and give law enforcement and other criminal justice practitioners the tools they need to adapt deployment and other resources to changing crime patterns. NIJ is supporting a pilot initiative to test the program this year, and we are requesting \$30 million to expand this program to additional sites in fiscal year 2000.

#### COUNTERTERRORISM/DOMESTIC PREPAREDNESS

Finally, OJP will continue its efforts to help state and local authorities prepare for and respond to incidents of domestic terrorism. I want to thank you, Mr. Chairman, and the other Members of this Subcommittee and Congress for your bipartisan support for this criminal area. OJP is proud to be a part of the Justice Department's team tackling this critical issue under the leadership of the Attorney General and the umbrella of the newly proposed National Domestic Preparedness Office (NDPO) in the FBI. As you know, Mr. Chairman, while domestic preparedness may be a new mission for OJP, working in close partnership with state and local jurisdictions is not. OJP and its predecessor agencies have three decades of experience working as partners with states and local communities—bringing innovation, program development, financial and technical assistance, and capacity building to help reduce crime

and enhance the criminal system. We are now putting this experience to work to aggressively address the problem of state and local domestic preparedness.

Over the past 9 months, I have had the opportunity to visit the five counterterrorism training centers supported in part by OJP and to talk to the state and local officials—those on the front lines, the first responders—about their needs in this critical area and what the federal government can do to best support their efforts. From those discussions, it is apparent that the primary needs in the field are for training, technical assistance, and equipment.

In fiscal year 1999, \$135 million was provided for state and local support of training and equipment programs to improve the national level of readiness of first responders to terrorism incidents. In fiscal year 2000, OJP is requesting a \$38.5 million increase, mainly for equipment purchases, but also to provide additional training and technical assistance to better prepare the nation's state, local, and federal first responders to reach to such attacks with the skill and the tools necessary to protect themselves and the public.

In fiscal year 2000, the Department is requesting that counterterrorism grant funds be appropriated directly to OJP, rather than to the Attorney General. This simply ensures that program implementation can proceed as quickly as possible, without delays caused by technical funds redistribution procedures that must be reviewed both internally and by the Office of Management and Budget.

As you know, Mr. Chairman, OJP works with the National Domestic Preparedness Consortium, which is developing and delivering additional training and technical assistance for state and local first responders. The Consortium includes the Center for Domestic Preparedness (CDP), which we opened last June with your support, Mr. Chairman, at Fort McClellan, Alabama. As you know, CDP is the only facility in the Free World that provides advanced training in the handling and management of live chemical agents. In the 9 months since we opened the Center, it has already trained over 650 first responders in basic awareness, incident command, and incident management—and we expect to train another 1,200 during 1999. We are requesting \$17 million for CDP, \$9 million more than in fiscal year 1999. This includes \$11 million to cover the increased costs OJP will face after the army base formally closes in September 1999.

We also are requesting \$7 million for a new Law Enforcement First Responder Training Program, consisting of a 2-day basic awareness course that will provide “train-the-trainer” and “on-site training” approaches to law enforcement officers. This will allow them to fulfill their role as first responders to a weapons of mass destruction terrorist incident.

In addition to training, local jurisdictions also need specialized equipment to be able to respond safely and effectively to incidents involving chemical or biological agents or weapons of mass destruction. So we are requesting \$6 million to expand the First Responder Equipment Acquisition Grant Program to help local jurisdictions purchase personal protection, decontamination, detection, and other equipment that is essential to building our capability to effectively respond to weapons of mass destruction. An additional \$3 million is requested to expand OJP's targeted technical assistance program, which provides individualized technical assistance to state and local jurisdictions participating in our domestic preparedness programs.

#### CONCLUSION

This is hardly an exhaustive list of all the major programs OJP proposes to undertake in fiscal year 2000, but merely some of the highlights. I pledge to you, Mr. Chairman, my personal commitment to working with you, the Members of this Committee, and other Members of Congress to ensure that state and local criminal justice practitioners have the resources they need to effectively address crime and ensure the safety of their communities. I look forward to continuing to work with you in a bipartisan fashion toward this goal, and I would be happy now to respond to any questions you or the Subcommittee Members may have.

Senator SESSIONS. We will have our next panel, if you would step forward: Chief John Wilson, Judge Chet Vahle, Judge Patricia West, and Mr. Harry Shorstein.

Chief Wilson serves as police chief of the Montgomery Police Department. His notable police service has garnered him numerous awards and honors, including recognition as Outstanding Young Law Enforcement Officer in 1984. That was just yesterday, John.

Chief WILSON. Not hardly.

Senator SESSIONS. He has still got to be young. He is a member of several law enforcement organizations and has studied at the FBI National Academy and with the U.S. Attorneys Law Enforcement Coordinating Committee. The Montgomery Police Department is an excellent department.

Judge Chet Vahle was appointed to the bench in 1987, has been a full-time juvenile judge for the Eighth Circuit in Illinois since 1991. He previously served as a public defender and an assistant State's attorney. Judge Vahle is a member of the Board of Trustees of the National Council of Juvenile and Family Court Judges and served as Chair of its Juvenile Delinquency Committee from 1996 to 1998. Judge, it is a delight to have you with us.

Patricia West was elected to serve as a Virginia Beach juvenile court judge by the Virginia General Assembly in January of 1998. Prior to accepting the post, she served as Virginia's Secretary of Public Safety. Judge West has been a strong advocate for victims of crime and has been honored with an outstanding service award from the Virginia Network for Victims and Witnesses of Crime and is an articulate spokesman for good law enforcement.

Mr. Harry Shorstein has been the State attorney for the Fourth Circuit of Florida since 1991. He previously worked in private practice and brought a fresh approach and new outlook to law enforcement and has done an outstanding job in the city of Jacksonville in creating a thoughtful, broad-based approach to actually reducing crime rather than just catching a few criminals. Harry, good to see you again and good to have you with us.

Chief, do you want to start off with remarks? We do have these lights here that will say stop. Senator Thurmond said he was going to lock somebody up yesterday, I think it was, if they went too long, but I am not that way. If you need a few minutes extra, you can take them.

**PANEL CONSISTING OF COLONEL JOHN H. WILSON, CHIEF OF POLICE, MONTGOMERY, AL; HON. CHET W. VAHLE, JUVENILE COURT JUDGE, QUINCY, IL, ON BEHALF OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES; HON. PATRICIA L. WEST, JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT, VIRGINIA BEACH, VA; AND HARRY L. SHORSTEIN, STATE ATTORNEY, FOURTH JUDICIAL CIRCUIT OF FLORIDA, JACKSONVILLE, FL**

**STATEMENT OF COLONEL JOHN H. WILSON**

Chief WILSON. I will be very brief. You have my letter that you can use for the record, and I won't read it verbatim. I think I can make my point quickly.

First, I would like to thank you for the opportunity to come up here and speak not only for myself and the city of Montgomery but for the Alabama Police Chiefs Association as well.

When I first heard about the possibility that the local block grant program would be eliminated—I heard about it from a State official, and I talked to some colleagues about it—the first question that came to mind is: Why? And their answer was, well, it was working too good, so they have got to do something to it.

It has been one of the most effective grants I have ever been involved in in my 24 years as a law enforcement officer and 13 years as chief of police, and the reason I have aggressively sought this grant, whereas in the past we have passively used some others, a kind of take-it-or-leave-it attitude, is its flexibility. It is very simple, and it allows us to do, as Mr. Kohl stated earlier, what our people tell us they want.

As you talked about the mayor in the other city who said he used it one way, we don't have a problem with cars or anything like that. But it did allow us to use it in a different way every day, if needed. A very short small example: During the Christmas season it starts, when all the ladies and wives are going out spending their millions of dollars, starting in November, through January when they are taking everything they bought back, we use it as a shopping center detail. And this past year and the year before, we did not have one significant incident of any kind.

Senator SESSIONS. In the shopping—

Chief WILSON. In the area where we applied this detail and we used this overtime money. I am talking about no purse snatchings, no robberies, no assaults, no nothing.

Senator SESSIONS. So you used it for overtime?

Chief WILSON. Certainly. That is our—

Senator SESSIONS. That is how you can expand your presence in the community?

Chief WILSON. Exactly. Some other cities in the State of Alabama can take exactly the same grant and buy cars with it or buy technology with it, and we can use exactly the same grant in a way that our people's voices tell us loud and clear they want us to use it. And as Mr. Kohl stated—and he stated it very well—our people, our citizens, and our police department know far better how they want us to police than somebody here. After all, we do not need to lose sight of the fact that it is their money.

Senator SESSIONS. Your mayor was elected, and you were selected by the mayor in the city to run the police department.

Chief WILSON. And we are held accountable on a local level, and our people tell us what their needs are. It may be a rape detail one day, a burglary detail the next. That kind of flexibility is what we need in order to do the job.

As you know, my mayor has lobbied you for a long time to try to help us get that kind of flexibility. It would be an absolute disaster to see us take a step back.

[The prepared statement of Chief Wilson follows:]

PREPARED STATEMENT OF COL. JOHN H. WILSON

I would like to begin my testimony today by thanking Senator Sessions for inviting me to appear at today's subcommittee hearing to express my thoughts about the importance of preserving the local law enforcement block grant program. I have known Senator Sessions for some time, and I am pleased to have been given this opportunity to appear before the Youth Violence Subcommittee today on behalf of the City of Montgomery's Police Department.

As Chief of the Montgomery Police Department, I have had the opportunity to actively participate in the local law enforcement block grant program. Recently, however, I have become aware of the President's proposal to discontinue funding for this block grant program. Apparently, the President has submitted a fiscal year 2000 budget request for the Department of Justice that cuts over \$500 million in funding for this program. Let me be perfectly candid, the President's proposal, if enacted, will be very detrimental to the citizens of Montgomery and to the hundreds of thou-



sands of individuals across the nation who benefit from this kind of grant provided to the local police departments.

The City of Montgomery receives approximately \$400,000 annually through this program and, without question, this has been one of the most effective grant programs I've been involved in during my 24 year career. What makes this grant the most effective, and what separates it from many of the other programs that we refused to participate in, is that it does away with all of the bureaucratic, spider-webbing, and nightmare logistics that usually accompany such grants. To put it in plain language, this has been one of the more universal, user-friendly grants I've seen. It allows each department to tailor its use to the needs that concern that community the most on any given day, instead of having all the strings and personal agendas that usually accompany grants. It states merely that it should address the street level crimes that affects every law-abiding citizen the most.

The beauty of this grant is that it will allow me, and the City of Montgomery, to address street level crimes in our own area, whereas in Mobile or Birmingham, street crime may be entirely different. Despite these differences, all three cities are able to operate under the same grant to attack their crime problem. In Montgomery, for example, we have been able to utilize this funding to pay overtime to the police officers on our force so as to encourage them to work longer hours. As a result, we are able to increase police presence to effectively fight crime in targeted high-crimes areas throughout the city without having to hire additional officers.

It will be a real shame if the Justice Department decides to do away with this grant. It would be really sad to go back to the old ways of doing business of having to apply astrology, voodoo magic and any other form of nonsense, in order to accomplish the same things that can be done in a more simplistic way. I can promise you this, if the President tries to go back to the old strings-attached method, our police department and many others would not be involved, and everybody would lose.

On behalf of myself, other police departments and the citizens we serve, please encourage the President to continue this grant, so that we may all enjoy its continued success. I look forward to answering any questions you may have about Montgomery's use of this program.

Senator SESSIONS. Thank you, Chief.  
Judge.

#### **STATEMENT OF JUDGE CHET W. VAHLE**

Judge VAHLE. Thank you, Mr. Chairman. Chairman Sessions, ranking member, and other members of the committee, the National Council of Juvenile and Family Court Judges is honored to have the opportunity to testify before you today on the judges' experience with Federal funding of juvenile court and law enforcement programs. I want to commend you personally and the other members of the committee as well for the leadership that you have shown over many years on the vital issue of juvenile crime.

Last year, in my home county, Adams County, IL, we received \$1.5 million through the violent offender incarceration/truth-in-sentencing block grant program. These funds are being used along with about \$2.5 million from our local taxing body to construct a 30-bed detention and treatment facility. The new facility will have local purposes, as noted in my written remarks, but it will serve the needs of at least six, if not more, surrounding counties that are too small and too poor to afford centers themselves.

It is only fair to say that the availability of this money from the Federal Government has served as the catalyst for this project. It wouldn't have happened, at least not for a good deal of time, without this money. The National Council believes that Federal support of State and local efforts to prevent and combat juvenile delinquency and crime is essential. Moreover, we believe that the form of that support should present a balance between discretionary funding and formula block grants.

Accordingly, I was surprised to learn, as were the hundreds of National Council judges, prosecutors, law enforcement, and other personnel with whom I was meeting earlier this week in Minneapolis at the National Juvenile Justice Conference, that the administration proposes to provide no funds for some of these programs in the next fiscal year.

Mr. Chairman, we at the National Council are respectful and appreciative of the commitment to preventing and combating juvenile crime shown by the Attorney General and Assistant Attorney General Robinson and OJJDP Director Bilchik. But the administration proposes to substitute for the programs they would eliminate or cut new direct Federal-to-local programs run from Washington. Discretionary funding is an important component of a balanced, strategic approach to juvenile justice, but none of the proposed funding that we can see, however, would assist courts in dealing with juvenile delinquents or are directly relevant to smaller jurisdictions like mine, about 70,000 in my county.

The National Council has long believed that judges cannot address problems of youth crime and its devastating effect and harm on the quality of life in the community, as well as to victims, only from behind the bench. But judges must advocate for policies and programs to prevent crime before it occurs and escalates and not only to respond vigorously afterwards. This we call “working smarter.”

In Illinois and in most other States, juvenile justice reform legislation enacted in the last few years stresses that law enforcement and the courts work smarter to achieve more concrete results that hold offenders accountable, reduce crime, and improve the quality of life for the community.

The formula block grant programs will allow communities and States to take a big step toward working smarter. This will happen in four main ways:

First, local jurisdictions can target and address their most pressing problems after consulting at the local level.

Second, they will be able to share the costs of needed facilities, personnel, technology, and programs, which they wouldn’t be able to afford otherwise. They will share that cost with the Federal Government. They will put up money on their own as well.

Third, new research data and more successful practices can be combined to establish more effective programs, which can then be replicated elsewhere if successful. We have seen that happen through OJJDP assistance.

And, fourth, as we have seen in Quincy and Adams County, the seed (Federal) money that comes in attracts local support and contributions and increased local responsibility and initiative—in short, a major ripple effect. Greater local attention to the myriad issues of juvenile crime has led to more interest in community prevention programs which can be more effective and cheaper than remedial efforts and lead to less need for incarceration, which we can then reserve for those truly dangerous offenders that need to be locked up. In other words, we work smarter.

The Office of Justice Programs and OJJDP have done a brilliant job over the past 5 years funding relevant research, statistical analysis, training and technical assistance. We wouldn’t want to

change a thing in this area except to ensure that adequate funding continues. We see OJJDP's research and assistance as being like a clear mountain stream that comes down within its own environment, serving its own purposes and clientele. We in the juvenile justice field rely heavily on it for advice, for leadership, this research which is knowledgeable in particular to juvenile crime, but still provided in the overview of fighting crime as a whole.

We would hate to see that vital stream diverted into another area just for the sake of putting all your water in one place. We would hate to see it lose its identity. We certainly understand the need and the desire to eliminate waste and consolidate functions and make those functions more accessible to the public. We just want to make sure that the good work that they have done over the past few years is not abandoned in favor of consolidation. In other words, if it is not broke, we really would not like to see it worked on and fixed.

In short, Mr. Chairman, we greatly appreciate this opportunity to appear here today, and the National Council of Juvenile and Family Court Judges always stands ready to try to assist and answer questions for you or the rest of the subcommittee in any way that you think we might be able.

Thank you very much.

[The prepared statement of Judge Vahle follows:]

PREPARED STATEMENT OF JUDGE CHET W. VAHLE

Chairman Sessions, Senator Biden and members of the subcommittee: The National Council (NCJFCJ) is honored to have the opportunity to testify before you today on the judges' experience with federal funding of juvenile court and law enforcement programs in our communities and on related matters. I would like to commend the Chairman, Ranking Member and each member of the subcommittee for the leadership you each have shown over many years on the vital issue of juvenile crime.

I also had the privilege of appearing at a press conference yesterday and made a statement of strong support by NCJFCJ of new legislation introduced by Senator DeWine and others which will benefit abused and neglected children before our courts. All too often children who judges see as abused and neglected, or for that matter as truants or "tootsie roll thieves" at often very young ages, later turn up in our courts as serious, violent delinquents. That is because until the rate of youth crime exploded in recent years, we judges, law enforcement officials, school principals and other community leaders did not act together soon enough. But we are working smarter now and, I believe, beginning to get good results and that's what I want to tell you about today. But, I am getting ahead of myself.

I appear for the NCJFCJ, not as a representative of Illinois or its judges. I currently sit as an Illinois juvenile court judge of the Eighth Circuit in Quincy (population about 45,000) in Adams County (population about 70,000). I have served in the criminal and juvenile courts and, before that, as a public defender and as a prosecutor—in all for almost 25 years. I was first appointed to the bench in 1987 and have served as a full-time juvenile court judge since 1991.

I am a member of the Board of Trustees of NCJFCJ, serve on its federal legislation committee, and served as the Chair of the Juvenile Delinquency Committee 1996–1998. I have been a member of the Illinois Supreme Court's Juvenile Law Study Committee since 1993. Currently, I also serve as a Chair of the U.S. Department of Justice Office of Victims of Crime-sponsored project, "The Juvenile Court Response to Victims of Juvenile Crime," which is conducted by NCJFCJ.

NEW REGIONAL JUVENILE DETENTION/TREATMENT CENTER

Last year, Adams County received \$1.5 million through the Violent Offender Incarceration/Truth in Sentencing Grant Program. These funds are being supplemented with approximately \$2.5 million local tax dollars to plan and construct a 30-bed juvenile detention and treatment center, replacing an obsolete and deteriorated detention center which years ago had been converted from a group home. Late next

year, when we hope the new center will open, we will have a facility which will serve multiple purposes:

- a. Provide secure detention for dangerous offenders (through age 17), both pre-trial and post-sentencing;
- b. Provide appropriate safety for inmates and staff;
- c. Provide a forum for post-sentencing secure rehabilitation and counseling short of commitment to the State Department of Corrections (DOC) where rehabilitation efforts are limited. This is significant because offenders almost always return to their home community, and local staff can gauge rehabilitation success more accurately with the community's needs in mind without the added expense and uncertainty of DOC commitment;
- d. Make rehabilitation in a secure setting part of a continuum of community-based services;
- e. Serve the detention needs of six surrounding smaller counties that cannot afford or justify their own detention center.

This project has generated much community interest in the needs of our juvenile justice system and the role of the community participation in it. It has focused attention not only on how the community responds to juvenile crime but how it might be prevented. This is consistent with the NCJFCJ philosophy that the community must be primarily responsible for the welfare and development of its children, not relying on state or national government to take responsibility and action. Nevertheless, it is only fair to say that the availability of this federal grant has provided the community with a catalyst for the much-needed facility. Undoubtedly, we have it up and running earlier than if the federal grant had not been available.

Further, two other similar regional detention centers are also in progress in Illinois, one in Springfield and one in Champaign, each also partially funded from \$1.5 million Violent Offender Incarceration/Truth in Sentencing grants, which I understand overall nationally is funded at slightly more than \$750 million this year.

NCJFCJ believes that Federal support of state and local efforts to prevent and combat juvenile delinquency and crime is essential. Moreover, we believe that the form of that support should represent a balance between formula block grants and discretionary grant programs. Accordingly, I was surprised to learn, as were the hundreds of NCJFCJ judges, prosecutors, law enforcement officials and others with whom I was meeting earlier this week in Minneapolis, that the Administration proposes to provide no funds for this program in the next fiscal year.

To put our local situation so far as federal grants for courts and law enforcement are concerned in context, in addition to the \$1.5 million for the Regional Detention Center, between 1995 and 1997 the Quincy Police Department received \$345,161 in DOJ grants, \$300,000 through the COPS Program and \$45,161 through the Local Law Enforcement Block Grant (LLEBG) Program from which the Sheriff's Department is also receiving \$20,000 this year. An appendix describes these five grants and the purposes for which they have been utilized, all to meet important community needs.

#### JAIBG PROGRAM SPECIFICALLY HELPS COURTS

The Juvenile Accountability Incentive Block Grant Program recently provided by Congress and administered by OJJDP now has available (fiscal years 1998, 1999) a total of over \$17.5 million in Illinois. JAIBG is of particular interest to juvenile courts because of the 12 purposes for which grants can be utilized. For the first time, several are court specific. They are correctional and detention facilities for juveniles, accountability-based sanction programs, improved court administration and information sharing programs, technology, equipment and training and even availability of funds in court personnel, especially probation officers.

However, here again, there appears a cloud on the horizon. In addition to eliminating the whole program from which we received the \$1.5 million detention center grant, the Administration also proposes to eliminate the whole JAIBG program, currently funded at \$250 million nationally, as well as the LLIBG program, currently funded at \$523 million. It would also cut back other grant programs that benefit local communities, such as the "Edward Byrne" grant program.

Mr. Chairman, we at NCJFCJ have nothing but respect and admiration for the commitment to preventing and combating juvenile crime shown by the Attorney General, Assistant Attorney General Laurie Robinson and OJJDP Director Shay Bilchik. The Administration proposes to substitute for the programs they would eliminate or cut, new direct federal-to-local programs run from Washington. Discretionary funding of this sort is an important component of a balanced strategic approach to juvenile justice. None of the proposed funding that we can see however, would assist courts dealing with delinquent offenders, and none that we can see

would be directly relevant to jurisdictions like Quincy or Adams County, Illinois, or other smaller locations in our state or elsewhere.

#### NCJFCJ SUPPORTS JAIBG AS PART OF OJJDP REAUTHORIZATION

NCJFCJ is concerned that comprehensive juvenile justice reform legislation, including reauthorization of OJJDP failed, yet again in the 105th Congress. Juvenile and family courts have benefited significantly from OJJDP's programs and funding. Most recently with the advent of JAIBG we saw further potential support for the courts.

NCJFCJ believes that the Juvenile Justice Accountability Block Grants Program should be extended and be incorporated into the legislation to reauthorize OJJDP, which we hope will finally be passed this year. The JAIBG requirement of graduated accountability-based sanctions systems for juvenile offenders is sound. It conforms with long-standing NCJFCJ policy, is necessary to the court's role of protecting the public, and is the basis for the court's goal of rehabilitating juvenile offenders.

#### GRADUATED ACCOUNTABILITY-BASED SANCTIONS

Accountability-based sanctions must be: sure, swift, and consistent; designed to repair harm caused by the offender; based in the offender's community; flexible and diverse enough to fit a variety of situations and types of offenders; and sufficiently graduated to respond appropriately to every misstep in a delinquent's career, from first to last. The concept encompasses community and system accountability as well as individual accountability.

With this foundation, communities can rework their juvenile justice systems so that they are speedy; efficient, and accountable for consistent outcomes; improve information collection and encourage information sharing; offer a variety of accountability-based programs; and respond to offenses in a firm and consistent manner.

Programs for delinquents vary from jurisdiction to jurisdiction depending on many factors. All courts and communities should give special attention to all first-time offenders and must have effective policies/programs/sanctions for children who shoplift, steal vehicles, use and/or deal in drugs or are gang members. Sex offenders and arsonists (sometimes the same individual) are other offenders requiring special programs/sanctions. In some large jurisdictions, special dockets are appropriate for drug offenders (drug courts). Probation programs vary in intensity from informal supervision to house arrest. School-based probation works well in many jurisdictions, as do teen courts/peer jury programs. Then there is the whole range of community service, restitution, fines and fees, victim-offender mediation programs.

Alternative schools, day or evening custody/treatment, out or in-patient mental health and alcohol/drug treatment, drug testing, boot camps, halfway houses and aftercare especially following incarceration—all of these are programs effectively employed in many jurisdictions.

#### RISK ASSESSMENTS KEY FOR PUBLIC SAFETY

Components appropriate in some cases include monitoring, tutoring, victim awareness, anger management, or job skills training, family counseling and family crises intervention.

Screening and assessment is key with respect to an offender's risk to public safety, need for alcohol and/or drug treatment, health and mental health, education and job skills.

All courts/probation departments should have formal criteria for detention and, of course, expedited case processing for serious and violent juvenile offenders.

Only a well-administered court/probation department can successfully implement a graduated, accountability-based sanctions system and no jurisdiction can be well administered without the technology, training and an effective automated management information system. Furthermore, information sharing is necessary between courts/probation and law enforcement, prosecutors, schools and community agencies and programs.

NCJFCJ believes that juvenile offenders who commit repeated offenses should receive graduated sanctions; that is, each conviction should result in its own consequences and those consequences should be enforced. However, we also believe that state judges should select the specific types of sanctions imposed with appropriate input from the prosecution and defense.

## RECORD KEEPING

In today's mobile society, many juveniles reside in more than one jurisdiction during the years they would be subject to juvenile court jurisdiction. We believe that complete, accurate information about a juvenile's prior record, including offenses committed in other jurisdictions, should be available when making decisions involving the juvenile within the system. We encourage the federal government to help fund efforts to coordinate and improve the availability of juvenile records to law enforcement, prosecutors and the courts.

NCJFCJ believes that judicial, as opposed to prosecutorial or legislative discretion (except in capital cases) should be applied in sentencing decisions and in the decision to transfer a juvenile offender to criminal court for trial. The juvenile court judge generally has first-hand knowledge of the offender, his prior record, and his response to prior sanctions, incarcerations and services.

NCJFCJ believes that provision for prevention and early intervention programs for deprived children and adequate funding for such programs should be a key component of any comprehensive federal juvenile justice legislation.

Congress should provide adequately for education, training and technical assistance for courts and court-related personnel, as well as for other components, law enforcement, corrections, etc.

## RESEARCH, STATISTICS, TRAINING AND TECHNICAL ASSISTANCE

The Office of Justice Programs and OJJDP have done a brilliant job over the course of the past five years in funding relevant research, statistical analysis, training and technical assistance. But, even more important to juvenile court and the juvenile justice community judges, they have their research and statistical analyses directly available to the practice community rather than only burying them in academic publications. They have also done the same thing with their training and technical assistance. Their decision to fund cross-site technical assistance and training combined with their use of the Internet to provide interactive statistical capacity and their use of video conferencing have enormously imparted the accessibility of these resources to the entire juvenile justice community.

But perhaps the most valuable feature of OJJDP's research, statistics, training and technical assistance is the recognition that need varies and resources vary from community to community and state to state. Their work products invariably enable me to identify my community in the analysis presented and compare my circumstances to communities like mine and to the state and nation if I wish. As a rule, they are not in the business of producing one-size-fits-all answers. I would not change a thing in these areas except to ensure that adequate funding continues. Their work gives full cognizance to the fact that every state has a specialized court for juveniles and the work of these courts requires research, statistics, training and technical assistance that is fully integrated with and sensitive to the procedures and programs of these courts.

## FORMULA

While we are convinced that JAIBG is long overdue and should be extended and continued within a reauthorized juvenile justice agency, the formula for JAIBG favors cities with serious crime problems. Such a focus, while understandable, tends to penalize juvenile courts and prosecutors which are county-based. They must provide services for the entire county including the city, but their funding base under the JAIBG formula excludes the city population, thereby reducing the funds available to courts and prosecutors to serve the total county population.

## WORKING SMARTER

NCJFCJ has long believed that judges cannot address problems of youth crime, its devastating harm to victims and to the quality of community life only from behind the bench. They should be out there in front as leaders advocating for policies and programs to prevent crime before it occurs and escalates, not only to respond vigorously afterwards. This we call "working smarter."

In Illinois and in most other states, juvenile justice reform legislation enacted in the last few years stresses that law enforcement and the courts work smarter to achieve more concrete results that hold offenders accountable, reduce crime and improve the quality of life for the community. To work smarter, communities and juvenile courts must draw upon the extensive research data, which has become available. To work smarter, the justice system must hold juvenile offenders accountable to victims and the communities. To work smarter, law enforcement, courts and com-

munities must have sufficient personnel, effective methodologies in place and programs available that most suit the local needs.

It is imperative that we try to reduce the number of prison-bound offenders through local programs designed to help communities prevent and deal with delinquency and more effectively hold offenders accountable. The JAIBG program will allow communities and states to take a big step toward working smarter. This will happen in four ways:

- (a) First, local jurisdictions can target and address their most pressing problems;
- (b) Second, they will be able to share the costs of needed personnel, technology and programs, which they would not have been able to afford otherwise;
- (c) Third, new research data and more successful practices can be combined to establish more effective programs, which can be relocated elsewhere if successful;
- (d) Fourth, as we have seen in Quincy and Adams County, the seed (federal) money attracted local support and contributions. It generated increased local responsibility and initiative, in short, a ripple effect. Greater local attention to the myriad issues of juvenile crime has led to more interest in community prevention programs which can be more effective and cheaper than remedial efforts and lead to less need for incarceration which can be reserved for those truly dangerous offenders who do not respond to prior accountability-based sanctions.

UNLESS BROKEN, DON'T FIX IT

In this testimony, I have tried to share NCJFCJ judges' experience with federal assistance programs, especially those of OJP/OJJDP which we generally strongly support, particularly as they have been implemented in recent years.

As Congress again attempts to reauthorize the federal juvenile justice program which NCJFCJ hopes will finally occur this year, our advice is don't fix it unless it's broken. Where you believe it may be broken, please share your concerns with those who work in the system, including judges.

In the closing days of the 105th Congress last fall, NCJFCJ believed that well-balanced, workable legislation, including JAIBG extension and well-conceived provision for proven effective prevention programs, had been worked out. We were disappointed, as were so many other major organizations representing local and state interests, that legislation was not passed. Please, this year, just do it.

Thank you, Mr. Chairman, for inviting me to testify here today for the National Council of Juvenile and Family Court Judges. We are always available to answer your and members' questions and those of your fine staff, or to provide information or ideas.

Appendix: Recent DOJ/OJP Law Enforcement Grants to Quincy and Adams County,  
IL

(1) \$20,000 (1999), Local Law Enforcement "LLEBG" Block Grant Program, the Adams County Sheriff's Department received this grant to replace light bar, siren, and loudspeaker attachments for 16 squad cars. The existing equipment was bought used, is over 15 years old, and is worn out. The new equipment will benefit both the officers and the public which rely upon adequate warning equipment.

(2) \$25,000 (1996), \$20,161 (1997), the Quincy Police Department received the above two LLEBG grants used for technology upgrades, applied to the cost of equipping squad cars with a mobile data computer system. This will allow instant checks on vehicle records, wanted persons, stolen items, and aid in tracking locations of operational squad cars.

(3) \$150,000 (1995), (\$150,000) (1996-97), both were COPS grants to the Quincy Police Department used to hire additional needed officers and to implement pro-active community programs, including Neighborhood Watch, DARE, Citizen Police Academy for Kids, Senior Citizen Police Academy, Volunteers in Policing and Triad for the Elderly.

Senator SESSIONS. Thank you very much, Judge, and I do appreciate the National Council of Juvenile and Family Court Judges, and you have chaired their Youth Violent Committee. Or do you still?

Judge VAHLE. It was a 2-year chairmanship. This last year I have been working on the Office for Victims of Crime-funded project, the juvenile court response to victims of juvenile crime. And we have been working on that for about a year and a half, and we have put out some work product which we think will be useful

to juvenile courts across the country in dealing with juvenile crime offenders and the victims that suffer on account of them.

Senator SESSIONS. Well, thank you very much, and I thank you for your support and that of the Council.

Judge VAHLE. Thank you, Senator.

Senator SESSIONS. Judge West.

#### STATEMENT OF JUDGE PATRICIA L. WEST

Judge WEST. Mr. Chairman, thank you for the opportunity to be here with you this afternoon to address a topic that really has probably been the single primary focus of my career, and that is juvenile crime, and I want to address specifically the President's decision to submit a budget request which eliminates the funding for the juvenile accountability incentive block grant program.

I would like to state from the outset that I strongly support this program, and I think that you deserve a lot of credit for making sure that this block grant funding has been in the budget for the last 2 years, and I think that the President has made a serious mistake in eliminating this funding, and I am hopeful that Congress will rectify that mistake.

Let me share with you some of my reasons for being so supportive of the block grant program.

To begin with, as I understand it, this is the only program that constitutes juvenile law enforcement money for the localities. Prevention programs are important, and I see—the chart is gone now, but I saw that there was quite a bit of money that goes into prevention, and that is very important. But it is not sufficient in and of itself to address the whole juvenile crime problem. In fact, I may be playing with words, but I feel that prevention, when you talk about the juvenile justice system, it is too late for prevention. If they are in the system, it is too late for prevention. You can have early intervention, and I believe very strongly in that. But they are there, and so prevention I think of as back with the 3-, 4-, 5-, 6-year-olds, the Head Start programs, all those kinds of things. So I really think that this program is very important to that.

Additionally, I support this grant program because it is designed to be flexible in its application to State and local law enforcement. They can apply the resources that they receive in the manner that they deem best supports their efforts to combat their juvenile crime problems.

I am especially pleased that this program as administered presently and as envisioned in the Hatch-Sessions juvenile crime legislation allows for money to be spent on development and administering of accountability-based sanctions for juvenile offenders. I have a lot of experience with accountability-based sanctions, and I want to tailor the remainder of my remarks around this concept to highlight one example of a successful law enforcement initiative that will be hindered if this juvenile accountability incentive block grant program disappears.

In my opinion, the concept of accountability-based graduated sanctions is vitally important to the success of the juvenile justice system. Graduated sanctions result in the juvenile offenders receiving a tangible consequence, punishment, if you will, for every criminal act; and, further, the severity of the consequences tend to in-



crease with each contact with the court. The punishment can be combined with treatment or services, but the key principle is that each and every contact with the court is a meaningful event for the offender.

I have been fortunate in my career, as I have progressed through my career, to view the juvenile justice system from a variety of perspectives—from prosecution to correctional administration, which included responsibility for juvenile correctional centers and juvenile probation and parole services, and finally as a judge who hears juvenile delinquency cases. The single overriding theme that I have stressed in my various role is accountability, including rehabilitative services if appropriate and needed, as well as punishment, even when that concept of punishment was not particularly popular or accepted by the juvenile justice professionals. The concept of graduated sanctions really is the embodiment of accountability.

Although I have consistently argued for accountability and consequences for criminal behavior, more often than not the disposition in cases has been unsatisfactory to me, to the victim, and to the general public. Again, that was because of the traditional notion that there was no room for retribution in the juvenile justice system, and also because the options for disposition were limited by resources. Later on I will address a typical disposition pattern of a repeat juvenile offender if there are no graduated sanctions, but right now I just want to say that many judges did the best they could with what they had, acting within the statutory confines prior to 1996.

Fortunately, Virginia and other States have taken a very active role in trying to overcome some of the shortcomings of the system, including the shortage of resources. During Governor Allen's term, we increased our appropriations by over 50 percent to juvenile justice systems. States like Virginia have shown their commitment to improving their juvenile justice system, and I urge Congress to assist them in their efforts.

I want to talk now about some specific experiences that I had, and one in particular in 1993, when I was a deputy Commonwealth's attorney in Norfolk, remains very vivid in my mind and, frankly, served as an incentive for my future efforts in juvenile justice reform.

I was speaking with a defense attorney who represented a juvenile charged with, I think, burglary and grand larceny. They were felony charges, not particularly heinous felonies, and they were this juvenile's first felony offenses. And I proposed a disposition to that defense attorney involving supervised probation, restitution, community service, things that I didn't think were particularly harsh for that type of crime. And the defense attorney looked at me, in all seriousness, and with a certain amount of indignation said, "Come on, you know the first felony is free." And that statement was all too accurate at the time and really conformed with the common practices, but what an indictment on the system and what a wake-up call for change in our juvenile justice system.

To underscore the importance of the concept of graduated sanctions, it is important to describe what the system looked like without those graduated sanctions. During my years as a prosecutor, the typical disposition pattern of a juvenile offender was the fol-

lowing: The first one, two, three, maybe more contacts, depending on the nature of the contact with the criminal justice system, did not even result in a court appearance. The police officer would give a warning or juvenile intake would—

Senator SESSIONS. Was that in Virginia?

Judge WEST. This is overall.

Senator SESSIONS. Overall?

Judge WEST. It is my particular experience, but in talking with others, I have found that it was very typical around the country. They could be diverted at intake for treatment or services. After intake finally felt that they had exhausted all non-judicial intervention options and the juvenile was continuing to get in trouble, a petition would be filed on the next offense, and the juvenile went before the court. A typical “first offense” disposition—first in the sense that it was the first offense to come before the court—would be unsupervised probation, which usually consisted of telling a juvenile to obey their parents’ rules and perhaps ordering them to comply with certain rules specified by the court, for example, go to school every day, obey your curfew.

The next time in court might result in another try at unsupervised probation, or perhaps they might move up to supervised probation.

Senator SESSIONS. Unsupervised means nobody is checking to see if they abide by the probation.

Judge WEST. That is exactly right. In court, I tell the parents that they are their children’s probation officers, and I try to stress that they need to report if it is not working. But that is exactly what it means. There is no one within the system watching for unsupervised probation.

On supervised probation, they may receive probation rules and be required to go to counseling or some other type of treatment program. The next time in court would likely result in continued supervised probation, and I have to say that as prosecutors we sarcastically dubbed that “double super secret probation.” It didn’t work the first time. We weren’t real optimistic the second time. But we didn’t have any other choices.

Finally, out of sheer frustration on the part of judges and probation staff, the next contact might result in a commitment to the Department of Juvenile Justice, but typically the juvenile offender was back in the community before the commitment paperwork was done. And the juvenile’s reaction to commitment was disbelief and amazement. And why was that? Because the system had not done anything to them before for all the crimes that had been committed.

Senator SESSIONS. You are talking about after six, seven, eight arrests before the first commitment occurs.

Judge WEST. Yes, sir. In the juvenile’s mind, they—

Senator SESSIONS. I agree. People think that we are talking about the need for detention space. They don’t realize we are talking about multiple offenders, not the first offender.

Judge WEST. Not first offenses.

Senator SESSIONS. Please. I am sorry to interrupt you. That is an important point, I think.

Judge WEST. I know my time is running short. I also just wanted to say that another flaw inherent in the way the system is working is the few programs that do exist, because we are talking about offenders who are coming in really on their sixth or seventh offense—the first time they may see a judge—we are putting them in programs that might be appropriate if they really were truly first offenders. And what we are doing is we are messing up the programs that we do have, and I have one example of that.

In Virginia Beach, we had offenders washing police cars, and they were first offenders to the court. They might be sixth or seventh time offenders as far as contacts with the court. And they were inappropriate for this, and we had to discontinue the program because they were vandalizing the police cars. If this were their first time in, maybe it really would have been the appropriate sanction. It gave the community something and it taught them a lesson. But we are ruining the good programs we have by having inappropriate offenders placed in them because of the lack of enough programs to put people in appropriate places.

I will try to wrap it up now. I know I have gone well over my time.

I just wanted to say that the State reform efforts have not been about dismantling the juvenile justice system, and I know that Virginia and the other States have gotten a lot of press and criticism about all the things they are doing as far as transfer provisions and making hearings open and public, and we are now testing juveniles for DNA. But the other side of that coin, something that has not gotten the attention by the press, is that we are also promoting these graduated sanctions, accountability-based sanctions, so that the system can work better. We are not talking about locking everyone up. We are talking about making sure that the sanction fits the crime.

I urge Congress to do the right thing and put the money back in the budget to rectify the President's serious mistake in taking that out.

The rest of my remarks I have submitted. Thank you very much. [The prepared statement of Judge West follows:]

PREPARED STATEMENT OF PATRICIA L. WEST

Thank you for the opportunity to be with you this morning to address a topic that has been the primary focus of my career, juvenile crime.

I have been asked to address the President's decision to submit a budget request which eliminates funding for the Juvenile Accountability Incentive Block Grant program. I would like to state from the outset that I strongly support this program, and I believe the Chairman of the Youth Violence Subcommittee, Senator Sessions, deserves credit for working to ensure that funding for this block grant program has been available over the last two years. I believe the President has made a serious mistake in deciding to eliminate this program, and I believe that Congress should reverse the President's decision by including funding for this program in the fiscal year 2000 Appropriations bills that are considered this year.

Let me share with you my reasons for being so supportive of the Juvenile Accountability Incentive Block Grant program. To begin with, as I understand it, this program constitutes the only source of federal money made available for juvenile law enforcement purposes. While prevention programs can be important components of comprehensive juvenile crime initiatives, they are not sufficient in and of themselves. Assistance also needs to be made available for juvenile law enforcement purposes. The problem of juvenile crime is complex and multifaceted, but we cannot afford to lose sight of the importance of law enforcement in arriving at a solution.

Additionally, I support this grant program because it is designed to be flexible in its application so that state and local law enforcement can apply the resources they receive in the manner they deem best supports their efforts to combat their juvenile crime problems. I am especially pleased that this program as administered presently, and also as envisioned in the Hatch-Sessions juvenile crime legislation, allows for money to be spent on the development and administering of accountability-based sanctions for juvenile offenders. I have a great deal of experience with accountability-based graduated sanctions programs, and I would like to tailor the remainder of my remarks around this concept, so as to highlight just one example of a successful law enforcement initiative that will be hindered in its development throughout the country if the Juvenile Accountability Incentive Block Grant program disappears.

In my opinion, the concept of accountability based graduated sanctions is vitally important to the success of the juvenile justice system. Graduated sanctions result in juvenile offenders receiving a tangible consequence, punishment if you will, for every criminal act, and further, the severity of consequences will in most cases increase with each offense. The punishment may well be combined with treatment or services, but the key principle is that each and every court contact is a meaningful event for the offender.

I have been fortunate as my career has progressed to view the juvenile justice system from a variety of perspectives; from prosecution to correctional administration which included responsibility for juvenile correctional centers as well as juvenile probation and parole services, and finally as a judge who hears juvenile delinquency cases. The single overriding theme that I have stressed in my various roles in accountability, including rehabilitative services if appropriate and needed, as well as punishment, even when the concept of punishment was not particularly popular (and maybe it still isn't) or accepted by the "juvenile justice professions." The concept of graduated sanctions is the embodiment of accountability.

At one point in time not too long ago, holding juveniles accountable for their crimes was easier said than done, both because of attitudes among people in the system and the lack of sentencing options available. First, there was a commonly held belief that punishment had no role in the juvenile system. You only have to look as far back as the Virginia code prior to 1996 where the purpose and intent of the juvenile and domestic relations district courts was defined with the singular stated goal of promoting the best interest of the child before the court. While that was fine in abuse or neglect cases and in custody, visitation and support cases, it was woefully inadequate in delinquency proceedings. Fortunately, in 1996, public safety and the protection of victims' rights were added as proper considerations for the court in delinquency proceedings. These two additions to the purpose and intent clause were significant, both practically as well as symbolically, but let me add that I for one never saw a conflict between the concept of punishment and the singularly stated purpose of pursuing dispositions in the best interest of the child. In most cases, even though the juvenile may not realize it, punishment which may have a corrective impact on the juvenile's behavior, is in their best interest.

Although I have consistently argued for accountability and consequences for criminal behavior, more often than not, the disposition was unsatisfactory to me, the victim and the general public. Again, that was because of the traditional notion that there was not room for retribution in the juvenile justice system, and also because the options for disposition were limited by resources. I will address the typical disposition pattern of a repeat juvenile offender in detail a little later, but I raise this issue now to make the point that although outdated philosophical views guided some judges resulting in the ineffective handling of delinquency cases, in some cases it was a lack of resources and options that caused failures in the system. Many judges did the best they could with what they had, acting within the statutory confines prior to 1996. Fortunately, Virginia has taken a very active approach in addressing both the philosophical shortcomings of the system as well as the shortage of resources devoted to the system. During Governor George Allen's term, appropriations from the state to the juvenile justice system statewide (including appropriations to localities) increased over 50 percent. States like Virginia have shown their commitment to improving their juvenile justice system process, and I urge Congress to assist them in their efforts. The Juvenile Accountability Incentive Block Grant program, if funded, will help address this problem of resources that so many communities throughout this country face.

An experience I had in 1993 when I was Deputy Commonwealth's Attorney in Norfolk remains vivid in my mind and frankly, served as an incentive for my future efforts in juvenile justice reform. I was speaking with a defense attorney who represented a juvenile charged with, I believe, burglary and grand larceny which were this particular juvenile's first felony charges. I proposed a disposition involving su-

pervised probation, restitution and community service which seemed appropriate, consistent with options available, and not particularly harsh for two felony charges. The defense attorney looked at me in all seriousness and with a certain amount of indignation said, "Come on, you know the first felony is free!" Unfortunately, his statement was all too accurate and conformed with common practices in juvenile court at that time. What an indictment on the system, and what a wake up call for change.

To underscore the importance of the concept of graduated sanctions, it is important to describe what the system looked like without graduated sanctions. During my years as a prosecutor, the typical disposition pattern a juvenile offender could expect was the following: The first one, two, maybe three or more contacts, depending on the nature of the contact, with the criminal justice system did not even result in a court appearance. The police officer would give warnings or juvenile intake would divert the juvenile for treatment or services. After intake finally felt that they had exhausted all non-judicial intervention options and the juvenile was continuing to get in trouble, a petition would be filed on the next offense, and the juvenile went before the court. A typical "first offense" disposition (first in the sense it was the first offense to come before the court) would be unsupervised probation which usually consisted of telling a juvenile to obey their parents' rules and perhaps ordering them to comply with certain rules specified by court order; for example, go to school everyday, obey curfew, etc. The juvenile's next time in court might result in another try at unsupervised probation, or perhaps the juvenile might move up to supervised probation. On supervised probation, the juvenile would receive probation rules and might be required to go to counseling or some other type of treatment program. The next time the juvenile was in court would likely result in continued supervised probation (or as we prosecutor's sarcastically dubbed it, double super secret probation) or a suspended commitment to the Department of Juvenile Justice. Finally after many contacts and usually out of sheer frustration on the part of judges and probation staff, the next contact with the system might result in a commitment to the Department of Juvenile Justice, but even then, the juvenile offender could be back in the community before the paperwork on his commitment was complete. And the juvenile's reaction to commitment; disbelief, amazement. Why? Because the system has not done anything to him before for all the crimes he had committed, at least in his mind. To a juvenile, diversion, unsupervised probation, supervised probation, suspended commitment all meant that he walked out of the courtroom and that "nothing happened", and truly, nothing tangible and concrete had happened.

Another flaw inherent in the way the system worked was that once the court decided to take action, the service or sanction that was imposed would often be inappropriate for the offender's level of criminality. This was usually a function of judges trying to preserve scarce resources and programs for more problematic individuals, but what it succeeded in doing was making programs which might have been effective, failures because they were filled with inappropriate juveniles. The best example I can think of was a program we had in Virginia Beach where juveniles were required to wash police cars as part of their sentence. In theory, it was a great idea; the juvenile had a tangible consequence and the City received a benefit. Well, as I stated earlier, a juvenile had often acquired a substantial unofficial record before he ever came to court. As a result, the juveniles assigned to this program were already well along the path to becoming career criminals. It was not long before the program had to be discontinued because of vandalism to the police cars. This is a perfect example of a program that might work very well for a true first offender but failed miserably because inappropriate juveniles were being assigned to the program.

A system that fails to provide consistent and appropriate sanctions for each and every offense reinforces criminal behavior and gives juveniles the impression (rightly so in many cases) that they can break the law with impunity. As a prosecutor, I faced a dilemma each time I spoke to juveniles about the system because if I were to be completely truthful with them, I would have to tell them they could probably commit quite a few crimes before consequences that they deem significant would happen. The fact is though, I would likely have been telling many of them something they already knew. Juveniles, especially the ones most likely to be involved in the system, often know how the system works better than many attorneys, and juveniles viewed the system as a joke.

Because of the increase in numbers and the escalating severity of juvenile crime, along with the public's outrage at a secretive system they did not believe was protecting them, many states, including Virginia, sought to change the way juvenile courts did business. In 1995, when I was Director of the Virginia Department of Juvenile Justice, I had the privilege of serving on Governor Allen's Commission on Juvenile Justice Reform. That commission was the catalyst for sweeping changes in

all areas of juvenile justice in Virginia, but while the transfer provisions, DNA sampling and public access to juvenile records received the media hype, the less publicized but equally important concept of accountability and graduated sanctions was endorsed as well. The number of intake diversions was limited, and while sentencing guidelines are not easily adopted in juvenile courts because of the individuality of each case as well as the fact that jurisdictions have differing problem areas and resources, the idea of each offense resulting in a tangible consequence was strongly promoted. It required a cultural change; a change in attitudes from a treatment, best interest of the child mentality to the common sense and easily understandable concept that criminal actions result in certain consequences. It is important to note that the accountability concept as it is promoted through graduated sanctions is in the best interest of the child and that we do the juvenile no favor by ignoring or excusing his illegal actions. It is also important to realize that the graduated sanctions approach is not mutually exclusive with providing rehabilitative services. The two complement each other.

State reform efforts have not been about dismantling the juvenile justice system but have been about strengthening it. Strengthening the juvenile justice system is what I believe the federal reform efforts are all about as well, and that's why I'm here to urge Congress to promote the implementation of graduated sanctions which make the system more effective. Funds made available under the Juvenile Accountability Incentive Block Grant will encourage states to promote the concept of graduated sanctions. This is vital to successfully reforming the juvenile justice system. Equally as vital is the recognition that although the philosophy of graduated sanctions needs to be endorsed and promoted by state governments, it is the localities that will actually implement the programs. Having said that, I encourage you to renew the Juvenile Accountability Incentive Block Grant with a general provision requiring states to move toward a juvenile justice system utilizing graduated sanctions yet maintaining flexibility for implementation by the localities. Localities should be encouraged by the federal and state governments to adopt graduated sanctions that fit the needs of their specific community. A one size fits all approach dictated by either the state or the federal government is doomed to fail because the problems of localities are varied. The localities need maximum flexibility to address their individual concerns.

Thank you once again for the opportunity to be here today, and I would be happy to answer any questions you may have.

Senator SESSIONS. Thank you. We will make them a part of the record.

Mr. Shorstein.

#### **STATEMENT OF HARRY L. SHORSTEIN**

Mr. SHORSTEIN. Mr. Chairman, thank you for the invitation to again speak with you about our Nation's criminal justice system and, more specifically, juvenile justice, where you have shown us great leadership.

As I speak with you today, it appears that once again a debate is raging between punishment and prevention as the solution to crime. It is my strong belief that the citizens of our Nation deserve more than a repeat of old arguments.

We need a two-pronged approach to the epidemic of juvenile crime. We must incarcerate repeat and violent juvenile offenders, help them return to an environment different from which they came, and at the same time intervene at an early age with children at risk of becoming criminals. With the cooperation, assistance, and support of the Office of Justice Programs, my office has developed a comprehensive strategy to address juvenile crime based on this philosophy. It is working.

In an article written for the New York Times, Pulitzer Prize-winning reporter Fox Butterfield called our program of sanctions and intervention "a preemptive strike" approach to reducing juvenile crime and, of course, ultimately reducing all crime. The term "preemptive strike" describes vividly what we are trying to accomplish

by moving decisively to head off problems before they occur or worsen. We would like to make this article a part of the record.

Senator SESSIONS. I would be delighted. I am impressed with his work, and I remember the New York Times article he wrote about Chicago, Judge West, in which he discovered they spent 15 minutes per case. The caseload was so heavy the judges were only able to address 15 minutes per defendant coming through the system. At that point, there is not an effective ability to intervene in criminal behavior.

Excuse me. We would be glad to make that a part of the record.  
[The article follows:]





"All the News  
That's Fit to Print"

# The New York Times

National Edition  
Florida: Partly to mostly sunny.  
Isolated mainly afternoon thunder-  
shower. Highs in the middle to upper  
80s. Tonight, fair. Lows 60s north,  
70s south.

VOL. CXLVII...NO. 50,935

Copyright © 1997 The New York Times

SATURDAY, OCTOBER 4, 1997

Printed in Florida

ONE DOLLAR

## System in Florida Intervenes To Ward Off Juvenile Crime

BY FOX BUTTERFIELD

JACKSONVILLE, FL — After hitting a young girl in the head with a brick, 7-year-old Freddie would have had a predictable fate in most cities.

Shuffled through an overburdened juvenile justice system, he would most probably have been sent to see a probation officer a few times. Then, whatever had made him so violent so young would simmer until the next in perhaps a lifetime of violent outbursts.

But with his arrest here on charges of aggravated assault, Freddie entered a juvenile justice system that many law-enforcement officials portray as one of the most innovative and comprehensive in the country, one that prosecutes children more aggressively than anywhere else yet also intervenes earlier and more thoughtfully to prevent them from becoming young criminals.

It is in some ways a paradoxical approach, to lock up young people — and sometimes parents — at a rate that some might find Draconian and,

at the same time to pay for specially devised social and educational programs.

Inspired by the research of criminologists whose work usually gets no further than academic journals, the system — actually a series of programs and policies put together by the local prosecutor, Harry Shorstein — seems to have had striking success.

The premise is the "pre-emptive strike," reaching young people before they commit multiple crimes, and the office has programs intended to reach children at every age level who seem headed for trouble.

For the youngest, like Freddie, Mr. Shorstein convenes meetings with agencies that would not normally share records and, stretching his legal authority if necessary, gets parents to put the children under state supervision in exchange for deferral of court action. Junior high students are taken on tours of jails to hear young inmates talk about the hard

*Continued on Page A7*

## Aggressive Justice System in Jacksonville, Fl

life inside. And high school students who commit violent crimes find themselves tried, at a record rate, in adult court. Those convicted serve time in a separate wing of the county jail, where they go through special schooling and counseling.

It is hard to measure precisely what effect the program has had. But juvenile crime, which has dropped across the country in the last two years, fell earlier and far more sharply here. Mr. Shorstein, the State Attorney for the judicial district that encompasses the city, began putting his policies into place in 1993. By 1996, juvenile arrests for murder were down 72 percent, rape down 52 percent, robbery 54 percent, aggravated assault 39 percent and auto theft 58 percent.

David Rasmussen, a professor of economics at Florida State University who has evaluated the program and concluded that it has prevented more than 7,200 crimes, said the secret to its success "is the interrelatedness of the program."

"The whole, I suspect, is much greater than the sum of its parts," Professor Rasmussen said.

By appealing to both law-and-order conservatives and liberals who advocate treatment and education, Mr. Shorstein has largely managed to avoid criticism. But he is not without skeptics.

"Whenever crime goes down, politicians have a tendency to take the credit," said Bill White, the city's chief assistant public defender. "There is no way Harry can know for sure it was his work that brought the arrest rate down."

Mr. White noted that there had at first been some violent incidents and abuse in the juvenile floor of the jail. But he added that he had to give Mr. Shorstein credit.

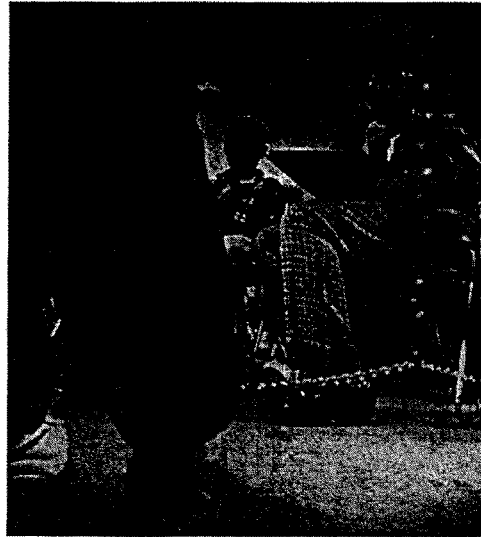
"His intentions are good, and he is trying some things in a system that doesn't work, that have no statutory authority and no funding from the legislature," he said.

The part of the program that Freddie is involved in deals with the youngest law-breakers. Criminologists have found that most juvenile crime is committed by a tiny number of young people whose troubles begin as early as age 6 or 7, but given the chaotic state of most juvenile court systems, the authorities usually know little about a child's background and are unable to identify the potentially most dangerous offenders.

What Jacksonville has done is remedy this in a surprisingly simple way. Each week, representatives of the police, the school board, the state child protective service organization and local hospitals meet under the leadership of Melissa Levy, a psychologist hired by Mr. Shorstein, to share their information about children age 6 to 15 who have committed a crime or had serious trouble at school.

In Freddie's case, with all the available records on him assembled, the group learned that he had been born addicted to drugs and with congenital syphilis to a mother who was a cocaine addict. His mother and father, who were not married, have both been reported for child abuse. Freddie had been required to repeat kindergarten.

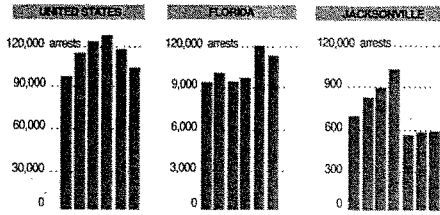
With such a troubled background, the group decided, Freddie was likely to con-



### OVERVIEW

#### Jacksonville's Pre-Emptive Program

After a series of programs aimed at reducing juvenile crime were initiated by the Jacksonville prosecutor's office in 1993, arrests of juveniles for violent crimes dropped much more sharply there than in Florida and the nation.



\*In 1996, Florida changed its system of reporting; comparable figures are not available.

Sources: F.B.I., Florida Department of Law Enforcement, State Attorney's Office in Jacksonville

tinue being delinquent. So the prosecutor's office got Freddie and his mother to sign a contract placing the boy under its supervision for a year, in exchange for a delay in any court action. Under the contract, Freddie must attend school and his mother attend parenting classes. In addition, Freddie receives extra tutoring and counseling to control anger. The family is assigned a volunteer mentor, who can visit the home at any time to monitor Freddie.

Syteria, 15, entered the program a year ago after being arrested on a shoplifting charge and being suspended from school for disciplinary problems.

"Instead of them sending me to jail, they tried to make my life better, visiting me at home," Syteria said. "I like it," she

added. "I feel much better about myself. I was just doing stuff to get attention."

The centerpiece of Mr. Shorstein's program has been his aggressive use of a state law that gives prosecutors in Florida the most sweeping discretion of any state to try juveniles in adult criminal court.

In 1993, when he introduced his policy, Mr. Shorstein tried and won convictions against 494 juveniles in adult court, the most of any city in the United States.

But instead of sending those convicted to Florida's juvenile prisons, Mr. Shorstein arranged to keep them in Jacksonville, at the newly built Duval County Jail, where they are all housed on one floor, separate from adult inmates.

## Florida Intervenes To Ward Off Juvenile Crime



Alan S. Weiner for The New York Times

In a special program in Jacksonville, FL, William Isom, 17, in leg irons and in prison for armed robbery, talked with students age 10 to 17 who were considered at risk of committing a crime. A study has shown that the program may have averted 1,500 property crimes in three years.

### A prosecutor's two-prong plan for young people has striking success.

There Mr. Shorstein has installed a well-functioning school along with drug and sex education courses and counseling for returning to the outside world. For those who complete their sentences without bad conduct report, criminal convictions are withheld, enabling them to tell prospective employers they have never been convicted of a crime.

Demetrius Davis, 18, spent 13 months in the jail after being convicted of armed robbery. Once in the jail, away from the distractions of home and his neighborhood, he found it easier to concentrate on his school work, raised his grades to A's and B's, received a high school equivalency degree and is now studying at a community college and working as a stock clerk at a supermarket.

"I thought it was kind of harsh," he said. "But the word is out on the streets. That's why there are fewer kids in the jail."

At one point in 1994, there were as many as 198 young people in the county jail, now there are 74.

In creating the programs, Mr. Shorstein, a 57-year-old former marine, has often acted without explicit legal authority or by stretching his authority.

He issues warrants several times a year for violations of a seldom-used Florida law requiring parents to keep their children in school. Then, often with television news cameras at the ready, he has the parents arrested.

But before the warrants are issued, the parents are given a chance to work things out at hearings run by volunteers who work in Mr. Shorstein's office.

One recent day, Verlean Spellman had been summoned to appear at a hearing with her three children, ages 8, 10, and 11. None of the children had ever been in school and all were illiterate.

After a prolonged argument, Ms. Spellman agreed to sign a contract with the school district to enroll and keep her children in school.

It was a neat legal trick, Mr. Shorstein acknowledged. He did not have the legal authority to force her to sign the contract, but he could enforce it once she did.

"We don't have the authority to do some of these things," he said, "but people are happy with the results in lower crime, so we keep developing new programs."

In the process, Mr. Shorstein, the only elected Democrat in his three-county district, has defied the usual political labels. "I always have to say I'm not a liberal," he said. "That is the nastiest word you can call someone in my circuit."

Mr. Shorstein decided to make juvenile justice his priority soon after he was initially appointed State Attorney to fill a vacancy in 1991, when he was stunned one day to learn that crime by young

people had soared 27 percent in Jacksonville in just one year. He realized that many of the usual tough-sounding anti-crime measures often had the wrong target.

"Crime increases from ages 11 to 18, then falls straight down to zero by age 40," he said. "But instead of trying to prevent kids in their prime crime years from committing criminal acts, we spend a disproportionate share of the resources of our criminal justice system on locking people up in their late 20's when they are in the declining years of their criminal careers."

"Three strikes and you're out is the most popular idea in history," Mr. Shorstein said. "But it costs \$600,000 to \$700,000 to lock a 25-year-old up for life, when he is probably going to stop committing crimes soon anyway, while if you take a 15-year-old and incarcerate him for a year, at a cost \$25,000, you will prevent more crime."

To back his commitment, Mr. Shorstein has hired assistant state attorneys to specialize in juvenile crime and has used his limited budget to hire psychologists and educators.

Some colleagues question his policies and methods.

"Some other state attorneys in Florida feel Harry is a maverick and a nut, going beyond his legal authority and usurping the jurisdiction of other agencies," said Frank Orlando, a retired juvenile court judge and director of the Center for the Study of Youth Policy at Nova Southeastern University School of Law in Fort Lauderdale. "But at least he is trying out ideas and filling a vacuum."

Under another program that needs little financing or special authority, 25 students who are regarded as severe discipline problems by their schools, and therefore "at risk" of becoming delinquents, are brought to the juvenile court each Friday to witness a trial and then to the jail to talk with the youthful inmates, often their friends or relatives.

William Isom, a tall, heavset 17-year-old who was convicted of armed robbery, shuffled out in handcuffs and leg irons to talk with the student visitors one recent week.

"I was just chilling with my friends, drinking and smoking some weed, and down robbing people," Mr. Isom recounted. "Everybody was doing it, so I didn't think anything of it."

But now in jail, Mr. Isom said, "I have to get up at 4 A.M. and it's lights out every night at 7, and there's no TV."

Professor Rasmussen has calculated that this program may have averted as many as 1,500 property crimes in three years, though Mr. Isom admitted, to his regret, that it had not deterred him. "I was brought here two years ago, in the same room," he told the group, "but I wasn't listening."

Mr. SHORSTEIN. Thank you, Mr. Chairman.

Since 1993, there has been a 44 percent reduction in arrests of juveniles for violent crime in Jacksonville. This includes a 78 percent reduction in murder, a 51 percent reduction in rape and other sex offenses, a 45 percent reduction in robbery, and a 40 percent reduction in aggravated assault. In addition to these violent crimes, there has also been a 67 percent reduction in arrests of juveniles for the gateway crime of vehicle theft and a 56 percent reduction in weapons crimes.

The picture in my community was not always so positive. When I took office, our city was faced with a 27 percent increase in the number of juveniles arrested from 1990 to 1991, and during the 4 years prior to the implementation of our program, 1989 to 1993, juvenile violent crime arrests had increased 78 percent.

Now to the point of the hearings. There is a legitimate and important role for the Federal Government in crime prevention. That role is not through federalization of crime but, instead, through financial support of State and local law enforcement. That should not be curtailed. A perfect example of the appropriate and important role that the Federal Government can play is the Office of Juvenile Justice and Delinquency Prevention. This agency provides critically needed support for creative locally developed solutions to the problems of juvenile crime.

In Jacksonville, we have received substantial support for both juvenile and adult criminal justice programming, much of it from the Office of Justice Programs.

In my program, truancy and avoiding out-of-school suspension are critical to juvenile crime prevention. When appropriate, we aggressively prosecute parents for not sending their children to school. Children must go to school. Studies tell us that serious juvenile offenders begin as habitual truants.

To address the increasing juvenile drug abuse problem, I implemented a juvenile drug court. Juveniles accepted in the drug court are immediately enrolled in a multi-phased outpatient program. Juvenile drug court includes an educational component and psychological services for the juvenile and the juvenile's parents.

Truancy prevention and juvenile drug court are two examples of programming that has been directly assisted by Federal support through the Office of Justice Programs.

Our juvenile program, however, is much more than truancy and drug court. There must be punishment.

In the New York Times article, one young man was quoted as saying, "I thought it was kind of harsh, but the word is out on the streets. That is why there are fewer kids in the jail."

Simple warehousing juveniles in jail, however, is not a long-term answer. Working with other agencies, we have developed the jailed juvenile program. Juveniles in the jail attend school in regular classes held in the facility. They also receive drug counseling and participate in living skills, family planning classes, and anger control training.

I often say that because of all the publicity we have received our school in the jail is the most famous school in the world, and the one with the best attendance.

In an effort to provide these young offenders with positive role models, one program pairs them with mentors recruited by my office. The mentors visit them on a regular basis in the jail and continue to provide guidance for the juveniles after they are released from the jail.

One of the most successful examples of working with our schools is our program for at-risk students, which serves students throughout Jacksonville who have had serious discipline problems but have not yet committed crimes. The students attend juvenile delinquency hearings and interact with juveniles incarcerated as adults. The juvenile inmates stress avoiding criminal activity and staying in school. To date, over 1,500 at-risk juveniles have participated in the program, and a Florida State University study concluded that in a relatively short period of time, this program alone may have averted as many as 1,500 property crimes.

These are just a few examples of programs that have been developed on the local level that might be worthy of Federal support and replication in other jurisdictions throughout the United States. We invite you to come to Jacksonville and examine firsthand and up close how we are attempting to halt the cycle of at-risk children of today becoming the habitual adult offenders of tomorrow.

In summary, the answer is not punishment or prevention. It requires both. I incarcerate more juveniles as adults than any prosecutor in the country. Equally important, I have more prevention/early intervention programs. The answer is punishment and prevention/early intervention working together.

A non-partisan, balanced approach can have an unbelievable impact on crime and the welfare of our children.

I thank the committee for the great interest in the issue of criminal justice and, more specifically, juvenile crime in America. There is no simple solution to this very complex and difficult problem. Every day we are trying new ideas and approaches. Some work and others fail. Some children turn their lives around while others fall into a life of crime. The one certainty is that unless the Nation remains vigilant and focused on the problem of juvenile crime, the gains we have made will fade as we enter the new century. I feel confident, however, through aggressive prosecution combined with intensive intervention and prevention, the progress we have made will continue into the next century and beyond.

Mr. Chairman, as you said prior to the hearings, it would seem as if we can get together and agree on an appropriate way to address this problem, and when we address juvenile justice, we are addressing appropriately the entire justice system.

Thank you very much.

[The prepared statement of Mr. Shorstein follows:]

PREPARED STATEMENT OF HARRY L. SHORSTEIN

Mr. Chairman, Mr. Ranking Member, distinguished Members of the Youth Violence Subcommittee of the Senate Judiciary Committee, my name is Harry Shorstein and I am the State Attorney for the Fourth Judicial Circuit of Florida.

I would like to thank you for the invitation to speak with you today about our nations criminal justice system, and more specifically juvenile justice.

As I speak with you today it appears that once again a debate is raging between punishment and prevention as a solution to juvenile crime. It is my strong belief that the citizens of our nation deserve more than a repeat of old arguments.

We need a two-pronged approach to the epidemic of juvenile crime, we must incarcerate repeat and violent juvenile offenders, help return them to an environment different from which they came, and at the same time intervene at an early age with children at-risk of becoming criminals. With the cooperation, assistance and support of the office of justice programs, my office has developed a comprehensive strategy to address juvenile crime based on this philosophy, which is working.

In an article written for the New York Times, Fox Butterfield called our program of sanctions and intervention a "preemptive strike" approach to reducing juvenile crime and, of course, ultimately reducing all crime. The term preemptive strike describes vividly what we are trying to accomplish by moving decisively to head off problems before they occur or worsen. (We would like to make this article a part of the record)

I would like to take just a few minutes of the committees time to tell you about Jacksonville's approach to curbing juvenile crime. Since 1993, there has been a 44 percent reduction in arrests of juveniles for violent crime in Jacksonville. This includes a 78 percent reduction in murder, 51 percent reduction in rape and other sex offenses, 45 percent reduction in robbery and a 40 percent reduction in aggravated assault. In addition to these violent crimes there has also been a 67 percent reduction in arrests of juveniles for the gateway crime of vehicle theft and a 56 percent reduction in weapon crimes.

The picture in my community was not always so positive. When I took office, our city was faced with a twenty-seven per cent increase in the number of juveniles arrested from 1990 to 1991 and during the four years prior to the implementation of our program, 1989-1993, juvenile violent crime arrests had increased 78 percent.

When the federal government provides support for much needed local programing, that improvement can occur much more quickly.

There is a legitimate and important role for the federal government in crime prevention. That role is not through federalization of crime but, instead, through financial support of state and local law enforcement. That should not be curtailed. A perfect example of the appropriate and important role the federal government can play is the Office of Juvenile Justice and Delinquency Prevention. This agency provides critically needed support for creative locally developed solutions to the problem of juvenile crime.

In Jacksonville we have received substantial support for both juvenile and adult criminal justice programing, most of it from the office of justice programs.

Truancy and avoiding out of school suspension are critical to juvenile crime prevention. When appropriate, we aggressively prosecute parents for not sending their children to school. Children must go to school! Studies tell us that serious juvenile offenders begin as habitual truants. This is why the effort to keep children in school is a key component to my comprehensive plan to reduce juvenile crime.

To address the increasing juvenile drug abuse problem, I implemented a juvenile drug court. Juveniles accepted in the drug court are immediately enrolled in a multi-phased out-patient program. Juvenile drug court includes an educational component and psychological services for the juvenile and parents.

Truancy prevention and juvenile drug court are two examples of programing that has been directly assisted by federal support.

Our juvenile program, however, is much more than truancy and drug court. There must be punishment.

In the New York Times article, one young man was quoted as saying "I thought it was kind of harsh, but the word is out on the streets. That's why there are fewer kids in the jail."

Simply warehousing juveniles in jail, however, is not a long-term answer, working with other agencies, we have developed the "jailed juvenile program". Juveniles in the jail attend school in regular classes held in the facility. They also receive drug counseling and participate in living skills, family planning classes and anger control training.

All juveniles in jail now attend school in jail as they would if they were in a regular school.

I often say that because of all the publicity we have received that our school in the jail is the most famous school in the world \* \* \* and the one with the best attendance.

In an effort to provide these young offenders with positive role models, one program pairs them with mentors recruited by my office. The mentors visit them on a regular basis in the jail and continue to provide guidance for the juveniles after they are released from jail.

Many of our prevention/early intervention efforts are school-based. A career educator in our office coordinates programs with our schools.

One of the most successful examples of working with our schools is our program for at-risk students. Which serves students throughout Jacksonville who have had serious discipline problems. The students attend juvenile delinquency hearings and discuss their behavior with juvenile judges. We also take them on a tour of the local jail and allow them to interact with juveniles incarcerated as adults. The juvenile inmates stress avoiding criminal activity and staying in school. To date, over 1,500 at-risk juveniles have participated in PAS. A Florida state university study concluded that in a relatively short period of time, this program alone “may have averted as many as 1,500 property crimes.”

These are just a few examples of programs that have been developed on the local level that might be worthy of federal support and replication in other jurisdictions throughout the United States. We invite you to come to Jacksonville and examine first hand and up close how we are attempting to halt the cycle of the at-risk children of today becoming the habitual adult offenders of tomorrow.

In summary, the answer is not punishment or prevention. It requires both! I incarcerate more juveniles as adults than any prosecutor in the country. Equally important, I have more prevention/early intervention programs within my office. The answer is punishment and prevention/early intervention working together.

A non-partisan, balanced approach can have an unbelievable impact on crime and the welfare of our children.

I thank the committee for their great interest in the issue of criminal justice and more specifically juvenile crime in America. There is no simple solution to this very complex and difficult problem. Every day we are trying new ideas and approaches. Some work and others fail. Some children turn their lives around while others fall into a life of crime. The one certainty is that unless the nation remains vigilant and focused on the problem of juvenile crime, the gains we have made will fade as we enter the new century. I feel confident, however, through aggressive prosecution combined with intensive intervention and prevention, the progress we have made will continue into the next century and beyond.

Senator SESSIONS. Yes, the greatest predictor of an adult criminal act is someone who has had a prior juvenile crime. That is a great statistic. And your program I think is really what Judge West has been describing. You have a certain level of sanctions certainty. You don't want to put anyone in jail if you don't have to or detain them, but when you do, there is punishment. There is also education, treatment, and those programs that go with it. I think it is a model, and I know a lot of other judges around the country and systems are reaching that level. And I believe that there is nothing—and I would say that I don't believe there is a program you have mentioned that would not be eligible for funding from the block grant program we have created. It was designed to encourage just those kinds of innovative, practical, community-based programs that work.

Chief Wilson, I remember—I think you and I talked about it when I was Attorney General a few years ago—there was a murder in town, and the paper said three juveniles had been arrested. And I called you, and I said, “Chief, I would like to know what the arrest record of those three were.” I think they were 15 and 16 years old. The two 16's had five prior arrests, and the 15 had 15 prior arrests.

Is that uncommon?

Chief WILSON. No, sir, and I am glad you asked me that because 2 weeks ago we had a 30-year-old artist at the Shakespeare Theatre there in Montgomery who had a sweater stuffed down her throat and masking tape wrapped around her head in such a fashion it looked like a mummy, and she was tortured and killed by an 18-year-old, and he had about 12 prior arrests, everything from burglary to—

Senator SESSIONS. Judge West, that is what I hear you saying has been the pattern all over America.

Judge WEST. Yes, sir, that is what I have seen both in my court and in my travels, and it just seems that by not doing anything the first time or two they come into court, we are just reinforcing that negative behavior. And when you finally do something, they can't believe it.

Senator SESSIONS. And I guess what frustrates me, as I have tried to bring my experience to bear on this problem—and I agree, I think, with all of you here before us as a solution. It has been suggested that all you want to do is lock kids up. We don't want to lock kids up. But if you don't have the capacity to carry out a sanction, doesn't that undermine the credibility of the court and the police officer and the probation officer?

Judge VAHLE. We believe that juveniles must be held accountable, and in our State, for example, we have taken steps to coordinate with the police, with the probation officers who screen folks coming into the system, get the parents into the process as that screening takes place with the probation officer and the police officer, get the State's attorney, the prosecutor into it, so that those folks, not just one person on the battle line but all those folks, are involved in deciding whether or not you need more attention to this juvenile's behavior than might ordinarily be the case.

The problems that have been described by Judge West and the others on the panel are problems that can be addressed if we work at it in a communicative and cooperative spirit, with proper assistance and training, which are out there. But if we work together on those things, we can address those issues and show positive results. And just exactly as Mr. Shorstein pointed out, you put things together in a way that is workable and makes sense, and we can do the job. We just need the tools to get the job rolling.

Senator SESSIONS. I am convinced of it. Your record of reduced crime—we just had Monday in this hearing, we had a hearing on the gun prosecutions, Project Exile in Richmond and other efforts that I think this administration has allowed gun prosecutions to fall by 50 percent since they took office. But Project Exile, run by the Department of Justice in Richmond, is very workable. We had the U.S. Attorney from Boston, both of which have achieved substantial reduction in crime. The Boston project particularly focuses on young people. Are you familiar with that, Judge West? Or, Harry, are you familiar with that? They have intensive probation and supervision. They have police officers, Chief, that work with the probation officers because a probation officer is really not equipped to go to some of these homes at 9 o'clock at night to see if they are obeying the curfew. So the police and probation go out together at night, knock on the door, talk to the family, verify the child is at home and not in trouble. And it is the key, they tell me, in Boston.

The U.S. Attorney in Boston, who very much wants to help young people avoid crime, says, just as you, that you have got to have that sanction if they don't obey. If they refuse to obey the probation and conditions and you don't have any capacity to punish or sanction, then you lose credibility. Would any of you disagree with that?



Chief WILSON. No. I am familiar with that project. They have paid us a visit in Montgomery, and the key to the success to it, I am convinced, is the follow-up aspect and the punitive action that is taken if they don't live up to the probation.

Senator SESSIONS. Judge Vahle.

Judge VAHLE. That is part of what working smarter is about. We get a schedule of risk factors that the probation officer and the police consider when they first come in contact with this juvenile. We take the research that we get from OJJDP about tendencies and what types of risk factors can result in what types of problems, and we take a look at that. Then we get tracking through appropriate technology to keep track of a given child as that child presents himself to the system so that we don't have three, four, eight contacts with the system before there is accountability.

We combine all these assets, and that is how we work smarter. We can't just sit back and wait for things to come in. All of these folks are perfect examples of working smarter by taking what we have learned and the technology and the inclination to get out from behind the desk and go out in the community and work toward prevention and work toward dealing with offenses as they occur and in an effective way.

Senator SESSIONS. Judge West.

Judge WEST. Senator Sessions, I was just going to say that the juveniles know the way the system works, and they know whether or not you can enforce what you tell them. The way it used to be, I hated to tell kids what was going to happen because I would have to tell them, if I was going to be truthful, completely truthful, that they could commit several crimes before anything of a tangible consequence or a tangible nature happened. And now they are starting to understand that their crimes are being taken more seriously, and they know the system better than a lot of the attorneys who come in. They know what is going to happen to them.

Senator SESSIONS. But Virginia has had to increase its detention capacity, has it not?

Judge WEST. We have been increasing detention capacity. When someone breaks a court order, they need to know that the consequence can be incarceration. And I can tell you that some judges may not incarcerate because of overcrowding. If I told someone that they are going to be incarcerated if they break an order, I am going to do it whether it is overcrowded or not, and we are better off to have facilities that can hold the juveniles as opposed to putting them in an overcrowded facility. We have to have that ability.

Senator SESSIONS. Well, that is what we have got to understand. I am not against the traditional prevention programs such as after-school programs or other kinds of things, Boys and Girls Clubs. By the way, this abolition of the grant apparently abolishes \$40 million for the Boys and Girls Clubs.

But I am not against that. It seems to me that that is an area probably for the education system, the Department of Health and Human Services. But if we are dealing in Judiciary with the justice criminal bill, then it ought to focus on the justice system and what we can do there. So I am just saying with regard to prevention, I think that is where we have to focus.

And if you are going to have a credible system, you need a certain amount of capacity to incarcerate. You say you incarcerate probably higher than any system in the country? I know you don't like to. I know it is painful to think of putting someone in jail. But I guess you do it because you care enough about them to not let them get away with the crime. Is that your philosophy?

Mr. SHORSTEIN. Well, we have found—and Judge West pointed it out—that the juveniles know the system. They are not going to listen to our lectures. When we bring these school kids in every Friday who we feel are at risk, I quit talking to them because they used to see an old man in a suit giving them a lecture. They had heard it from judges, well-intentioned judges who did not have the resources with which to follow through.

When we bring these jailed juveniles who have been prosecuted as adults over at the end of the day in cuffs and chains, as, of course, they have to come, and they have a rap session, you could hear a pin drop. "60 Minutes" picked it up because television can do it much better than we can. And you saw one of these kids riveted on this jailed juvenile who was saying to the kid, "I thought I would get away with it, too, but I am serving a year in the county jail."

That punishment component makes the prevention/early intervention components work. I am just totally convinced that early intervention works, that early intervention is the answer. But if the juveniles do not know that there is a punishment component and a meaningful punishment component, then the prevention/early intervention won't work. And that is essentially what our whole program is based upon.

Senator SESSIONS. But all of you agree that that is an essential philosophy of an effective court system?

Chief WILSON. Yes, in my opinion, though I think we are being way too reactionary too late. I think that we have got to do a better job of the early intervention aspect of it in a much—

Judge VAHLE. I firmly believe that we have to be able to offer a continuum of available outcomes for the appropriate offender. There are offenders, I am here to tell you, no matter how long they think they are going to be in jail, they don't care. And they will offend, anyway, and those folks we have to deal with one way. There are other kids, with a little bit of good supervision and encouragement, they are going to do fine.

There is no answer for all types of offenders, but having the continuum of available services, available outcomes, is what is so important.

Senator SESSIONS. What are some of the things that you want in your continuum? What as a judge are the kind of options for dealing to properly intervene? A child has been arrested for a burglary, say they have a drug history or test positive for drugs, and you want to effectively intervene with a 14-year-old. What kind of things would you like to have as a judge that you could draw upon for the various types of kids that are arrested like that?

Judge VAHLE. I want good protocols for screening the various problems this kid may have—drugs, violence in the home, how well he does in school, his attitude towards his parents, how he gets

along at home and with the family, what type of family he has. I want to know a lot about this kid just to——

Senator SESSIONS. That would be the role of a well-trained and effective probation system?

Judge VAHLE. Exactly. From there, I want to have appropriate services to meet his needs. If he has got an alcoholic father—in our State we can deal with the parents. If he has got an alcoholic father, I can get that father into treatment. If he has got a father who has got a domestic violence problem, I can direct him to attend a program. I can eject him from the home until he does.

In other words, we deal with the family unit, not just the kid, because that is what happens. The parents come into court and say here is our kid, fix him. Well, that kid has developed over a period of years within that home, and I am guessing that a good part of the time there is something that has happened in that environment that is going to affect this kid as he stands here today. So we are going to look at the whole family.

I want good substance abuse treatment. We have got pretty good treatment in Illinois, both at the local level and residential services as may be necessary. We want to create juvenile family violence treatment programs. Adolescents have a completely different set of hormones and attitudes than adults, and they don't respond well to adult programs, and there is no really good adolescent program that we have run across. I want that in my continuum of services.

Then I want to step up on the accountability, and if those outpatient type services don't work well, then I want a treatment program which may include appearing for some part of the day, after school, for example, on weekends, to use their time, put them to work so they are not out on the street thinking of things to do.

Then I want secure treatment, and that may be anything from an ankle monitor where they have to come in every day to secure treatment at the youth home where, as Mr. Shorstein pointed out, we have education, counseling, mental health components available to deal with these kids here.

If we send a kid to the Department of Corrections, we take that as a failure, and I will tell you why. Because when they go to the Department of Corrections, they are going to be there 6 months, a year and a half, whatever. They have got a graduated scale, depending on the type of offense, in our State. After that many number of months, unless they are just going completely wild in the department, they are coming back home. And you know what? They come back to their home community. And so if we don't deal with them effectively, we can ship them off and we can save victims for that 6 months or year and a half, but they are coming back. And if we don't deal with them, there are going to be more victims, and that is the big picture.

Senator SESSIONS. Well, you say in your statement that you determine you needed a detention facility there in your county, and you matched—you came up with \$2.5 million locally and added \$1.5 million from the grant program and were able to build the kind of first-class facility I guess you felt like would meet those needs to help you complete this continuum of options.

Judge VAHLE. We see that continuum——

Senator SESSIONS. If somebody already has a detention facility, maybe they need to use the money more on this intervention type program. Is that right?

Judge VAHLE. That would be—

Senator SESSIONS. I mean, it is just—

Judge VAHLE. Exactly. Exactly.

Senator SESSIONS. Judge West, did you want to comment on that?

Judge WEST. There are just all kinds of options out there and things that we could use—group homes, halfway houses, independent living. Really, one of the major problems that we see, especially with kids coming back from the correctional centers, is no matter how much of an impact the correctional center may have had on their behavior—and I think we have a good State juvenile correctional system—they are coming back to the same family and the same neighborhood. So I always wanted to see more halfway houses or more independent living programs so that the kids could go somewhere and start over in a different area, not surrounded by the same friends that they left who are still continuing to get in trouble. That is just one more component in the continuum.

I just wanted to say on the prevention and punishment aspect, people try to portray those as either/or. They are not mutually exclusive, and they do complement each other, and both are a necessity. And I think that trying to place one against the other, as some folks do, is really wrong and I think hurts the system.

Senator SESSIONS. I tend to agree, and I also believe that we took this \$4.5 billion, talking about it, as we did, about the Office of Justice Programs consolidating some of these, and really took that money and effectively developed a good prevention program prior to arrest for kids who haven't yet been in the criminal justice system. Then you could probably get some good with it. But when you have got 129 programs, spending \$4 billion a year, we don't seem to have enough effectiveness there.

But I would point out this—and this is the unfortunate reality, and I learned it when I was running for Attorney General in Alabama. Alabama for 25 years had not increased its detention bed spaces for juveniles. During that time, not only did we have an increase in number of juveniles, which would indicate you would need to increase capacity, we had this huge surge in violent, serious crime. And if you have got four times as many assaults with intent to murder and five times as many armed robberies by juveniles as you had 20 years ago, it stands to reason to me that prison, that detention capacity has got to increase some. And that is not—and to say that—at any rate, would you all agree with me? We are just at a point based on what has happened in our country to break down a family, that we have got more serious repeat young people than we did 25 years ago.

Chief WILSON. We do, and you know we are paying for it now, too, because our juvenile court system in Alabama is under Federal court sanction.

Senator SESSIONS. That is right.

Harry.

Mr. SHORSTEIN. Florida had the exact same experience, Mr. Chairman, spending almost no money on juvenile justice during the

preceding decade and a half. Frankly, the program we have, we developed totally independently of the State with some help from Office of Justice Programs and with local support. What we found politically, we were able to get the support because our program has been so effective that people are willing to help us. We have gotten tremendous assistance from the Federal Government and from the local government.

But I would like to comment on one thing Chief Wilson said because, in a way, he may have hit the nail on the head. And I think he really said what the Attorney General Janet Reno has said over and over again. The most important years in fighting crime are 0 to 3, you know, dealing with stopping children born in poverty, single-parent families, teenage pregnancy. You know, just as you pointed out, appropriately, we can spot the adult offenders from their juvenile records; we can spot the juvenile offenders from their birth. If a 13-year-old inner-city female living in poverty has a child, we will see that child in the criminal justice system, and it happens every time. So in a way, the chief may have made the most appropriate remark of all of us when he made that.

Chief WILSON. That was my point exactly, Senator, and when you meet with the rest of your committee members, challenge them with one thing when you are forming these laws. Ask them to define a parent. Ask them what that is.

Senator SESSIONS. Well, we have had an extraordinary breakdown in family. I was with Senator Patrick Moynihan last year in the subway, and somebody raised the subject. He has written on it academically, and he said in the history of the world, no nation has ever seen the collapse of the family as this Nation is now undergoing. And when you have 80 percent of the children in the inner city born out of wedlock, then we have got a social problem of extraordinary proportions.

How do you deal with that? We don't know, effectively, but truancy is a good tip-off, isn't it? Does everybody agree with that? If a child—at the earliest possible indication of truancy, a quick response is helpful?

Judge VAHLE. Mr. Chairman, I have two examples of what you are talking about and what the chief is talking about.

Senator SESSIONS. Please.

Judge VAHLE. A study that was reported to me sometime back a few years ago was that of all the possible common denominators in the development of violent offenders who were in prison for violent offenses that researchers could find, everything from poor mental health to alcoholism, to substance abuse, to family violence—you name it—the only thing they could find in common among all these people was that they were poor readers in the early grades. It indicates that there is a problem at home; there is a problem with the kid's development. It is an indicator. It doesn't mean all poor readers are convicts, but it does show that there is an important correlation with development at an early age.

The second thing was that of the young people, the juveniles on death row—not juveniles—adult criminals on death row in this country that were surveyed, nearly 100 percent of them came from single teenage mothers. We have to give support to single teenage mothers and all single parents. It is not a moral issue. It is a social

issue. And the effects are out there. We can't ignore it or we will continue to reap the benefit—or lack of benefit from ignoring it.

Senator SESSIONS. When it ceased being a moral issue, it did become a social issue of monumental proportions because traditionally we used commitment to moral values to maintain integrity of family, and that is—I don't think you meant to suggest otherwise.

Judge VAHLE. No, I did not. I certainly did not. I am a very strong believer in providing an appropriate foundation for children, and that means two parents in the home. We are faced with a fact of life that people create children out of wedlock, and we have to deal with that. We have to also try to convince folks it is not a good idea, I suspect, but we need to deal with the problem.

Senator SESSIONS. I know a judge that served on your board, and he says that his observation is the most—I guess the ones you said, the ones who are most violent and most indifferent to punishment, his personal anecdotal experience came from very young mothers, 15-, 16-year-old mothers, not 17-, 18-, 19-year-old mothers, but 15-, 16-, 14-year-old mothers even. And he told a number of stories about that, and he did not—he said, "I am not sure whether that is something that needs to be researched or not." Maybe we ought to, or whether or not there is something particularly true there. Maybe there is not—a 14-year-old, 15-year-old mother doesn't have the ability to bond with a child like an older mother might.

Judge VAHLE. It depends so much on the support that mother gets. Children having children is a big problem. They don't have the judgment, they don't have the maturity, the initiative, the discipline to provide the stable platform for development that a child needs. And single parents alone don't have that assistance from the other parent, and that assistance and presence is so vital for children's proper development. It is certainly something that is worth looking into more.

Senator SESSIONS. Well, I would just conclude. Does anyone have anything that they feel is important to say?

[No response.]

Senator SESSIONS. We will keep our hearing record open until April 2nd, and if we have any questions or if you would like to submit any statements, we will receive them by then.

I would just say this: Every complex social problem in juvenile crime which we have been talking most about—although that is really not the primary focus of this hearing because a lot of the programs under OJP are for adult crime. The one thing I think we all have agreed, as you sit here today before me—and I certainly agree—is that we need a juvenile justice system that can effectively deal with the young offender when he is first apprehended and there is a series of sanctions possible and available to a judge or a prosecutor or the police that would help maximize the possibility that this child would not continue in a life of crime.

So, to me—and I just want to say it to you—that is the purpose of the juvenile justice bill that we have introduced and the point of the grant program that we have introduced.

Now, when we talk about birth, early development, the educational system, I think we need to continue to deal with that and perhaps need to go back and review everything we are already spending on that and consider other programs that may work. If

we can just get this piece of legislation done and get you a little more money so that you can improve your systems, I think we can say that is at least one good thing we will have accomplished.

Thank you so much. I have enjoyed this very much. You have been very insightful and wise, and I hope that we can take to heart what you have told us. Thank you very much.

We are adjourned.

[Whereupon, at 3:42 p.m., the subcommittee was adjourned.]

○