

I.

JUVENILE CRIME: A SURVEY OF THE PROBLEM

The headlines speak of the unspeakable: a 15-year-old guns down a classmate who dares admire his sweetheart; a 16-year-old stabs a classmate to death and wears his blood-stained T-shirt to school the next day; a 17-year-old leads his pals in a gang rape and murder of a young girl, and boasts of it over burgers just hours later.

Would that these terrors were rarities, comfortably explained: a genetic fluke of nature, the final showdown of a lifelong blood feud, a once-in-a-lifetime moment of madness.

But reality tells a different story. America's criminals are getting younger, and young criminals are getting more violent. In 1970, 24-year-olds were the most murderous in society. By 1992, the age registering the greatest murder arrest rate had dropped to 18. Between 1983 and 1992, juvenile arrest rates for murder catapulted 128%. The tales of youth violence are no longer anecdotal. They're statistical. And the statistics keep mounting:

- * In 1992, 112,409 violent crimes were committed by kids under 18: 2,829 murders, 5,369 rapes, 40,434 robberies, 63,777 aggravated assaults.¹

 In just the five years between 1988 and 1992, juvenile arrests for violent crimes jumped 47% -- two and a half times faster than for adults 18 and older.² Here's the breakdown:

- * Murder. Juvenile arrests up 51% -- more than five times the nine percent increase for adults.
- * Rape. Juvenile arrests up 17% -- six times the three percent rise for adults.

¹ Federal Bureau of Investigation, U.S. Dep't of Justice, *Crime in the United States 1992, Uniform Crime Reports* (1993).

² *Id.*

* Robbery. Juvenile arrests up 50% -- more than three times the 13% rise for adults.

* Aggravated assault. Juvenile arrests up 49% -- more than twice the 23% increase for adults.³

* Although they comprise only 11% of the population, juveniles aged 10 to 17 committed nearly twice their share of violent crimes, accounting for 18% of all violent crime arrests in 1992: 15% of murder arrests, 16% of rape arrests, 26% of robbery arrests, 15% of aggravated assault arrests, and 23% of weapons arrests.⁴

There is much we do not know about the proliferation of violence among our young. But one thing is for sure: these days, a kid arrested for a crime often has a gun in his hand, and young victims, increasingly, have bullets in their bodies. Where fists once settled a score, now increasingly a gun is the final arbiter. Neighborhood skirmishes and playground rumbles have given way to mafia-style "hits" and drive-by shootings. Experience has taught us a tragic lesson: violence follows guns just as surely as night follows day. And the reports from the streets are not encouraging:

³ *Id.*

⁴ *Id.*

- * The number of kids arrested for illegally carrying or possessing a weapon skyrocketed 66% in just the five years between 1988 and 1992 -- more than four times faster than among adults.⁵ In 1991, the nearly 35,000 juvenile weapons arrests accounted for more than one out of five of all weapons arrests.⁶
- * Between 1980 and 1990, there was a 79% increase in the number of kids who murdered with guns.⁷
- * Nearly three out of four juvenile murderers use guns to kill their victims.⁸
- * 83% of serious male juvenile offenders incarcerated in juvenile corrections facilities possessed a gun just prior to confinement. 55% routinely carried guns within a year or two prior to being arrested.⁹

⁵ *Id.*

⁶ Federal Bureau of Investigations, U.S. Dep't of Justice, *Crime in the United States 1991, Uniform Crime Reports* (1992).

⁷ *Id.*

⁸ *Uniform Crime Reports* (1992), *supra* note 6.

⁹ Joseph F. Sheley, James D. Wright, U.S. Dep't of Justice, *Gun Acquisition and Possession in Selected Juvenile Samples 5* (1993).

- A study of Chicago gangs reports that virtually the entire increase in the city's gang-motivated homicides can be attributed to the increased use of high-caliber, automatic or semi-automatic weapons.¹⁰
- In 1992, guns took the lives of 85% of 15 to 19-year-old murder victims.¹¹
- One in 20 school kids reported carrying a gun during a 30-day period.¹²

The Chief Targets of Juvenile Crime: Other Children

Today, our children need be wary not only of strangers prowling beyond the playground fence. Classmates and acquaintances must now be added to the "beware" list. And where night-lights, once, were enough to keep the monsters away, now not even metal detectors and armed guards in schools can make children feel safe: 160,000 children stay home from school every day because they fear injury at the hands of their classmates.¹³

¹⁰ Carolyn Rebecca Block, Richard Block, U.S. Dep't of Justice, *Street Gang Crime in Chicago* 7 (1993).

¹¹ *Uniform Crime Reports* (1993), *supra* note 1.

¹² Center for Disease Control, U.S. Dep't of Health and Human Services, *Weapon Carrying Among High School Students - United States, 1990*, in 40 Morbidity and Mortality Weekly Report (October, 1991).

¹³ George Batsche, Benjamin Moore, National Association of School Psychologists, *Bullying* 1 (1989).

Kids today are constantly looking over their shoulders -- they must watch who they bump into in the hall, keep a watchful eye on their way home from school, and maintain a certain vigilance in the park. Children are more likely than adults to be the victims of violent crime. And these days, a child's attacker, more likely than not, is another child.

- * In 1991, six out of ten child homicide victims (between ages 10 and 17) were killed by friends or acquaintances.¹⁴
- * Between 1985 and 1988, 81% of child victims of violent crimes aged 12 to 15, and 55% of victims aged 16 to 19, reported that their attackers were younger than 21. Only 16% of adult victims of violent crime reported the same.¹⁵
- * Approximately 282,000 students are physically attacked in America's high schools each month -- bringing the yearly average to one in six students.¹⁶
- * About 15% of all students are threatened with a weapon and about 8% are injured with a weapon at school during the year.¹⁷

¹⁴ Office of Juvenile Justice and Delinquency Prevention, U.S. Dep't of Justice, *Justice Matters, Profile of Juvenile Victims* (Fall/Winter 1993).

¹⁵ Catherine J. Whitaker, Lisa Bastian, U.S. Dep't of Justice, *Teenage Victims: A National Crime Survey Report 7* (1991).

¹⁶ *Bullying*, *supra* note 13.

¹⁷ University of Michigan, *1993 Goals Report: Volume I, Goals 6* (1993).

- * Teenagers are more likely than adults to be the victims of violent crimes: 67 out of every 1,000 children aged 12 to 19 are victimized, compared with 26 of every 1,000 persons aged 20 or older.¹⁸
- * And some communities are hit especially hard. African-American teens are three to five times more likely than their white counterparts to be murder victims.¹⁹ Where most white teens die in accidents (more than twice the number who are murdered or commit suicide), most African-American teens who die are murdered -- more than twice the number who die in accidents.²⁰
- * In 1992, more than six children were murdered each day.²¹

¹⁸ *Teenage Victims*, *supra* note 15 at 1.

¹⁹ *Id.*

²⁰ Center for the Study of Social Policy, *Kids Count Data Book: State Profiles of Child Well-Being* 12 (1993).

²¹ *Uniform Crime Reports (1993)*, *supra* note 1.

The Chief Culprits: A Small Cadre of Chronic Offenders

Behind the statistics lies an often overlooked fact about juvenile criminality: relatively few children are responsible for the bulk of the serious and violent crime. In his landmark studies of juvenile crime, Dr. Marvin Wolfgang reported that, of the 13,200 boys he tracked from birth until age 18, 7.5% accounted for 61% of the group's arrests -- 60% of the murder arrests, 75% of the rape arrests, 73% of the robbery arrests, and 65% of the arrests for aggravated assault.²²

The Wolfgang studies further found that, of the juvenile offenders, only 18% to 22% were high-rate offenders -- arrested at least five times. Thus, not only does a small percentage of the juvenile population commit a large share of crime, so, too, a small portion of juvenile criminals is responsible for the majority of juvenile crimes.

Another study, conducted on three birth cohorts in Racine, Wisconsin, reported similar results: approximately five percent of the juveniles who had committed two or three felonies were responsible for 75% of the total felonies (and much of the other crime) committed by each group.²³

²² Paul E. Tracy, Marvin E. Wolfgang, and Robert M. Figlio, Delinquency Careers in Two Birth Cohorts 280 (1990). Dr. Wolfgang's studies are based on a group of Philadelphia males born in 1958. Another study based on a 1945 birth cohort found that six percent of the males accounted for 52% of the group's arrests. Marvin E. Wolfgang, et al., Delinquency in a Birth Cohort (1972).

²³ Lyle W. Shannon, Criminal Career Continuity 217 (1988).

Who are These Young Criminals?

The questions outpace our answers. What turns babies into monsters? How can a young man commit unthinkable acts of brutality and the same day treat his friends to a round of pizza and coke? Are these kids simply -- inescapably -- rotten apples, or could something -- anything -- have been done to keep them from going bad?

The cadre of young criminals who are terrorizing our streets and neighborhoods have many faces and many stories to tell. Most often, their lives are a compendium of cards badly dealt and turns wrongly taken. They defy easy categorization or classification. But researchers have identified a number of factors which contribute to criminality among our youth, chief among them being negative peer influences, school failures, poverty, lack of parental and other supervision and guidance, child abuse, and drug use.²⁴ Although none should be viewed in isolation, each has its particular features, and we briefly overview them in turn.

²⁴ See Panel on Research on Criminal Careers, Committee on Research on Law Enforcement and the Administration of Justice, Commission on Behavioral and Social Sciences and Education, and National Research Council, Participation in Criminal Careers, in 1 Criminal Careers and "Career Criminals," 31, 54 (Alfred Blumstein, et al. eds., 1986) (factors influencing serious criminal behavior include ineffective parenting, poor school performance, low measured IQ, drug use and parental criminality); Paul A. Strasburg, Violent Delinquents 45 (1978) (juveniles involved in violent behavior are primarily male minority groups from lower class neighborhoods who come from broken homes, have defective relationships with their parents, and fail in school; many have psychological disturbances; rage, low self esteem, lack of empathy and limited frustration tolerance are typical of violent youths); Cathy Spatz Widom, U.S. Dep't of Justice, *The Cycle of Violence* 1 (1992) (being abused or neglected as a child increases the likelihood of arrest as a juvenile by 53%); 1 American Psychological Association Commission on Youth Violence, *Violence & Youth: Psychology's Response* 5-6, 17 (1993) (strongest predictor of involvement in violence is history of violence; biological, family and school factors, emotional and cognitive development, relation to peers, cultural milieu, and social factors such as economic inequality, lack of opportunity, substance abuse, peer involvement and access to guns are all related to violent behavior); Donna Martin Hamparian et al., The Violent Few 49 (1978) (violent juveniles often come from broken homes of lower socioeconomic status and have siblings who are also involved in violent crimes).

Negative Peer Influences and Gangs

Ever since the Montagues and Capulets, parents have been worrying about who their children choose as friends. Never have their worries been as well-founded: negative peer influence, paired with too much free time, spells trouble.

- * Kids are more likely to commit crimes in groups than are adults.²⁵
- * Most violent juvenile crimes are committed by more than one person -- and as the size of the group increases, so does the likelihood that the crime is violent.²⁶
- * There is a strong connection between associating with delinquent or drug-using peers and being a delinquent or a drug user.²⁷

Exactly why a child joins a gang or chooses to hang out with the "wrong" crowd varies. But gangs often act as socializing institutions for kids born to unstable families, or whose needs are not being met due to poverty or a lack of community support or social services. Researchers confirm the obvious:

²⁵ D.J. West, D.P. Farrington, The Delinquent Way of Life 13 (1977).

²⁶ Strasburg, *supra* note 24 at 75.

²⁷ John J. Wilson, U.S. Dep't of Justice, *Urban Delinquency and Substance Abuse* 19 (1993).

- * Gangs fill a need for stability, structure, and a sense of belonging.²⁸ Kids join gangs because of community disorganization (failure of local institutions such as families and schools), personal disorganization (social and school failures, unsuccessful personal development) and poverty.²⁹
- * Most youth gang members are male, aged 12 to 21 years old, who come from families in disadvantaged educational and occupational levels from low-income districts of central cities.³⁰

Although comprehensive data on gangs is virtually non-existent, the evidence suggests that gang membership is on the rise and gangs are more widespread than ever:

- * Today, all of our nation's largest cities (populations over one million) report that they have gang problems.³¹

²⁸ National Coalition of State Juvenile Justice Advisory Groups, *Myths and Realities: Meeting the Challenge of Serious, Violent, and Chronic Offenders* 19 (1992) (citing David G. Curry, Irving A. Spergel, *Gang Homicide, Delinquency and Community*, 26 *Criminology* 301 (1988)); Ronald C. Huff, *The New Youth Gangs: Social Policy and Malignant Neglect*, in Schwartz, I., Juvenile Justice and Public Policy (1992).

²⁹ *Street Gangs and What to Do About Them, 1994: Hearings Before the Subcommittee on Juvenile Justice of the Senate Committee on the Judiciary*, 103rd Cong., 2nd Session 5 (1994) (statement of Prof. Irving A. Spergel, School of Social Service Administration, University of Chicago).

³⁰ Walter B. Miller, U.S. Dep't of Justice, *Crime by Youth Gangs and Groups in the United States* 71 (1992) (based on 1982 data).

³¹ G. David Curry, et al., *National Assessment of Law Enforcement Anti-Gang Information Resources: Draft 1992 Final Report*, West Virginia University 26 (1992).

- * 80% of mid-sized cities (population between 500,000 and 1 million) reported gang problems in 1992 -- up from 41% in 1982.³²
 - * Even more stunning: 94.3% of smaller cities (populations between 200,000 and 500,000) reported gang problems in 1992 -- up from 31% ten years earlier.³³
- The growth of gangs in smaller cities is probably due to increasing urbanization, racial in-migration, residential segregation, and high youth unemployment rates.³⁴
- * Gangs can be found in almost every state, though they are concentrated in western, midwestern, and southwestern regions.³⁵

While a relatively small percentage of youth belong to organized gangs -- 6% of youth aged 10 to 19 in most localities -- they are responsible for a disproportionate share of violent crime.³⁶ And gang violence, by all accounts, appears to be on the rise.

³² *Id.*

³³ *Id.*

³⁴ Malcolm W. Klein, Cheryl Maxson, *Street Gang Violence*, in Violent Crime, Violent Criminals 198, 216-17 (Neil Weiner, Marvin Wolfgang, eds., 1989).

³⁵ Irving Spergel et al., University of Chicago, *Youth Gangs: Problem and Response* 15 (Draft 1991).

³⁶ See *id.* at 21 (evidence demonstrates that gang members with arrest records are responsible for a disproportionate amount of violent crime); *Street Gangs and What to do About Them*, *supra* note 29 at 2 (about 5 percent of gang youth, age 12 to 24 years, may be classified as chronic, serious offenders); Miller, *supra* note 30 at 103 (particularly in the case of violent crime, amount of criminal gang activity disproportionate to number of gang members); *Street Gang Violence*, *supra* note 34 at 224 (gang violence is more complex, more violent, and more visible than otherwise comparable non-gang violence).

- * In 1992 there were 809 juvenile gang killings -- taking the lives of 33% of all juvenile murder victims.³⁷
- * Although recent, comparative national figures are unavailable, in Chicago, gang-motivated homicide increased faster than the overall level of homicide, accounting for 12% of all homicides in 1990 and 33% of the increase from 1987-1990.³⁸ Between 1980 and 1991, the number of gang-related killings in Chicago increased four-fold.³⁹
- * Between 1980 and 1991, the number of gang-related killings in Los Angeles nearly doubled.⁴⁰
- * Between 1967 and 1979 (the latest year for which comprehensive, national gang-related data is available), homicide arrests of juveniles increased by 40%, while rates of gang killings increased by approximately 227%.⁴¹
- * Studies have shown that gang members commit more serious crimes than non-gang delinquents: Murder (.5% of gang members arrested; .4% of non-gang

³⁷ *Uniform Crime Reports (1993)*, *supra* note 1.

³⁸ *Street Gang Crime in Chicago*, *supra* note 10 at 7.

³⁹ Miller, *supra* note 30 at 85; Curry, *supra* note 31 at 36.

⁴⁰ Miller, *supra* note 30 at 85; Curry, *supra* note 31 at 36.

⁴¹ Miller, *supra* note 30 at 102.

youth); Rape (2.3% of gang members arrested; .7% of non-gang youth); Robbery (29.6% of gang members arrested; 6.6% of non-gang youth); Assault (13.2% of gang members arrested; 5.1% of non-gang youth); Weapons violations (13.2% of gang members arrested; 5.1% of non-gang youth).⁴²

* 57% of gang member arrests are for violent crimes.⁴³

Gangs and delinquent peer groups give rudderless children what they crave most: direction and a sense of belonging. To steer them in the right direction, we must make a national commitment, among other things, to programs that show kids a better way -- that give them something constructive to do with their time and something positive to belong to. These programs can include academic, athletic and artistic after-school activities, clubs, leagues, sports mentoring programs, and counseling and treatment services. Examples of these sorts of programs are catalogued in Chapters II and V.

Education and Delinquency

Schools play a crucial role in the lives of our children, second, generally, only to the family when it comes to molding characters and imparting values. But for many of our children, schools have faded into the shadows. The ramifications are harmful on many fronts -- economic, cultural, international -- but also because school

⁴² Miller, *supra* note 30 at 95.

⁴³ Curry, *supra* note 31 at 46.

performance is often directly linked to criminality. Children who don't do well in school, and who are not given the proper help and attention, become frustrated with themselves and the system, and call it quits. ⁴⁴ Indeed, every five seconds of every school day, a student drops out of public school.⁴⁴ And once out on the street, gangs and other negative peer groups step in to fill the void.

* Only 9.2% of chronic juvenile offenders graduate from high school, compared to 74% of non-offenders.⁴⁵

* Only 2% of inmates in long-term juvenile facilities are high school graduates; only 41% have completed eighth grade.⁴⁶

* In 1991, only about 34% of adult state inmates had completed high school. 19% had an 8th grade education or less.⁴⁷

* Youth who do poorly in school one year have higher rates of street crime the next. By the same token, youth who commit crimes one year do poorly in school the next.⁴⁸

⁴⁴ Children's Defense Fund, *State of America's Children* xii (1994).

⁴⁵ Marvin E. Wolfgang, et al., *Delinquency in a Birth Cohort* 93 (1972).

⁴⁶ Bureau of Justice Statistics, U.S. Dep't of Justice, *Survey of Youth in Custody*, 22 (1987).

⁴⁷ Bureau of Justice Statistics, U.S. Dep't of Justice, *Survey of State Prison Inmates 1991* (1993).

⁴⁸ Wilson, *supra* note 27 at 15.

- * Kids most vulnerable to gang recruitment are those who do not do well in school or have dropped out.⁴⁹

Many kids who are out on the streets committing crimes should be in math, English, or social studies classes instead. What's needed, among other things, are more programs that help schools go the extra mile: to help at-risk children succeed -- and stay -- in class. Whether it be through special counseling, tutoring, alternative schools, vocational education or after-school activities, such programs can go a long way toward making school the preferred alternative to the streets. Examples of these sorts of programs are catalogued in Chapter IV.

Poverty, Broken Homes, and the Lack of a Positive Role Model

While early research concluded that poverty was the most important factor in determining a propensity toward violence,⁵⁰ this idea has since been revised: experts no longer point to poverty as the defining factor in determining a juvenile's odds for criminality, but report that poverty often combines with other factors to produce high rates of violent crime.⁵¹ The research points to a vicious cycle: poor communities are

⁴⁹ Catharine H. Conly et al., U.S. Dep't of Justice, *Street Gangs: Current Knowledge and Strategies* 17 (1993) (citing Ko-lin Chin, *Chinese Gangs and Extortion*, in Gangs in America 134 (C. Ronald Huff ed., (1990)).

⁵⁰ See C.R. Shaw, H.D. McKay, Juvenile Delinquency and Urban Areas, Revised Edition (1969).

⁵¹ See Panel on the Understanding and Control of Violent Behavior, Committee on Law and Justice, National Research Council, Understanding and Preventing Violence, 133 (1993); *Violence & Youth*, *supra* note 24 at 23.

more likely to have other attendant problems that breed young criminals, such as poor parenting, fewer job opportunities, more single-parent families, and ample opportunity for involvement in illegal markets. Poor children are more likely to fail in school⁵² and are more likely to join gangs.⁵³

Poor communities, too, are often the hardest hit by crime: the risk of being victimized by crime is 2.5 times greater for those in families who have the lowest income levels (under \$7500) than for those in the highest.⁵⁴ Ironically, poor people also run the greatest risk of being robbed.⁵⁵

Taken together with poverty, families that provide no role models -- or bad ones -- make it even more difficult to stave off delinquency. If a child's mother is a teenager who has not finished high school, if she is raising children alone, if there is no one around who can show the child how to cope with aggression and frustration -- that child faces a tougher battle than most. And tragically, there are too many such children today:

⁵² *State of America's Children*, *supra* note 44 at 3.

⁵³ *Street Gangs and What To Do About Them*, *supra* note 29 at 5; *see also* Miller, *supra* note 30 at 71 (gangs primarily located in low-income parts of cities).

⁵⁴ Understanding and Preventing Violence, *supra* note 51 at 70.

⁵⁵ *Id.*

- * One in four children lives in a single-parent family -- up from one in five in 1980.⁵⁶ (It is important to note that illegitimacy does not account for the majority of single-parent families.)⁵⁷
- * 53.8% of African-American children, 28.5% of Hispanic children, and 17.6% of white children under age 18 live with only their mothers.⁵⁸
- * In 1990, 45% of new births were to mothers who had not finished high school, were unmarried, or were teenagers.⁵⁹ 21% of African-American births were to single teens.⁶⁰
- * Since 1985, the number of children living in single-parent families has risen steadily in all but seven states, up nine percent overall.⁶¹

⁵⁶ *Marital Status and Living Arrangements: March 1992*, U.S. Bureau of the Census, Washington, D.C., xii, table G (1992). 23.3% of children live with their mothers only, and 3.3% with only their fathers. *Id.*

⁵⁷ Nicholas Davidson, *Life Without Father*, Policy Review 5: 40-44 (Winter 1990). Of 15 million fatherless children, 5.4 million are the result of divorce, 3.3 million are the result of separation, and 4 million are the result of illegitimate birth. The remainder are orphans or the result of death.

⁵⁸ *Marital status and Living Arrangements: March 1992*, *supra* note 56 at xii, table G. These figures represent a marked increase from 1980 -- when 43.9% of African-American children, 19.6% of Hispanic children, and 13.5% of white children under 18 lived in mother-only households.

⁵⁹ *Kids Count*, *supra* note 20 at 18.

⁶⁰ *Kids Count*, *supra* note 20 at 14.

⁶¹ *Kids Count*, *supra* note 20 at 14.

- * Of the states with the highest proportion of children in single-parent families, many also have high rates of child poverty.⁶²

Children born into these families have two strikes against them in a world that is tough enough already. And although it is not preordained that they will fail or turn to crime -- the vast majority do not -- the odds are not in their favor. Fatherless children are five times more likely to be poor and twice as likely to drop out of school.⁶³

And although experts uniformly agree that absent fathers are one of many factors increasing the likelihood of criminality, some studies go even further -- and suggest that regardless of other factors, communities with higher percentages of single-parent households also have higher rates of violent crime.⁶⁴ A community with fewer caring, responsible adults has a more difficult time exerting control over its youth -- distinguishing neighborhood children from strangers and policing the kids on the streets. Also, without positive role models -- most notably, positive male role models -- young boys, knowing no better, turn to violence as a way of asserting their manhood.

⁶² *Kids Count*, *supra* note 20 at 14. Among such states: Alabama, Florida, Georgia, Illinois, Louisiana, Maryland, Mississippi, New York and Tennessee.

⁶³ Louis Sullivan, *Where Have All the Fathers Gone?* Chicago Tribune, January 28, 1992 at 15 (children growing up in single parent homes are also at greater risk for substance abuse, adolescent pregnancy, criminality, and suicide).

⁶⁴ Douglas Smith, G. Roger Jarjoura, *Social Structure and Criminal Victimization*, in *Journal of Research in Crime and Delinquency* 25 (1988). See also R. Sampson, *Crime in Cities: Effects of Formal and Informal Social Control in Communities and Crime*, 271-311 (Albert Reiss and Michael Tonry, eds., Volume 8, University of Chicago Press, 1986). Sampson's study concluded that community delinquency levels are also influenced by a community's ability to establish networks of control through parental supervision and that family disorganization -- in the form of single-parent households -- hinders such networks.

Parental supervision, the experts agree, is essential: one expert estimates that more than three-fourths of repeat adult offenders were poorly supervised as children.⁶⁵ And the American Psychological Association's recent study on youth and violence found that although it is difficult to forecast violence by isolating contributing factors, "[l]ack of parental supervision is one of the strongest predictors of the development of conduct problems and delinquency."⁶⁶ Our inmate population also tells the story:

- * 70% of kids incarcerated in long-term juvenile facilities lived with only one parent.⁶⁷
- * 60% of adult prisoners grew up in a single-parent home or in a foster home: 43% in a single-parent home, and 17% in foster homes or other institutions.⁶⁸

The problems associated with poverty and single-parent households are deep-rooted and complex, requiring a multi-faceted national commitment to innovation and

⁶⁵ John Monahan, *Causes of Violence*, Remarks at United States Sentencing Commission Proceeding of Inaugural Symposium on Crime and Punishment in America 82 (June 1993) citing G. Patterson and M. Stouthamer-Loeber, *The Correlation of Family Management Practices and Delinquency*, 55 Child Development 1299-1307 (1984).

⁶⁶ *Violence & Youth*, *supra* note 24 at 19. Another study of a group of Chicago first graders divided the children equally into groups of kids from mother-only families, from mother/father families, and from mother/another related adult families. It found that the kids with mothers only were, by the third grade, the "worst off for socialization." The study further found that, after 10 years, the boys with mothers only reported more delinquencies regardless of income level than those who grew up with multiple adults present. Shepard Kellam, et al., *Family Structure and the Mental Health of Children* in 34 Archives of General Psychiatry 1012 (1977).

⁶⁷ *Survey of Youth in Custody*, *supra* note 46.

⁶⁸ *Survey of State Prison Inmates 1991*, *supra* note 47.

change. Among the types of programs that can help are those that provide children with positive same-sex role models and mentors who step in where parents fall short, school-based programs that help instill in children a sense of accomplishment and positive values, anti-crime programs that show kids a better way, and programs that help kids who have already had a brush with the law change course before it's too late. Examples of these sorts of programs are catalogued in Chapters II, III, and IV.

Child Abuse

Child abuse in this country has reached record -- and shameful -- heights: nearly three million cases of child abuse and neglect were reported in 1992, and an estimated 2.5% of American children are abused or neglected each year.⁶⁹ A child is reported abused or neglected every 13 seconds.⁷⁰ Our hearts -- and a helping hand -- should go out to these children if for no other reason than to put an end to their suffering. But even the most hard-hearted among us should recognize another, self-interested reason for halting the cycle of abuse: although most abused children do not themselves become violent, a striking number of today's offenders were abused as children:

⁶⁹ U.S. Advisory Board on Child Abuse and Neglect, U.S. Department of Health and Human Services, *Neighbors Helping Neighbors: A New National Strategy for the Protection of Children* viii (September, 1993).

⁷⁰ *State of America's Children*, *supra* note 44 at x.

- * Selected studies report that up to 85% of juveniles who commit delinquent acts have been abused.⁷¹
- * Being abused or neglected as a child increases the likelihood of being arrested as a juvenile by 53%, as an adult by 38%, and for a violent crime by 38%.⁷²
- * Evidence indicates that a child need not even be a victim of abuse to be swept into the cycle of violence -- witnessing abuse between adults in the home increases a child's propensity for violence.⁷³ An estimated three million children witness parental violence every year.⁷⁴

⁷¹ See Brandt F. Steele, M.D., *Child Abuse: Its Impact on Society*, J. Ind. St. Med. Assoc. 191, 193 (March 1975) (finding 84% of 100 juvenile offenders (whose statements were confirmed) were abused before they reached school age; 92% of this group were bruised, lacerated or sustained fractures at the hands of their parents within a year and a half before being arrested). Also, 82% of 100 juvenile offenders in Philadelphia were abused or neglected (Weston, reported in *id.* at 192); 85% of 863 male adolescents incarcerated in Ohio had been abused more than once (Kratcoski 1982) (cited in James Garbarino and Margaret Plantz, U.S. Dep't of Justice, *Child Abuse: Prelude to Delinquency?* 7 (September 1986)). But see Alfaro 1978, 1981 (21% of boys and 29% of girls in study of 1,963 delinquents in eight counties in New York had been reported as abused or neglected); Sandberg 1983 (66% of 150 youths who were court-referred for treatment in New Hampshire were abused or severely neglected); Rhoades and Parker 1981 (58% of 191 juvenile delinquents in residential facilities in Oregon experienced abusive discipline by their fathers and 40% by their mothers) (also cited in Garbarino and Plantz, *Child Abuse: Prelude to Delinquency?*)

⁷² Widom, *supra* note 24 at 1.

⁷³ See Gerald T. Hotaling, David B. Sugarman, *An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge*, in 1 Violence and Victims, No. 2 101-24 (1986).

⁷⁴ *State of America's Children*, *supra* note 44 at x.

A study by the American Psychological Association also reports that children learn how to be violent -- from mothers, fathers, peers, and other violent role models -- and that kids who witness abuse in the home or suffer abuse or neglect are at a greater risk for becoming violent themselves later in life.⁷⁵ The violence can be turned homeward -- many adults who abuse children were themselves abused as children⁷⁶ -- or outward, as the above statistics indicate. To help put a stop to the madness, we must bolster programs that reduce familial stress, link families to needed social services, help rescue abused and neglected children, and teach moms and dads how to parent -- how to better cope with their anger and frustration, how to more effectively talk and relate to their children, and how to strike the appropriate balance between being tough and tender. Examples of these sorts of programs are catalogued in Chapter VII.

We must also pass Senator Biden's Violence Against Women Act, the most far-reaching legislation of its kind, aimed at reducing this country's epidemic levels of family violence. Among other things, the Act provides grants to bolster family violence prosecutions and victim services; grants to train police, investigators, prosecutors and judges in the ways of family violence; funding for shelters for women and children fleeing violent homes; grants to educate our youth about rape and family violence; and creates the first ever civil rights cause of action for violent felonies motivated by gender bias.

⁷⁵ *Violence & Youth*, *supra* note 24 at 21; see also *An Analysis of Risk Markers*, *supra* note 73 at 114 (batterers are often exposed early in life to family violence and are more likely to engage in other forms of antisocial behavior).

⁷⁶ It is estimated that 30% of adults who abuse were abused as children. Joan Kaufman and Edward Zigler, *The Intergenerational Transmission of Child Abuse*, in Child Maltreatment: Theory and Research on the Causes and Consequences of Child Abuse and Neglect 130, 132-35 (Dante Cicchetti, Vicki Carlson, eds. 1989).

Drug and Alcohol Abuse

The proposition is nearly self-evident: drugs and alcohol often provide the match which sets crime ablaze. And the reports of drug abuse among kids are not heartening:

- * Juvenile arrest rates for heroin and cocaine increased dramatically between 1980 and 1990 -- over 700%. For African-American youth, the rates catapulted more than 2,000%, compared with a 250% increase for white youth.⁷⁷
- * Despite some decline in drug use among youth during the late 1980s, drugs have recently made a comeback in our schools: illicit drug use has increased for the second year in a row; among 8th, 10th and 12th graders, the use of marijuana, stimulants, LSD, and inhalants increased in 1993 -- only cocaine use remained level for those three age groups. 43% of high school seniors report that they've used illicit drugs.⁷⁸
- * Even more discouraging are the ideas about drugs in the heads of our kids. They increasingly think themselves invincible: the perceived dangers of most illicit drugs has declined, personal disapproval of crack and cocaine has decreased, and fewer kids view marijuana as a dangerous drug.⁷⁹

⁷⁷ *Uniform Crime Reports (1992)*, *supra* note 6.

⁷⁸ University of Michigan, National Institute of Drug Abuse, Department of Health and Human Services, *Monitoring the Future Study (1994)*.

⁷⁹ *Id.*

Increased drug use poses more than a health hazard for our nation's children. It poses a crime hazard for us all, be it because drug abusers commit crimes to finance their habits or because those under the influence of drugs or alcohol have a greater propensity for violence. Either way, a leading study reports that the link is inextricable:

- * The highest juvenile crime rates were found among youth who reported using cocaine.⁸⁰
- * Kids who used cocaine and committed multiple violent offenses constituted only 1.3% of all youths; however, they accounted for 40% of the violent crimes reported by the entire sample.⁸¹
- * Youths who used marijuana had overall crime rates that were three times higher than the rates of non-drug or alcohol users.⁸²
- * Violent behavior associated with the use of alcohol commonly accounts for about 65% of all homicides, 40% of all assaults and 55% of all fights and assaults in the home.⁸³

⁸⁰ Eric D. Wish, Bruce D. Johnson, *The Impact of Substance Abuse on Criminal Careers*, in 2 Criminal Careers and "Career Criminals," 55 (Alfred Blumstein et. al eds, 1986).

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Violence & Youth*, *supra* note 24 at 79.

Ever since the release of his first National Drug Strategy five years ago, Chairman Biden has called upon the nation to make anti-drug prevention and treatment measures a cornerstone of a comprehensive drug strategy. The Clinton Administration, for its part, has this year heeded the call. Its drug strategy seeks the greatest one year increase in drug treatment dollars ever requested by a president, and calls for an increase in drug prevention resources that is nearly double the greatest increase called for by any past president. These efforts bring us closer to the ultimate goal of treating all addicts and providing all school children with comprehensive drug education. We must see to it that our children learn the perils of drug abuse, and that there are programs available that work to prevent abuse and treat abusers. Examples of such programs are catalogued in Chapters V and VI.

About the Catalogue

While there is much that we do not know about the nature and causes of juvenile crime, this we can say: violence is learned by our children, committed by a small number of chronic offenders, exacerbated by guns, targeted primarily at other children, and caused by a variety of interrelated factors. This much we can also say: the nation is scared, and our fears have given rise to a wildfire of enthusiasm for harsh punishment and adult treatment of juvenile offenders. Though our fears are understandable, our preoccupation with back-end remedies should not lead us to forget the front end -- where a concerted investment of resources, energy and imagination should be put to work to keep would-be criminals off the road to ruin in the first place.

What follows are just some of the efforts underway in many communities to reduce the risk factors that lead to criminal conduct and to keep their children on track -- by providing positive alternative activities for "wannabe" gang members, community intervention programs such as after-school education, mentoring and sports activities, school-based programs to help keep kids in class, prevention programs spearheaded by police officers, child abuse prevention programs, education and counseling for families, drug education and prevention programs, and programs specifically geared toward reducing recidivism among kids who have already had a brush with the law.

The programs contained in this Catalogue were gleaned from a variety of sources: we received recommendations from numerous experts in the field, drew from lists compiled by other organizations, and identified programs which have won national or local recognition for excellence. The list is by no means exhaustive -- but it is representative of the variety of ideas out there. The programs differ in size, scope, tenure, level of funding, and, no doubt, in effectiveness. All, however, evince a spirit of hope and restoration. As a one-time gang member whose life was turned around when a Boys & Girls club moved into his public housing project told us: "I learned that there was more to life than the streets. Kids want to feel like they belong to something. They want to be accepted. We can either continue to have them join gangs and get killed in their teens or we can reach out and tell them that we care by providing centers and programs for them."