

MEMORANDUM

TO: Senate & House Juvenile Crime Legislative Assistants

FROM: Marc Schindler (Youth Law Center) & Liz Ryan (CDF)
Co-Chairs, Juvenile Justice Coalition

DATE: September 17, 1999

RE: Juvenile Justice legislation

As the Senate and House conferees consider final juvenile justice legislation, we've provided you with the attached news clippings on this legislation.

If you need additional information, please feel free to contact either of us. We can be reached by phone at: 202/637-0377 (Marc) or 202/662-3586 (Liz) or by email at: mschindler.ylc@erols.com or Lryan@childrensdefense.org.

The Washington Post

FRIDAY, MAY 14, 1999

William Raspberry

Race, Crime And Punishment

African American youths constitute 15 percent of 10- to 17-year-olds but account for 26 percent of juvenile arrests.

That would be a disturbing statistic even if it meant that black kids are that much likelier to commit the sorts of crime that lead to juvenile arrests. But listen to the rest of it:

This same 15 percent accounts for 41 percent of those detained as delinquents, 46 percent of the juveniles in corrections institutions and 52 percent of the juveniles transferred to adult criminal court after judicial hearings.

What those numbers—supplied by the Washington Bureau of the NAACP—strongly imply is not merely disproportionate lawlessness but dissimilar treatment throughout the juvenile justice system. At the very least, they are the sort of numbers that ought to prompt criminal justice authorities across America to take a closer look at what they're doing.

That, in fact, is what has been happening under a piece of federal legislation that now may be headed for the scrap heap.

Under a provision of a law enacted in the late 1980s, states are required to "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, jails and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."

The states also get some funding to pay for the effort.

This, I hasten to add, is not a "quota" bill. As Vincent Schiraldi of the Washington-based Justice Policy Institute notes, the law "does not require and has never resulted in the release of juveniles, or require numerical quotas for arrest or release of any youth from custody based on race." But it has prompted some attention to disproportionate minority confinement, attention that might never have been paid without the legislation.

A California study, for example, revealed that minority youths routinely get stiffer punishments and are more likely to get jail time than white kids who commit the same offenses. Another study in Portland, Ore., found minority youngsters being locked up at rates several times higher than their arrest rates. (One result of the Portland study is that arrest and confinement rates for black juveniles are close to equal.)

According to Schiraldi, some 40 states are developing plans to address disproportionate minority confinement.

But an effort has been underway in the Senate this week to kill the provision that launched those plans. Republican Sens. Orrin Hatch of Utah and Jeff Sessions of Alabama are trying—again—to substitute language that

would call for prevention efforts "to the extent that segments of the juvenile population" are confined at rates greater than their proportion in the general population.

Isn't that the same thing? No. "Segments of the juvenile population" could mean boys—half that population but obviously well over half of the

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juveniles behind bars. It could mean urban kids, more likely than their suburban or rural counterparts to be confined. It might mean anything at all. But the point of the original legislation is the disproportionate incarceration of minority youth—mostly black and brown.

Why the reluctance to recognize the problem for what it is?

I don't mean to suggest that disproportionate minority confinement results solely from the willful unfairness of bigoted authorities. It results from all sorts of things—including the greater likelihood that minority parents will be poor, uneducated or politically unconnected, which means they will be less likely to have their children released to their custody by police officers and judges.

It may result as well from a greater tendency of white officials to see white juvenile offenders as "troubled youth" and black offenders as troublemakers, gangbangers or predators—as Littleton made clear.

The point, though, is that whatever the source of the disproportion, state and local officials ought to want to know about it, if only to satisfy themselves that they are carrying out their duties as fairly as they know how.

It just won't do (again, citing NAACP statistics from 1992) that African American boys are six times more likely than their white counterparts to be incarcerated for crimes against people, four times more likely to be locked up for property crimes or 30 times more likely to be confined in a state facility for drug offenses.

The Missing Voice in Debate On Youth Crime

By Courtland Milloy

Sunday, May 23, 1999; Page C01

The debate in the U.S. Senate on guns and juvenile crime last week was missing something vital. If only I could amend the Congressional Record . . .

The presiding officer: The senator from the District of Columbia is recognized.

(The first U.S. senator elected from the District rises to address the nation's most elite political body. He is tall and robust, in his late sixties, has a bad back and a shock of gray hair but doesn't need Viagra or want Rogaine.)

My senator: Mr. President, let me say at the outset that I am honored to be a part of this distinguished group. I know that my presence here today frightens some of you who thought all along that the District would send another liberal to Congress and, indeed, I am one. But when it comes to this epidemic of death by murder of our children, just call me concerned.

As you know, one out of every two children murdered in America is a black child, even though black children make up only 15 percent of the juvenile population. But it wasn't until the shooting deaths of white children in suburban Littleton, Colo., that this body started to get serious about guns. What am I supposed to say now, "Thank God for Columbine"? Distinguished ladies and gentlemen, we can't go on doing business this way.

Among the issues before us today is an amendment to the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999 -- called the Disproportionate Minority Confinement mandate, which seeks to reduce the number of black children being imprisoned.

But, as was the case with the homicide statistics for black children, the incredibly high incarceration rate of black children is not seen by the majority of the Senate as a matter for concern.

According to Barry R. McCaffrey -- the national drug policy director

-- African Americans make up only 13 percent of those who actually commit drug crimes in the United States, but we are 67 percent of those in prison for drug crimes. What gives?

My distinguished colleague, Sen. Orrin G. Hatch (R-Utah), replies: "The fact that 13 percent of the offenders are African American and 67 percent of those incarcerated are -- I don't see any information here saying that higher percentage was unjustifiably put in jail. These percentages don't tell us what the crimes were in the individual cases. If these individuals committed a crime, then they go to jail. Does that mean there are a lot of white people getting off? I don't see any evidence of that, either."

And yet, Mr. Hatch, if we are honest with ourselves, I think we can deduce from those numbers and other reports that black people are getting the short end of the justice stick and that white America is in denial about its own drug problems.

My Democratic colleagues in Congress have been hammering away at racial disparities in America's justice system, and to no avail, I might add, ever since conservative Republicans took over Congress.

I admire those liberals. I'm a big fan of Sen. Paul D. Wellstone (D-Minn.). And I applaud him and Sens. Edward M. Kennedy (D-Mass.), Russell Feingold (D-Wis.), Dianne Feinstein (D-Calif.) and Richard J. Durbin (D-Ill.) for pushing so valiantly for a national review of why so many black children are being imprisoned these days.

But I sometimes wonder how much my white colleagues really know about fighting racism in modern America. They keep trying to use rational arguments when racism is not a rational concept.

Consider what the juvenile justice expert Jerome Miller wrote about his days dealing with youthful offenders in the great state of Massachusetts:

"If a middle-class white youth was sent to us as dangerous, he was much more likely to be dangerous than the African American teenager with the same label. For [the white youth] to be labeled dangerous, he usually had done something that was very serious indeed. By contrast, the African American teenager was dealt with as a stereotype from the moment the handcuffs were first put on, to be easily and quickly moved along to the more dangerous end of the violent/nonviolent spectrum, albeit accompanied by an official record meant to validate the biased series of decisions."

That is the kind of subtle but devastating racism that will never show up on Sen. Hatch's radar. He doesn't even grasp the most blatant stuff.

Here's the raw deal in a nutshell: Blacks are six times as likely to be

admitted to state juvenile facilities for committing the same crimes against persons as their white counterparts, four times as likely to be imprisoned for the same property crimes as whites and more than 30 times as likely to go jail for the same drug offenses as whites.

Sen. Hatch says: "I just hear that there are more young African American kids who go to jail than white kids; therefore, there must be something wrong with the system. I don't agree with that. If there are more young African American kids committing crimes, and especially vicious crimes and violent crimes, you don't help the problem by saying they should not be punished and they should not be incarcerated somehow or other . . . unless there is a justification for that."

Orrin, Orrin . . . look at me. Must we always wait for a problem to hit white America before we act as Americans to solve it? How easily some hearts bleed at the sight of wounded white children but become like turnips when those in pain are black.

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May 28, 1999, Friday , FINAL

SECTION: EDITORIAL , 25A

LENGTH: 864 words

HEADLINE: Jim Crow returns in juvenile justice bill

BYLINE: Charles Levendosky

BODY:

ONCE AGAIN the Senate has passed a deeply flawed juvenile crime bill.

Last year, the Senate wanted to allow juveniles to be jailed in the same facility with adults, despite the horrors that arose from such a practice.

Sen. Orrin Hatch, a Utah Republican, and Sen. Jeff Sessions, an Alabama Republican, pleaded for that one and pushed the current racist juvenile crime bill through the Senate. It was passed a week ago, 73-25, with two senators abstaining.

The troubling part of this juvenile crime bill is that it eliminates the requirement forcing states to address the disproportionate confinement of black and Hispanic juveniles. In 1988, Congress amended the Juvenile Justice and Delinquency Prevention Act of 1974 to include a mandate for states to study and attempt to correct this problem. Forty-six states have completed their studies and identified the problem in their law enforcement systems. Forty states are developing plans to address it.

The federal mandate does not require arrest quotas or that any minority juvenile be released from jail. But it does require states to look at the problem. The Hatch-Sessions bill totally discards that federal mandate.

In California, for instance, minority youths consistently received more severe punishments and were more likely to receive jail time than white youths --- for the same offense.

Baltimore figures

National figures show that approximately the same percentage of white juveniles use drugs as black juveniles. Yet a study done by the National Center on Institutions and Alternatives showed the marked racial disparity in waging the drug war in Baltimore. In 1980, 18 white juveniles were arrested in Baltimore and charged with drug sales compared with 86 black juveniles arrested for the same crime. By 1990, the disparity leaped enormously. Only 13 white juveniles were arrested for selling drugs, but 1,304 black youths were arrested for the same crime.

That's what is meant by disproportionate minority confinement. It's a national problem. It's real and it's based upon racial fears. Racism has been a growing specter in the juvenile justice system since the turn of the century. The federal mandate is a step to dealing with the problem.

One should note that Senate doesn't have any black members.

The only member of a minority is American Indian, Sen. Ben Nighthorse Campbell, a Colorado Republican, who voted against the Senate bill.

But Mr. Hatch doesn't believe the disproportionate arrest rates for minority juveniles is due to racism. He stated on the Senate floor that those are the kids who are selling drugs to "our" children and they should be convicted. "Our" obviously means "white" in Mr. Hatch's prejudiced parlance.

Sen. Paul Wellstone, a Minnesota Democrat, hit the heart of the problem in his response to Mr. Hatch: "This is all about race. I cannot believe that I have heard on the floor of the Senate an argument that race is not the critical consideration.

"When the police decide which kids are searched, you don't think that has anything to do with race? When we get to the question of which kids are arrested, you don't think that has anything to do with race? . . . You are sleepwalking through history. "

School shootings

The irony of this sad debate is that this juvenile crime bill is loaded with anti-gun provisions and congressional hysteria because of the recent school shootings perpetrated, by the way, by white juveniles.

The congressional hysteria shows in the senators' cry of a rising juvenile crime wave. Not so. Mr. Hatch and Mr. Sessions used 1994 as the reference year for the presumption that juvenile crime is on the rise, but neglected the latest data from 1995 through 1997, showing that juvenile crime has dropped dramatically.

A letter dated May 10 to the Senate signed by 36 prominent criminologists and crime policy experts pointed out the senators' error: "The Justice Department's "Crime in the United States" reported last November that the juvenile homicide arrest rate had dropped again for the fourth straight year -- by more than 45 percent since 1993 . . .

"Today, the percentage of violent crime arrests attributed to juveniles is lower than it was in 1975."

When the Senate version of the juvenile crime bill reaches conference committee, the Congressional Black Caucus will play a pivotal role in demanding that the mandate remain in the final bill. The caucus sent a letter to Senate Majority Leader Trent Lott, a Mississippi Republican, pointing out that an overwhelming majority of House members endorsed the retention of the mandate in the House juvenile justice bill.

Mr. Hatch and Mr. Sessions ignore the clear evidence of the widespread disparity in the treatment of minority juveniles in this nation's law enforcement system. If the Hatch-Session's bill becomes law without the mandate, it will by that omission create a Jim Crow justice system for minority children. Not a step forward, but a long step backward.

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16 Section 1

Monday, May 31, 1999

Editorials

Blind to color or blind to justice?

The American justice system is not always just. That failing is particularly evident in the cases of minorities, especially African-Americans. It's as true in the juvenile justice system as in the adult one, and it is impossible to remedy inequities in the latter without properly addressing them in the former.

Black youngsters age 10 to 17 make up 15 percent of the U.S. adolescent population, yet they account for 46 percent of the kids in juvenile correctional institutions. Problem is, they don't commit 46 percent of the crimes.

The phenomenon is called "disproportionate minority confinement," and it doesn't just mean the ratio of blacks to whites in juvenile detention and prison is far larger than the ratio in the general population. It means the justice system treats African-Americans more harshly than it does white Americans.

For most of this decade, federal law has required that individual states identify the extent to which disproportionate minority confinement exists in their detention and correctional facilities, assess the reasons for it and take steps to remedy it. So far, 40 states have undertaken the task.

But the Violent and Repeat Juvenile Offenders Act passed earlier this month by the United States Senate dilutes that mandate substantially by deleting references to race and minority issues and directing states more generally to look at disproportionate confinement of "segments of the juvenile population."

In doing so, the Senate measure sidesteps a serious and pervasive problem that has far-reaching effects for children, families and whole communities. One of the bill's authors, Sen. Orrin Hatch (R-Utah), defended the wording on the floor of the Senate on grounds that

the justice system is "color blind" and that there is no evidence of discrimination based on race.

Yet statistics show that minority children in the juvenile justice system are confined in numbers far out of proportion to their rates of arrest.

In California, which has the highest number of juveniles in custody in state facilities, research has shown that African-American youths are consistently more likely to be incarcerated than their white counterparts for the same offenses. In 1998, 59 percent of juveniles arrested in California were minorities, but 70 percent of those incarcerated were minorities.

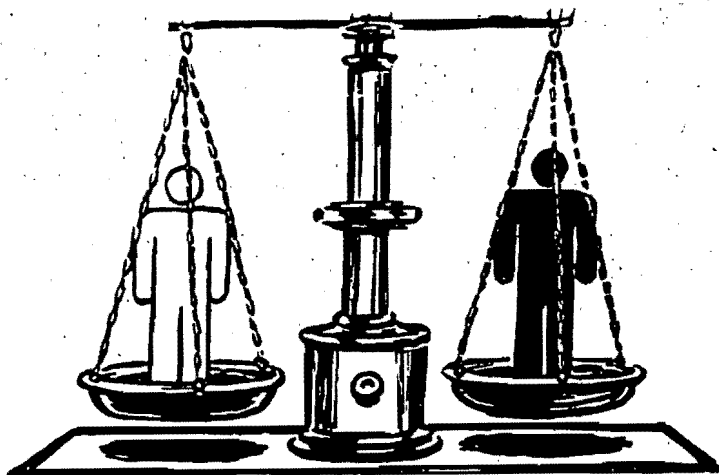
Such disparate treatment in the juvenile system accounts in part for the disproportionate number of African-American men in adult prisons, since a convicted adult is more likely to be given a prison sentence than probation if he has a prior criminal record and already has been detained in the juvenile system.

What's more, even before they reach adulthood, black youths are far more likely than whites to be transferred to adult criminal courts.

An issue so central to the Constitution's guarantee of equal justice for all ought not to be obscured in the vague and tepid language of the Senate's juvenile justice bill. Unfortunately, it's the same bill that contains critically important gun-control measures, which must not be jeopardized.

But Congress can retain the state mandates on disproportionate minority confinement and preserve gun-control by combining the gun control legislation with the House's juvenile justice bill, which is similar to the Senate's but doesn't meddle with existing law on the minority confinement issue.

That would be the prudent—and the just—course.



Paul Wellstone and David Cole

Balance Check

We need to track the jailing of young minorities.

Federal law requires states to identify and improve disproportionate incarceration of members of minority groups. That law has been in place since 1992 and has prompted 40 states to develop programs to reduce minority involvement in the juvenile justice system.

Unfortunately, the requirement is under attack, and the Senate Judiciary Committee opposes an amendment to the juvenile crime bill that would preserve it. The resulting Republican juvenile justice bill would repeal the existing mandate, effectively closing our collective eyes to racial disparity in juvenile justice.

There is ample evidence of discrimination. Consider:

- Minority youth are 33 percent of all youth aged 10 to 17, but 66 percent of those incarcerated.
- Between 1982 and 1991, the height of the war on drugs, arrests of minority juveniles for drug offenses increased by 78 percent, while arrests of white juveniles decreased by 34 percent.

The Republican response to these figures is simple: Blacks and some other minorities commit more crime, and therefore they should be incarcerated more often. But that doesn't explain the disparities. If that were all that were going on, one would expect to see relatively consistent figures at each successive stage of the juvenile justice system. In fact, the disparities get progressively worse.

African American youth, for example, are 26 percent of arrests but 32 percent of those referred to juvenile court, 41 percent of those detained as delinquents and 52 percent of those tried as adults.

These disparities match similar figures in the criminal justice system's treatment of adults. The U.S. Public Health Service estimates that blacks are 14 percent of the nation's illegal drug users. Yet they are 35 percent of those arrested for drug possession, 55 percent of those convicted for drug possession and 74 percent of those sentenced to prison for drug possession.

If that evidence does not at least raise a question about discrimination, it is difficult to know what would. Yet the Republican bill discourages even the collection and assessment of evidence on racial disparities. Claiming against all available

evidence, that there is no problem, the Republican bill would keep us ignorant of the problem.

In fact, racial disparities in criminal justice generally are worse today than they were in 1950, when segregation was legal. Then, African Americans were 30 percent of the incarcerated population; today they represent more than half. The Justice Department reports that at current trends, one of every four black male babies born today will spend a year or more of his life in prison. And for every one black man who graduates college each year, 100 are arrested.

If those figures or anything like them applied to the white population, the politics of criminal and juvenile justice would be different. Instead of calls for mandatory minimums for "super-predators," trying juveniles as adults and "three-strikes-and-you're-out" laws, we'd be hearing about the need to keep kids in school, provide more community programs and improve job opportunities.

Current law directs states to identify the extent to which disproportionate minority confinement exists, assess the reasons why it exists and develop intervention strategies to address the causes. As a result, most states are making progress on this issue.

The Republican strategy of "see no evil, hear no evil," by contrast, is self-defeating. By discouraging the collection of information on the demographics of law enforcement, we exacerbate the already deep racial divide on this issue.

The House version of the Juvenile Crime bill, passed in the last Congress by 414-16, preserves the federal requirement to address disproportionate minority confinement. Having just missed in the Senate, we must now call on members of the House to insist that this protection of minority youth be kept when House and Senate conferees meet this month to work out differences between the two bills.

Paul Wellstone is a Democratic senator from Minnesota. David Cole is a law professor at Georgetown University.

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Juvenile Justice System: A Success Story Under Fire

■ **Law:** Faced with trend toward trying youths as adults, backers of special courts point to their legacy of innovation.

By GREG KRIKORIAN
TIMES STAFF WRITER

With children and violent crime now inextricably linked in the national consciousness, one of America's most widely imitated judicial innovations of this century, the Juvenile Court system, is under fire.

Indeed, even as serious crime by youth has been in decline in recent years, shocking spasms of violence—in country classrooms or on big city streets—threaten a juvenile justice system that transformed the perception of children here and around the world.

"I'm very concerned. I think all of the trends in juvenile justice are toward the demise of the Juvenile Court," said Northwestern University law professor Steven Dinzer. "And the saddest part is that the principle that children are different, that they are less culpable, that they are more amenable to intervention, is as true today as it was 100 years ago."

Yet as Dinzer and others lament attacks on the Juvenile Court system, one that paved the way for remarkable reforms in public education, child labor laws and even the development of urban recreation programs, many who have studied the system note optimistically that it already has weathered more criticism than almost any institution around.

"It is in amazingly good health for being the most attacked system on Earth," said Frank Zimring, professor of law at UC Berkeley's Boalt Hall. Indeed, Zimring said, for all its critics, the nation's juvenile justice system is "the most widely admired and uniformly popular legal innovation in American history."

All 50 states have juvenile courts that guard children's identities, offer a variety of sentences for offenses and emphasize rehabilitation, not incarceration. The same is true in many nations. And notwithstanding claims that the juvenile courts often coddle natural-born criminals, many experts say the evidence—both statistically and anecdotally—proves otherwise. Indeed, they note, juvenile crime has been in decline for much of the decade even when the system has been under almost constant attack.

"If you think the idea of the justice system is just punishment and that you are almost assured people are going to be back in trouble with the law, then you have to like the adult prison system as your model," said Peter Greenwood, who directs Rand's Criminal Justice Program.

"If on the other hand you want to prevent recidivism and think you should look at other things that led someone to commit a crime, like whether a kid was sexually abused as a little child or beaten up by a drunken parent . . . then you have to like the Juvenile Court system because it can turn kids around."

One widely cited study of Orange County's juvenile justice system found that only 8% of youthful offenders were responsible for more

Please see COURTS, A9



Washington D.C. Judge Reggie Walton, right, describes experiences as a young man in the juvenile justice system during recent celebration of 100th anniversary of Illinois juvenile courts. Listening is Sally Henderson, Illinois TV reporter who is considered another success story of the juvenile courts.

*'To injure no man,
but to bless all mankind'*

BOSTON • MONDAY
AUGUST 2, 1999

THE CHRISTIAN SCIENCE MONITOR

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Fighting addiction *Lawmakers crack down on a new 'club drug' linked to date rapes and deaths.*

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No money for Serbs *The West further isolates Milosevic, excluding him from foreign aid.*

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Celebrating the American juvenile court system

By Vincent Schiraldi

WHEN 1968 Olympic Gold-medalist and record-breaking long-jumper Bob Beamon was only 9, he first began getting in trouble with the law. When Justice Department official and former marine Ron Laney was 17, he had so many arrests, he was almost tried as an adult. San Francisco District Attorney Terence Hallinan got into so much trouble as a kid he was banished from his home county at age 17.

Aside from their youthful problems and adult successes, Beamon, Laney, and Hallinan have something else in common — they all benefited from the treatment and protection of the juvenile court.

America's juvenile court system turns 100 this summer. In the late 1800s, a group of Chicago women, led by Jane Addams and Lucy Flower, were appalled by conditions in adult jails, where they found children as young as 8 alongside adults. They successfully advocated for the creation of the first juvenile court in the world.

The court was part of a series of century-shaping reforms inspired by the work of the Chicago reformers, including compulsory universal education, child labor laws, and the development of parks and recreation spaces for children. The court's founders believed child-

hood to be a sacred time during which young people needed to learn from, but not be crushed by, their mistakes. The court was built on the foundation of rehabilitation; it separated juveniles from adult offenders; and its proceedings were confidential so that youthful indiscretions would not ruin young lives.

The concept was wildly successful and is arguably America's most widely replicated justice system reform. By 1925, 46 states and the District of Columbia, along with 16 countries, had established separate courts for children where none existed before.

Ironically, as the court celebrates its centennial and the vision of its founders, Rep. Bill McCollum, (R) of Florida, would end it. His controversial bill, which recently passed the House, allows 13-year-olds to be jailed with adults, gives prosecutors non-reviewable discretion to try juveniles as adults, and erodes the confi-

dentiality rights of young people. Last year, more than 17,000 juveniles were imprisoned in adult prisons — 3,500 of them general population with adults.

Would Bob Beamon have brought home the gold if he was sent to an adult prison instead of an alternative school? Would Ron Laney who, as a marine fought and was wounded in Vietnam, have been able to serve his country if he'd been tried and convicted as an adult? Would Terence Hallinan have gone to law school and on

to help reduce San Francisco's juvenile crime rate by 27 percent through a combination of new programs and prosecution if McCollum's bill were law when he was a teen?

Common sense and hard data tell us that, as imperfect as the juvenile court system is, it's a whole lot better than the adult system. When we sentence youths as adults, as McCollum would have us do, they get re-arrested more frequently, more quickly and for more serious offenses than similar youth retained in the juvenile justice system. When kids are locked up with adults, they are sexually assaulted five times more frequently and commit suicide eight times more frequently than youth detained in juvenile facilities.

Addams and Flower were right and McCollum is wrong. Their 100-year-old experiment has as much relevance to young people today as it did then.

As Congress contemplates reverting to a 19th-century system of juvenile justice, it should expect no better results than Addams and Flower found 100 years ago. Instead, today's Beamons, Laney, and Hallinans deserve the same chance to turn their lives around as the young people of previous generations, through a strengthened juvenile court, with the kind of resources it needs to work with today's young people. That's a 20th-century reform that would be worth supporting.

■ Vincent Schiraldi is director of the Washington, D.C.-based Justice Policy Institute, which published his book, *'Second Chances.'*

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THURSDAY, AUGUST 5, 1999

Give kids a chance to make a better choice



BOB
BEAMON

Olympic gold-medalist Bob Beamon is director of athletic development at Florida Atlantic University and co-author of The Man Who Could Fly: The Bob Beamon Story.

Some people think that Mexico City was the longest jump I ever made. But just getting there was tougher.

Starting when I was 9 years old, I got into trouble with the law. I stole things. I got into fights. I skipped school. By the time I was 14, I was in a gang and had been expelled from a school for assault and battery. Social workers recommended that I be sent to a prisonlike facility far from home, and my fate hung in the balance when I appeared before a juvenile-court judge.

I remember being really scared and looking down at the ground as the judge deliberated my future. My grandmother pleaded my case, and the judge, who was thoughtful and compassionate, gave me another chance and sent me to an alternative school.

The teachers were challenging, and true to my grandmother's pledge, she closely supervised my every move. The school was tough, but thanks to the judge, I had the time and

space to learn that there was more to life than getting into trouble.

The rest is history.

I got off the corner and into the community center, and got interested in sports. I leapt into high school track and, just a few years later, jumped 29 feet and 6 inches in the 1968 Mexico City Olympics, flying 2 feet and 6 inches farther than anyone else ever had.

Since breaking the long-jump record, I've worked as a counselor, an entrepreneur, an author, a motivational speaker and a corporate spokesman. When I speak to kids today, especially those at risk of taking the wrong path, I tell them: "You have a chance to make a better choice."

To commemorate the 100th anniversary of the juvenile court, I am part of a project in which 25 adults come together to tell the story of how caring judges and juvenile-court officials changed our lives. We are prosecutors, politicians, poets, probation officers, broadcasters, academics, attorneys, authors, stockbrokers and firefighters. We've worked at the highest levels of governments and served our country honorably.

But when we were kids, every one of us was

in trouble with the law. We all benefited from the juvenile court's intervention and its focus on rehabilitation and confidentiality, rather than the crippling punishment of the adult system.

But today — in the very year that the children's court is celebrating its centennial — Congress is about to change the way kids are treated before the law. It may very well take away the kind of chance that I and many others had to turn our lives around.

The one-size-fits-all justice inherent in the bill is dangerous to the future of juvenile justice. The bill, which is sponsored by U.S. Rep. Bill McCollum, R-Orlando, will strip judges of the power to make good choices about kids' futures and give prosecutors the power to send kids directly to adult court.

We need look no further than our own state to see what a dismal failure this policy has been. Florida led the nation in allowing its prosecutors to send kids to prison and jail. Despite trying more kids as adults than any other state, we have the nation's second-highest violent-crime rate among juveniles.

Researchers at the University of Central Florida and Florida State University have

shown that kids sent to prison are more likely to reoffend and commit more-serious crimes when released than kids sent to the juvenile-justice system. Young people sent to jail don't get the educational and rehabilitative services that their peers get in juvenile court. All of us suffer from this collective mistake that leads to higher crime rates.

McCollum's juvenile-crime bill also opens up children's court records to colleges and universities. This is nothing more than punishment for punishment's sake. How can we expect our children to choose a better route when, by opening up their records, we sabotage their futures? If these laws were in effect 35 years ago, I and many others like me simply would not be leading our current productive lives.

Young people need to be punished when they commit crimes, and there always will be a few who need to be incarcerated to keep the public safe. But most kids need the helping hand of a caring judge and probation officer — not the heavy hand that slams a prison door shut.

Congress should reject laws focused on punishment and allow kids the chances to make a better choice.



Thursday, August 5, 1999

Chicago Tribune, Thursday, August 5, 1999 Section 1 21

Commentary

In the next cell to me was Charles Manson, awaiting trial for the murders that would forever be linked to his name.

Adult prisons are not the place for juveniles

By Luis J. Rodriguez

The accused murderer placed the razor blade against the skin of my neck.

He put his face up to mine, scrutinizing me for signs of fear. Another accused murderer stood next to him, grinning broadly, as a 13-year-old stood behind me. I had given myself the task of protecting this youth against the adult prisoners in the Los Angeles County Hall of Justice jail—known then as the "Glasshouse." I was 16—too young to be in an adult facility. But I had been arrested for rioting during the 1970 Chicano Moratorium against the Vietnam War, also known by some observers as the East L.A. riot.

Even a sheriff's substation jail, to an overcrowded juvenile hall, we ended up at the infamous Glasshouse—two 16-year-olds, a 15-year-old and the 13-year-old. In the next cell to me was Charles Manson, awaiting trial for the murders that would forever be linked to his name. Along the tier, which a sheriff's deputy called "murderer's row," were other accused killers, including the two in my cell: One claimed to have killed a teacher and another allegedly shot a youth at a housing project.

It was 10 days in hell. Fortunately, all charges were dropped. And I was able to hold my own against the man with the blade, looking him straight in the eye and telling him that he had better make sure I was good and dead, because if not I was going to come after him. Silence followed. But soon he removed the blade from my neck and started to laugh. Later, all four of us played cards until lights out.

However, another kind of scar had been placed in my heart.

Although I had been arrested numerous times since the age of 13 for stealing and fighting and disturbing the peace, I made a violent turn after my stay in the Glasshouse.

Stabbings, shootings and armed robberies became the core of my involvement in the neighborhood gang. A year after the Glasshouse experience, I was arrested for attempted murder in an incident in which four people were shot.

A year after that, I faced a hard-time prison sentence for a scuffle with police officers.

Ultimately, I was convicted of a lesser charge and received county jail time. In that case, a judge decided to give me a "second chance." I had by then returned to school after dropping out, started doing art and writing, and received letters of support from the community. The path of crime I was on was blocked by the careful and consistent involvement of adults.

These mentors and elders included a teacher who saw worth in the poems and vignettes I had first written in a juvenile facility when I was 15.

They included a Chicano activist who ran the John Fabela Youth Center that served the South San Gabriel barrio. They included the high school's home-school coordinator who became like a second mother—guiding, scolding, but always showing me positive ways of meeting my needs. And Mike Duran, a former gang member who worked for the Los Angeles County Probation Department and who involved me in his "get-together" retreats that have trained leaders out of troubled youth for more than 30 years.

These are people who brought to bear an important quality in relating to young people: the quality of their presence.



Illustration by Margaret Scott

After my last encounter with the law, I vowed never again to go to jail for criminal or violent acts. I have kept that vow for 27 years.

Without those caring and wise people in my life, I believe I would not be here today.

Presently, legislation by Rep. Bill McCollum (R-Fla.) is being considered that would give federal prosecutors wide-ranging discretion to send kids charged with federal crimes to adult court and to prison. My personal

experience, including 25 years of working with young people from diverse communities throughout the country, compels me to oppose such legislation.

While there must be consequences for one's actions, the consequences should also include finding the means to heal one's wounds. This will require redemptive measures, healthy recreation, intellectual activity, skills training, art and rituals, human connections and

community initiatory practices. All aspects of the lives of violent and troubled youth must be attended to, including a strong spiritual centering. The aim is get them to become competent and confident people—to give back to their community rather than to take.

Although some juvenile detention centers may fail to manage these things, most adult prisons won't try.

The pending federal legislation is partly a return to more than 100 years ago when America routinely tossed its youthful offenders into jails alongside hardened criminals, nurturing in them a disrespect for the law and all but guaranteeing that they'd re-offend soon after their release. It was this dreadful situation that prompted Chicago's Jane Addams to help create the world's first juvenile court system, 100 years ago.

With the most advanced resources and technology at our disposal, we can't afford to go backward. Before Addams' crusade, jailing kids with adults was a simple-minded and mean-spirited response to what were real issues of poverty, alienation and violence in the mostly immigrant communities of our cities. These issues still plague us today, affecting mostly black and brown children. We can do better.

Our policies must heed the advice of most experts in the field who tell us that youth is the time when the psyche is most susceptible to intervention and change. Youth is a time when we all make mistakes and learn to overcome them. If we enshrine the concept that people cannot change when they reach adolescence, we are condemning the whole community to instability and fear.

Our policies are too often based on expedience, not effectiveness. This usually amounts to "zero tolerance" in the courts, schools,

families, workplace and other institutions. This is a losing proposition. Crime is characterized by a web of broken relationships—economic, social, political, familial and, finally, brokenness within one's self. By pushing the "problem" youth out, we are snipping the delicate threads of community that should keep us together.

The harder but exceedingly more rewarding work includes hanging in with young people, teaching them, guiding them, tapping into the creative reservoir they all carry so they can find the meaningful life they are meant to live.

It happened with me. While I have kept out of trouble, I have come back to juvenile facilities, prisons, public schools, homeless shelters and community centers as a poet, teacher, mentor and elder. I have done this now for 20 years. What was destructive in my life turned into its opposite, which is what palpable transformative processes are all about.

We need comprehensive policies and strategies that flow from our extensive social experience on how people become positive and active members of the community. The foundation for this is the powerful and elemental idea that we save our communities by saving our youth.

Luis J. Rodriguez is founder-director of Tia Chucha Press, a poetry press in Chicago, and a volunteer for Youth Struggling for Survival, a not-for-profit organization working with gang and non-gang youth. He is the author of "Always Running: La Vida Loca, Gang Days in L.A." and "It Doesn't Have to Be This Way: A Barrio Story," an illustrated, bilingual children's book.

Crime, punishment and children

Getting tough on juveniles brings results

By Pete du Pont

It's almost time to go back to school. What's the No. 1 concern of many parents, teachers and school officials? Safety and security. Despite the notoriety of last April's slaughter at Columbine High School, the good news is that youth crimes have been declining sharply since 1994. According to the Justice Department's recent Crime Victimization Survey—based on interviews of nearly 50,000 households—serious violent crimes committed by juveniles ages 12 to 17 dropped 40 percent between 1993 and 1996. Other evidence tells the same tale. The number of youths arrested for murder dropped 39 percent between 1993 and 1997, according to the FBI.

During the last school year, school-related violent deaths were half of those six years earlier. The main victims of young criminals are young and the Victimization Survey also shows that serious violent crimes against youths ages 12 to 17 is down 89 percent since 1993.

So the youth crime decline is really happening? Why? Was it the elimination of violence from our movies, television, video games and the Internet? Hardly. Maybe it's a secret revival of intact families and firm embrace of traditional morality across the land? Not likely.

Should politicians get the credit? This time, they may have a point that their handiwork has helped. Most states toughened up their laws on juvenile delinquents in the '90s and we may be getting a positive return on our tax dollars.

Each year the police arrest nearly 2 million youths under age 18 on criminal charges. In 1997 one in 15 juveniles taken into police custody were referred to criminal (adult) court—the highest percent (6.6 percent) in history. That means that real consequences were more likely than ever.

Still, very few youths serve any real detention time. Only about 100,000 young offenders are in secure residential facilities throughout the country, and their average length of stay is only 147 days. Most arrested youths experience little or no detention time. Probation and a dollop of community service are the worst that happens to most of them. The system remains soft, perilously close to a punishment-free zone.

The juvenile system was started exactly one century ago in Cook County. The idea quickly spread across the nation, promoted by the same self-styled progressives who instituted such reforms as rehabilitation instead of punishment, probation, parole and the indeterminate sentence.

The theory was that treatment by social workers and other experts would minister to the "best interest" of the child and thereby reduce criminal tendencies. Our therapeutic culture makes youth strong excuse. As a result, the juvenile system inspires little fear.

The Denver Youth Survey, a major study tracking 1,500 boys and girls since 1987, finds that arrest and processing by the juvenile justice system does little to deter delinquent behavior. After a first arrest, arrestees engage in at least as much delinquency as similar (statistically "matched") youths without an arrest. On the other hand, in a study of all 50 states from 1977-1993, economist Steven Levitt of the University of Chicago found that juvenile offenders are at least as responsive to incarceration as adults.

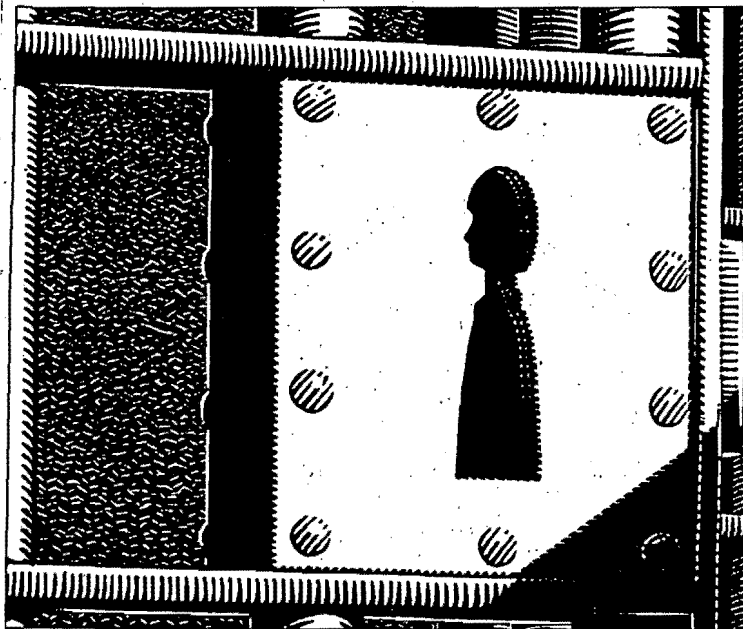
There is a substantial drop in criminal activity at the age of majority, especially in states that treat adult criminals severely compared to juvenile criminals. Contrary to the recent "superpredator" theory over the recent rise of youth crime, Levitt believes most of the rise was a response to the softening of the juvenile system in the early 1990s compared to the toughening of adult punishment, which drove adult crime down.

Conferees on Capitol Hill currently are working on eliminating differences in the House and Senate versions of juvenile crime reform bills. Crime legislation will emerge for President Clinton's signature this year. Some provisions are praiseworthy, like those that follow the states in toughening up the treatment of juvenile offenders. Yet the bills also federalize more crime fighting, hire more bureaucrats, spend tax money and put more controls on firearms.

What the data show, though, is that with juveniles just as with adults, punishment deters. That is why youth crime is declining.

Pete du Pont, a Republican, is the former governor of Delaware.

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Give kids a chance at redemption

By Steven A. Drizin
and Vincent Schiraldi

Bob Beamon, Olympic gold medalist and record-breaking long jumper, began getting into serious trouble with the law at the age of 9. So did Claude Brown, author of "Manchild in the Promised Land," the 1969 classic coming-of-age memoir. San Francisco District Atty. Terrence Hallinan had been arrested so many times during his youth that he was literally banished from Marin County at the age of 17.

These three "success stories" and 22 others are featured in a new book, "Second Chances," released in connection with the 100th anniversary of the first juvenile court's founding in Chicago on July 3, 1899. All the men and women featured in the book benefited from the treatment and protection of the juvenile court and the vision of Jane Addams, Lucy Flower and the other court founders.

In some cases, the court's emphasis on confidentiality allowed them to transcend their youthful indiscretions; for others, specific programs or caring adults profoundly influenced their life paths; and in other cases, the court simply afforded them the time to discover who they were and what they wanted to be. In all these cases, though, the court gave them the chance to learn from their mistakes and make better choices when next confronted with the temptation to break the law.

But as the court celebrates its centennial, Rep. Bill McCollum (R-Fla.) is poised to strike a crippling blow to the philosophy that underpins the court. McCollum's bill, which recently passed the House, applies to federal crimes and would allow 13-year-olds to be jailed with adults, gives prosecutors non-reviewable discretion to try juveniles as adults and erodes the confidentiality rights of young people.

This is not the first time McCollum has sung this tune. In the mid-1990s he drafted the Violent Youth Predator Act, declaring about today's youth: "They're the predators out there, they're not children anymore. They're the most violent criminals on the face of the Earth." That McCollum is beating the same drum today, even after six years of declining juvenile crime and even after other prognosticators of doom have backed away from their earlier forecasts, should be a warning to us all.

Nor can McCollum and other politicians rightly claim credit for the drop in juvenile crime. That began in 1993, long before McCollum's road show. Moreover, states that have been more moderate on juvenile crime have experienced the same juvenile crime reductions as states that have gotten tougher. McCollum's state, Florida, the nation's leader in trying juveniles as adults, has the second-highest rate of juvenile crime, 48 percent higher than the national average. This is hardly an outcome he should be exporting to the rest of the country.

If anything is responsible for the 44 percent drop in juvenile homicide charges over the last six years, it is improving economic conditions for teenagers (and their parents) and diminished access to handguns. Between 1995 and 1997, when the juvenile homicide rate was plummeting, the adolescent

unemployment rate dropped by 10 percent. This, coupled with increases in the minimum wage and more jobs for adults, significantly improved the financial picture for today's teens. And, in 1995, it became illegal under federal law for teenagers to possess handguns or ammunition. States and local jurisdictions, passing more restrictive measures, have also helped keep guns out of the hands of kids.

The number of juvenile homicides in Washington, D.C., for example, has dropped an astonishing 63 percent since neighboring Virginia and Maryland restricted gun sales, at the very time when the number of kids locked up in Washington dropped by half. Coupling reasonable gun control measures with comprehensive community-based efforts to persuade kids not to use guns to settle their disputes, Boston went for 24 years without a single child being killed by a gun.

Statistics aside, the human costs of passing McCollum's bill are dramatic. Would Bob Beamon have brought home the gold if he had been sent to an adult prison? Would he have gone on to mentor and inspire countless disadvantaged youths if he had been sent to adult court instead of to an alternative school? Would Terrence Hallinan have gone to law school, become D.A. and helped reduce San Francisco's juvenile crime rate by 77 percent if McCollum's bill were law when he was a teen?

The answer to these questions is probably no. When we sentence youths as adults, they get rearrested more frequently, more quickly and for more serious offenses than their counterparts in juvenile court. When we lock them in adult prisons, they are eight times more likely to commit suicide and five times more likely to be sexually assaulted than youths in juvenile facilities. Amnesty International estimates that last year, approximately 300,000 children under the age of 18 were prosecuted as adults. Last year, more than 17,000 juveniles were incarcerated in adult prisons—3,500 of them in the general population with adults. We should be ashamed of these statistics and should not continue to disgrace ourselves by adding to them.

The juvenile court system, though far from perfect, is a much better system for children than the adult system. Its Chicago founders were right to build on the promise and potential of children. Bill McCollum is wrong to build on the premise that children who commit crimes are evil, hopeless, incapable of redemption.

Beamon, Hallinan, Brown and the other men and women in "Second Chances" are living testaments to the resiliency of children and their capacity to change. They also are living proof of the relevance of the juvenile court for today's troubled youth. Today's Beamons, Hallinans and Browns deserve the same chance to turn their lives around as the young people of previous generations. Rather than destroying the juvenile court, Congress should be working to strengthen it.

Steven A. Drizin is supervising attorney of Northwestern University School of Law's Children and Family Justice Center. Vincent Schiraldi is director of the Justice Policy Institute.



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NEWSLINE

Juveniles deserve a second chance

By Terence Hallinan

When I was a teen-ager, I was kicked out of school and arrested several times for fighting. A juvenile court judge eventually got so tired of my misbehavior that he literally kicked me out of my home county of Marin, Calif.

During my "banishment," I worked as a longshoreman and attended the University of California, Berkeley. There I was able to channel my pugilistic ways into a spot on the varsity boxing team, falling two bouts short of making the U.S. Olympic team. Over time — which is what the juvenile court gave me — I went on to practice law for 20 years, was elected to two terms on the San Francisco Board of Supervisors and, in 1996, was elected San Francisco's district attorney. Since I took office, violent juvenile crime is down 27% in San Francisco — the sharpest decline of any large county in the state.

A unique perspective on court system

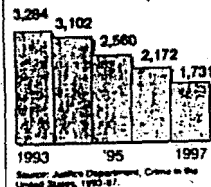
Yes, I appreciate the irony. But as a prosecutor and a graduate of the juvenile court system, I also believe I have a unique perspective on the court's operation — and a personal investment in maintaining its core tenets.

Founded 100 years ago by a group of reform-minded women led by Chicago's Jane Addams, the juvenile court was part of a series of century-shaping changes in how our country viewed childhood. Others included compulsory, universal education, child labor laws and the creation of parks and recreation spaces for children.

The court's founders viewed childhood as a sacred time during which adolescents needed the guidance of caring adults. They were shocked to find at the time that hundreds of children as young as 8 were jailed alongside adults. So they fashioned a court that separated kids from adults, focused on individual care and rehabilitation, as well

Juvenile murder

The number of homicide arrests of juveniles age 18 and under nationally has steadily declined:



USA TODAY

as fair punishment, and maintained youths' confidentiality so that youthful indiscretions didn't ruin adult promise.

Yet, as it celebrates its centennial, this American invention never has been in more jeopardy. A juvenile crime bill sponsored by Rep. Bill McCollum, R-Fla., would allow 13-year-olds to be jailed with adults, would curtail confidentiality protections, would create a mandatory sentencing scheme for kids, and would give prosecutors sole discretion, with no judicial oversight, to try juveniles as adults in federal court.

Likewise, an initiative on California's 2000 ballot sponsored by former governor Pete Wilson would also strip judges of decision-making power over whether certain juveniles should be tried as adults, and abolish confidentiality protections. These proposals follow actions by 41 states that passed laws between 1992 and 1995 making it easier for kids to be tried as adults.

There is no question that many of us profiled in the new book *Second Chances* simply would not be where we are today if such laws were in effect when we were young. The book, published by the Justice Policy Institute, a criminal justice think tank, recounts the stories of 25 juvenile court "graduates." They include politicians and probation officers; academics, attorneys and authors; students, stockbrokers and salespeople; firefighters and football players; and judges and juvenile counselors. As kids, every one of us was in trouble with the law; as adults, we're all productive, successful contributors to society.

Don't take away discretion from judges

Permanently staining the lives of young people due to youthful arrests is harmful and counterproductive. Taking discretion away from judges to make individual decisions about young people is a form of cookie-cutter justice that ignores their problems and strengths, to everyone's detriment. And jailing young people with adults is inhumane, dangerous and tantamount to giving up on kids — something we should never do.

In San Francisco, we've taken a bite out of juvenile crime through a balanced approach that combines community-based programs to help kids turn their lives around with fair but certain prosecution of youthful offenders. I have no problem fighting to lock up a kid or to have him tried as an adult if it is necessary to protect public safety. I also have no problem letting a neutral judge make the final decision after having heard all of the evidence. But a system that focuses only on punishment and ignores rehabilitation is ineffective and morally bankrupt.

On its 100th anniversary, we need to reinvigorate our juvenile court system so that it can address today's problems with solutions relevant to the 21st century, not hamstring them. Juvenile courts should hold youths accountable for their behavior without crippling them for life. They should continue to give kids a chance to make a better choice — the same chance that I and countless other young Americans had during this century.

Terence Hallinan is the district attorney of the city and county of San Francisco.

Regrettable Regression in the Way We Treat Young Criminals

The Washington Post
August 29, 1999

By L. MARA DODGE

In 1999, 100 years after the establishment of the nation's first juvenile court in Cook County, Ill., virtually all states have succeeded in passing legislation to criminalize or "adultify" their juvenile justice systems. It is now far easier to transfer juveniles to adult court, hold them in adult jails and sentence them to adult prisons. Most of the laws require judges to impose harsher and longer sentences than ever before.

I have worked with delinquent and disadvantaged youths in juvenile and adult prisons, in alternative programs for teenagers at risk and in inner-city schools, and I am deeply troubled by the shift to such draconian measures, which undermine the basic philosophy of the juvenile court as established a century ago.

In a sense, this recriminalization is a return to a philosophy—children are small adults—that Nobel Prize-winning social reformer Jane Addams and a group of visionary women fought in the 1890s, when children were routinely confined to adult prisons. They dreamed of establishing a court where troubled children would have access to specialized treatment services, and they succeeded.

The evidence of recriminalization is alarming. Last year, nearly 18,000 youths spent time in adult prisons, and 20 percent of those were mixed in with the general adult population. On any given day, 7,000 to 8,000 youths are held in adult jails nationwide. In most states juvenile records are more accessible than ever, and some states allow juvenile offenses to be counted in three-strikes legislation. Meanwhile, the United States remains the only Western nation that permits executions for crimes committed as a juvenile. As a country, we seem to have bought into the notion long advanced by tough-on-crime advocates that juvenile offenders should be treated as criminals who happen to be young, not children who happen to be criminal.

These efforts to toughen up the juvenile justice system are built on myth and misperceptions. The first myth, popularized by Princeton University professor John Dilulio, is that we are confronted by a new generation of superpredators who are beyond the rehabilitative capabilities of the juvenile court. (Interestingly, the assumption is not new. Historian Thomas J. Bernard, in "The Cycle of Juvenile Justice," has documented that for 200 years there has been a persistent belief that juveniles have been committing more serious crimes than their predecessors "in the good old days 30 or 40 years earlier.") The second myth is that we are experiencing an unprecedented wave of juvenile crime. Both myths have shown tremendous staying power, despite six straight years of declining juvenile crime rates in the United States.

Nationwide, violent offenses account for 5 percent of all juvenile arrests; homicides represent 0.1 percent. Juveniles are far more likely to be arrested for nonviolent property offenses (38 percent) and "status offenses," actions for which only minors can be arrested, such as underage drinking, running away and curfew violations (24 percent), according to the FBI's uniform crime report for 1996.

The recent horrific school shootings and well-publicized murders committed by teenagers have grossly distorted our view of young people and our perceptions of juvenile crime in general. Those cases, while shocking, are atypical. When official statis-

tics from all sources are carefully assessed, there is strong evidence that juvenile crime (like crime overall) has declined over the last three decades.

For years, I have been trying to make sense of crime statistics. They are enormously complicated, and easily affected by small changes in reporting and processing procedures. For example, police are more likely to arrest juveniles today than they were 20 years ago. In many states, schools are required to call the police for any fight among students, in some cases even for verbal threats such as name-calling. An increase in arrests, therefore, does not necessarily indicate an increase in real rates of juvenile crime.

Juvenile arrest rates are misleading in other ways. Children are more likely to be arrested on weaker evidence than adults, and many children are released without being charged. Children are also far more likely to commit crimes in groups, which means there are multiple arrests for a single offense. For these reasons, rates of "clearance"—tracking crimes for which juveniles are actually charged and prosecuted—are far more accurate than arrest rates. And what do these clearance rates reveal? Variables make precise conclusions difficult, but since 1972, the rates of most types of crime committed by youth seem to have declined.

One thing is true: Juvenile homicide is way up. But should our response to all juvenile crimes be fueled by this one area of increase? I think not. Juvenile homicide arrests nearly tripled between 1984 and 1993 and have declined by more than 40 percent since then. But here again, arrest figures are misleading, since many of these homicide arrest cases were subsequently dismissed. One example: Youths ages 13 to 15 made up 4.2 percent of the U.S. population

and accounted for 4.2 percent of all homicide arrests in 1995, but in the end they were prosecuted for homicide in only 2.4 percent of all cases. The same pattern is clear for older teens. Moreover, the 1980s increase in homicide arrests reflected a rise in gun violence. The number of youths arrested for homicides not involving guns has declined steadily since 1984.

And when we look closely at the so-called "serious youthful offenders"—the ones being sent to prison—we find large numbers of nonviolent cases. Nationwide, two-thirds of youths transferred to adult criminal court in 1996 were charged with nonviolent offenses.

Originally, the juvenile court gave judges leeway to devise alternatives to a prison sentence. Today, ever-larger numbers of offenders—who are overwhelmingly African American and Latino—are being swept into an increasingly harsh system. In 36 states, automatic-transfer laws mandate that a juvenile who commits certain offenses be prosecuted in adult court. And funding cutbacks mean rehabilitative or treatment programs are scarcer than ever. For example, prisoners are no longer eligible for federal Pell Grants, which help fund higher education and technical training. That change has meant the end of the program that enabled me to spend five years teaching in the Illinois prison system.

There is no evidence that these get-tough policies work. In fact, juvenile defendants who are tried in adult courts are more likely to commit new crimes, and more serious crimes, than similar offenders who are prosecuted in juvenile court. And while everyone seems to have heard about offenders who return to juvenile court again and again as if through a revolving door, for many youths, that's simply not the case. According to a 1995 Department of Justice report, 60 percent of children who are referred to juvenile court learn their lesson the first time: They never reappear there. These are the successes the public rarely hears about. However, in jurisdictions such as Los Angeles, where juvenile caseloads reached 500 children per officer by the mid-1990s, and virtually all treatment programs were eliminated, it is not surprising that such success stories have become far fewer.

The juvenile court was meant to give kids a second chance—to allow them to make youthful mistakes without being penalized for life. It is this possibility that current practices are snuffing out. In the past, many youths, even those heavily involved in criminal activity, moved away from crime as they matured. Their juvenile records were kept private, whereas nowadays, laws in some states make those records available to schools, future employers and the military. Today, a single juvenile conviction can brand someone for life.

While we commemorate the juvenile court's centennial, it's worth noting that the court has never had the personnel and resources necessary to fulfill its rehabilitative mission. There never was a golden age. Since its founding in 1899, the juvenile court has repeatedly been under attack—in the 1930s and 1950s, for instance—when ever there has been widespread fear over perceived increases in juvenile crime.

Still, Jane Addams's era was a far more visionary one than our own, and it is a vision we should restore. It seems to me that current get-tough policies reflect a society that has given up on its children. We have lost faith that troubled and troublesome young people are capable of rehabilitation. Worst of all, as we have criminalized our juvenile justice system, we have demonized the youths it serves.

Congress urged to block juvenile justice bill

By LANCE GAY
Scripps Howard News Service

WASHINGTON — Olympic gold-medallist Bob Beamon says it was just luck, a caring grandmother and a compassionate judge that turned his life around when he got into trouble as a juvenile delinquent.

Former Sen. Alan Simpson, R-Wyo., said it was his probation officer who gave him a second chance after he was convicted on a federal charge for shooting mailboxes. And Kansas City Chiefs linebacker Derrick Thomas said his entanglement with the juvenile justice system turned out to be "one of the most important breaks I ever got."

Now some of the former youth offenders who have gone to become broadcasters, academics, stockbrokers and prosecutors are joining forces to urge lawmakers to block a get-tough juvenile crime bill that is before a House-Senate conference committee.

The legislation, passed by the House and Senate in response to the spate of schoolyard shootings, would revamp

a century-old juvenile justice system by granting prosecutors broader authority to prosecute youths as adults — with adult sentences.

Provisions would establish a national standard in giving prosecutors new powers to try even 14-year-olds as adults for violent crimes. The youths wouldn't be able to appeal the decision to have them tried as adults.

In a letter sent to Senate Judiciary Committee Chairman Orrin Hatch, R-Utah, this week, 14 former juvenile delinquents joined with the Justice Policy Institute, a Washington-based criminal justice think tank, to ask Congress to look at the successes of the current juvenile justice system, not the problems.

They warned that lawmakers will make things worse if they create an inflexible juvenile justice system that doesn't differentiate between troubled youths and criminals.

"While our stories represent a diversity of experience within the juvenile court, we all benefited from its system of interventions and its focus on

Please see BILL, A12

BILL: Former long-jumper says getting tough not the answer

Continued from A1

rehabilitation and confidentiality, rather than the crippling punishment of the court system," the letter says.

Beamon, who won gold in the long jump at the 1968 Mexico City Olympics, is now director of athletic programs at Florida State University in Miami. He said in a telephone interview that he signed the letter to warn Congress not to rush through changes of the juvenile justice system. "I would be very careful, and make some observations before acting," he said.

Beamon, 52, said he worries that Congress is blaming failures of the juvenile justice system for the shootings at Columbine High School near Denver last April, when most who are implicated in such schoolyard shootings didn't have a history of juvenile delinquency that would bring them in contact with the justice system.

"We're fast-forwarding it too much," he said.

Beamon said he only got where he is today because a juvenile court judge took a chance with him when he was 14, and re-

leased him into the custody of his grandmother and put in an alternative school in Manhattan, even though he had a four-year record of truancy, fighting, stealing and being a gang leader.

"The judge saw something," Beamon said, adding he's convinced he would not have found the drive for athletics if the judge had sentenced him to "real time."

Dennis Sweeny was convicted of burglaries and theft as a teenager, but went on to become San Francisco's chief juvenile probation officer before retiring three years ago.

"Getting tough is not the answer. You could have the death penalty at 12, and that would not stop another Columbine," Sweeny said.

Sweeny said that Congress should spend money on researching the causes of juvenile crime rather than pumping funds into new juvenile courts and tougher penalties.

"All we are doing now is creating a bigger industry — the correction industry that now has a lot of political clout," he said.

San Francisco District Attor-

ney Terence Hallinan is so angry at the juvenile justice measure that he has bought newspaper ads attacking it as a step backwards to Victorian times, when there were no separate juvenile courts, and children as young as 8 were jailed with adults.

Hallinan, a former juvenile offender who was banished from his home county at 17 by a juvenile court judge, also expressed dismay over the offer of federal funds to jurisdictions that change juvenile laws.

He said that will result in local governments changing their laws to get the money.

"I strongly resent the federal government using fiscal powers to force their policies on local jurisdictions," Hallinan told reporters recently.

Derek Thomas, the 32-year-old linebacker for the Chiefs, chose to make public his juvenile arrests for auto theft to explain his work in juvenile prevention programs.

"Every kid is not a bad kid. They may do bad things, but all they need is an opportunity. The juvenile justice system gave me that second chance," he said.

COURTS: System Is on Trial

Continued from A1

than half of all juvenile crime. And in the vast majority of cases, the study found, youths who came through the Juvenile Court system once never returned on another offense.

"I think Los Angeles mirrors those statistics and I think the statistics alone show we are doing something right," said Michael Nash, presiding judge of Los Angeles County's Juvenile Court system and a former deputy attorney general whose prosecutions included the Hillside Strangler case.

Still, some high-publicity crimes involving teenagers, and even preteens, have proved so shocking that most states have made it easier in the 1990s to prosecute children as adults. Every state but Hawaii now allows youths as young as 14 to be tried as adults. Five states allow them at age 13, two at age 12 and three at age 10. The rest have no minimum at all.

The result: Each year, an estimated 200,000 children are tried in adult courts and, if convicted, often face the same punishments as adults, according to a 1998 report by Amnesty International.

Although he was in trouble with the law as a teenager, former U.S. Sen. Alan Simpson (R-Wyo.) believes today's system must be toughened to discourage crimes that are unconscionable.

"Obviously I don't think they should get rid of the Juvenile Court system," said Simpson, who at 17 pleaded guilty to destroying federal property. "I just feel there are certain heinous crimes that deserve adult treatment."

Said Simpson: "What I did was shooting mailboxes . . . we never ever intended to hurt anybody, we were never into physical abuse. But nowadays, the things you read about [juvenile crime] just make your stomach turn."

In California, voters next March will decide on an initiative—sponsored by former Gov. Pete Wilson—to significantly toughen the prosecution of youths by, among other things, authorizing prosecutors to directly file adult charges on some crimes against teens as young as 14.

Nationally, U.S. Sen. Orrin G. Hatch (R-Utah) has been among those arguing that the juvenile justice system must be overhauled.

"There are few issues that will come before the Senate this Congress that touch the lives of more of our fellow Americans than our national response to juvenile crime," the Senate judiciary chairman said before the full Senate recently passed the legislation.

Hatch's sweeping bill would allow prosecutors and the attorney general to decide whether youths should be tried as adults for federal crimes.

But others, including some who had run-ins with the law as teenagers, worry that the Juvenile Court system is becoming a scapegoat for aberrant incidents. "I think a lot of the disdain for the system is based on misinformation—that juvenile offenders are coddled . . . that juvenile offenders are all released when they reach [adulthood]," said James Alan Fox, professor of criminal justice at Northeastern University.

"Trying juveniles as adults may satisfy our thirst for vengeance and our desire for justice. But it does very little to rehabilitate juvenile offenders and turn their lives around. In fact, it may do more harm than good."

was barely old enough to drive when, as one of a crowd of Chicanos protesting the Vietnam War, he was Maced, arrested and held at the Mens Central Jail because there was no room left at Juvenile Hall.

Housed in an adult wing dubbed "murderers' row," the 16-year-old Rodriguez and a frightened 13-year-old were kept in a cell next to Charles Manson's. One cellmate, Rodriguez said, sneaked a razor into jail and quickly threatened to kill the teenager. "I thought if I stood up to him it was the best thing. So I told him, 'You better make sure I'm good and dead, otherwise I am gonna kill you,'" Rodriguez remembered. "The guy looked at me real hard, pulled the blade away and started laughing."

Because the gambit worked, Rodriguez and the other youth



Bob Beamon, 1968 Olympics long jump gold medalist, went through the juvenile justice system as a youthful offender.

were spared. But the memory still sears Rodriguez, who is now a successful author and poet living in Chicago.

"What it taught me," he said, "was that young people being put in adult facilities is wrong."

One hundred years ago, that same conclusion prompted Chicago reformers led by Jane Addams to push Illinois to open the nation's first Juvenile Court in July 1899. Their campaign followed disclosures that hundreds of children as young as 8 were being terrorized in adult jails. The resulting Illinois Juvenile Court Act of 1899 spawned other groundbreaking reforms, based on a simple premise:

Children are children, not mini-adults.

"If you think how far the idea has spread, it is remarkable," said Northwestern's Dinzer. "At the turn of the century, children were considered property. They were put in the work force at an early age. They were not entitled to public education. And they were housed in orphanages, poorhouses and adult jails if they had trouble with the law or came from broken families."

"The movement . . . reshaped and redefined what childhood meant throughout the world," Dinzer added. "There were a whole series of reforms that said basically children are not adults. They require supervision and an investment [in] human and financial capital to get them to adulthood."

That sea change in how America viewed its children soon led other nations to follow suit. "When you think that this was a

nated over air travel, when there were few highways, let alone superhighways, and when more people had bicycles than cars, to have places like Madagascar have a Juvenile Court was pretty staggering," said Dinzer.

But the Juvenile Court's evolution has not been without growing pains. Long before this decade's attacks, the court had been blasted from all sides for either glossing over the due process rights of children or for being too soft on teens who have proven, by repeat appearances, that they cannot be rehabilitated.

"I think the history of the juvenile justice system has been really quite mixed," said David Tanenhaus, an assistant professor of constitutional history at the University of Nevada, Las Vegas. "Although it was created with the best of intentions, by the 1920s it started to fade from the public eye, and by the mid-1950s, many of the judges in charge did not have legal training; some of them did not even have a college education."

"So we found that by the 1960s, juveniles had the worst of both worlds—they had neither due process protections that adults had, nor did they receive the social services or therapy that the juvenile justice system had promised."

"The real challenge for the 21st century," he said, "is to create a system that can deal with all the new learning we have about child development and how humans evolve over time."

In the meantime, Tanenhaus said, the constant assaults on the system make it more likely than ever that some state will move to abolish its juvenile justice program—a move that he and others describe as dangerous.

Were it not for America's Juvenile Court, he and others note, countless adults might never have been given the help needed to turn their lives around.

Many of them are well-known, like Olympic long jumper Bob Beamon, San Francisco Dist. Atty. Terry Hallinan and Washington, D.C., Superior Court Judge Reggie Walton, who served as deputy drug czar in the Bush administration.

Others, while not as familiar, hold significant positions in government. After being spared adult incarceration, Ron Laney became a decorated veteran of the Vietnam War before joining the U.S. Justice Department, where he now directs the Missing and Exploited Children's Program from Washington.

And others, still young adults, credit the juvenile courts with not giving up on them.

"I got a last chance and I was able to take that opportunity and run with it," said Jeremy Estrada, a violence-prone teenager from Boyle Heights who, at 23, is now a husband, a father and a premed senior at Pepperdine University.

After returning last week from a retreat counseling troubled teenagers, Estrada said it was precisely such programs that helped him turn his life around.

Added Los Angeles Judge Nash: "I am not going to sit back and say I am totally satisfied with the performance of the Juvenile Court or that we are totally meeting the needs of society. But having spent many years in criminal court, I can say there is very little satisfaction in that system, unless your primary satisfaction is derived from putting people in jail...."

"We can't save them all, but we can save a lot of them," he said. "And I think that justifies the

The Palm Beach Post, September 2, 1999

Bill McCollum, R-Altamonte Springs. "I don't have any qualms about it."

Since Rep. McCollum sought to keep the son of a political crony from deportation for stealing to buy drugs, he is guilty of a double standard as well as grandstanding in his bid to succeed Sen. Connie Mack. Rep. McCollum doesn't want to hear what he doesn't know. The more experienced and thoughtful Mr. Siegel, who is brave enough to admit what he didn't know five years ago, understands that Florida's juvenile justice reforms need more reform, not emulation.

TYPE: EDITORIAL

COMPANY: UNIVERSITY OF FLORIDA (55%);

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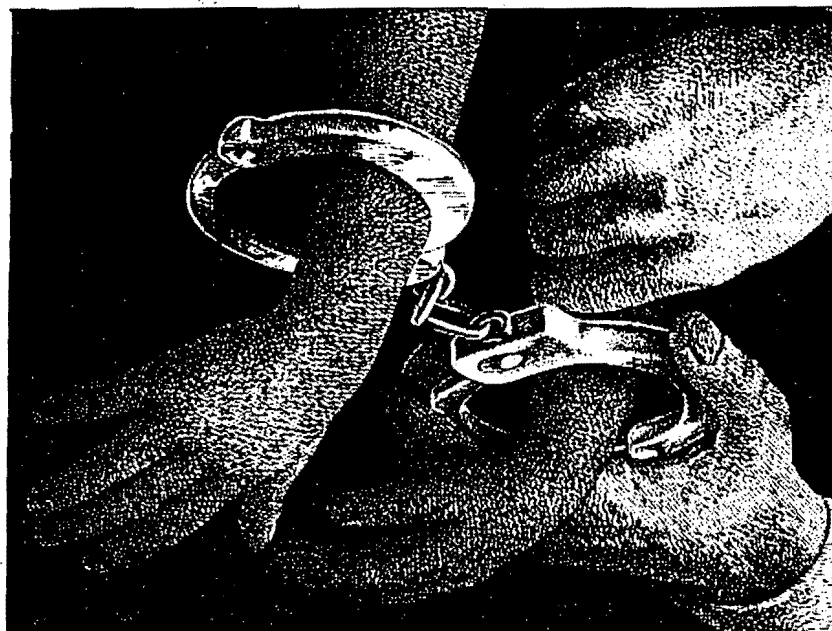


Illustration by Tom Herzberg

Second chances

Locking up kids
robs them of their future—
and robs the future of them

By Bob Beamon

Some people think that Mexico City was the longest jump I ever made. But just getting there was tougher.

Starting when I was 9 years old, I got into trouble with the law. I stole things. I got into fights. I skipped school. By the time I was 14, I was in a gang and had been expelled from a school for assault and battery. Social workers recommended that I be sent to a prisonlike facility far from home, and my fate hung in the balance when I appeared before a juvenile court judge.

I remember being really scared and looking down at the ground as the judge deliberated my future. My grandmother pleaded my case, and the judge, who was thoughtful and compassionate, gave me another chance and sent me to an alternative school.

The teachers were challenging, and true to my grandmother's pledge, she closely supervised my every move. The school was tough, but thanks to the judge, I had the time and space to learn that there was more to life than getting into trouble.

The rest is history.

I got off the corner and into the community center and got interested in sports. I leapt into high school track and, just a few years later, jumped 29 feet 6 inches in the 1968 Mexico City Olympics, flying 2 feet 6 inches farther than anyone else ever had.

Since breaking the long-jump record, I've worked as a counselor, an entrepreneur, an author, a motivational speaker and a corporate spokesman. When I speak to kids today, especially those at risk of taking the wrong path, I tell them: "You have a chance to make a better choice."

To commemorate the 100th anniversary of juvenile court, I am part of a project in which 25 adults come together to tell the story of how caring judges and juvenile court officials changed our lives. We are prosecutors, politicians, poets, probation officers, broadcasters, academics, attorneys, authors, stockbrokers and firefighters. We've worked at the highest levels of governments and served our country honorably.

But when we were kids, every one of us was in trouble with the law. We all benefited from the juvenile court's intervention and its focus on rehabilitation and confidentiality, rather than the crippling punishment of the adult system.

But today—in the very year that the children's court is celebrating its centennial—Congress is about to change the way kids are treated before the

law. It may very well take away the kind of chance that I and many others had to turn our lives around.

The one-size-fits-all justice inherent in a pending bill is dangerous to the future of juvenile justice. The bill, which is sponsored by U.S. Rep. Bill McCollum (R-Fla.), will strip federal judges of the power to make good choices about kids' futures and give prosecutors the power to send kids directly to adult court.

We need look no further than Florida to see what a dismal failure this policy has been on the state level. Florida led the nation in allowing its prosecutors to send kids to prison and jail. Despite trying more kids as adults than any other state, it has the nation's second-highest violent-crime rate among juveniles.

Researchers at the University of Central Florida and Florida State University have shown that kids sent to prison are more likely to break the law again and commit more serious crimes after their release than kids sent to the juvenile justice system. Young people sent to jail don't get the educational and rehabilitative services that their peers get in juvenile court. All of us suffer from this collective mistake that leads to higher crime rates.

McCollum's juvenile crime bill also opens up children's federal court records to colleges and universities. This is nothing more than punishment for punishment's sake. How can we expect our children to choose a better route when, by opening up their records, we sabotage their futures? If these laws had been in effect 35 years ago, I and many others like me simply would not be leading our current productive lives.

Young people need to be punished when they commit crimes, and there always will be a few who need to be incarcerated to keep the public safe. But most kids need the helping hand of a caring judge and probation officer—not the heavy hand that slams a prison door shut.

Congress should reject laws focused on punishment and allow kids the chance to make a better choice.

Olympic gold medalist Bob Beamon is director of athletic development at Florida Atlantic University and co-author of "The Man Who Could Fly: The Bob Beamon Story."

Knight Ridder/Tribune Information Services

Essay

How I Used My Second Chance

By JEREMY ESTRADA

I was only 12 when Rudy died in my arms, the victim of a stabbing by six rival gang members. Rudy was my neighbor, my best friend, my companion. After he died, I turned to his gang for solace. I lost all interest in school and had an almost uncontrollable urge to fight. During one fight, I beat a boy so badly that he was hospitalized with internal bleeding to his brain. This vicious assault led to my first criminal charges. But with no treatment for my anger, I continued to act out in increasingly violent ways.

Eventually, I landed in the juvenile detention center and from there was sent to a group home for a year and a half. After release, I "re-offended" and was sent to a youth camp for another six months. Although I learned job skills, I still had not been given any treatment for my anger.

This time when I was released, my gang was in the midst of a war. Several of my friends had been killed and I got a gun, plan-

ning to avenge their deaths. Before I had the chance, my stepmother found the gun and called the police.

I thought I was headed for prison. But the juvenile court gave me a last chance, sending me to Rite of Passage, a wilderness challenge program, tucked away in the Nevada desert. Something clicked out in the desert. A teacher taught me how to do fractions, working with me until I mastered the math. This dedicated teacher renewed my dormant interest in education. Soon, I expanded my horizons, writing essays, studying politics and government.

My counselor encouraged me to go to college and assisted me with the paperwork and financial aid applications. Two days after being released from Rite of Passage, I was a college student.

I never looked back. Studying hard, I earned straight As in two years at Lassen Junior College and was elected president of the Hispanic Student Assn. I transferred to Pepperdine University, will soon graduate, and plan to attend medical school. I continue to mentor youth in Rite of Passage and recently spoke at an international conference on juvenile justice held in Poland.

No matter what I do, I can never forget where I came from. I feel obligated to tell my story to other young people in similar circumstances.

But today, kids like me may not get the second chance they need. Federal legislation is being considered that would give prosecutors nonreviewable discretion

over whom to try as adults, would relax the prohibitions against housing teenagers with adults in jails and prisons, and would eliminate the confidentiality of juvenile court records, making them available to law enforcement and school officials, including college admissions officers.

If I had been tried as an adult rather than given a chance (indeed, many chances) to work through my anger, I doubt I'd be here today. If I had been housed in an adult prison, instead of being sent to a place with caring and committed counselors, my passion for education would never have been discovered. I'm sure I would have only gotten deeper into the gang life.

If universities are allowed access to juvenile court records, I fear that kids will never get the chance to outgrow their pasts. Pepperdine knew of my troubled past because I made the choice to disclose it, not because my records were automatically sent to the university.

I was speaking publicly about my experiences and a scout from the school heard me and invited me to apply. He had the wisdom to look beyond my transgressions and see me for who I had become. I'm not sure other college admissions officers would be so enlightened. If they had seen my records first, my opportunity to go to Pepperdine might have been stolen, and my life, which now includes a beautiful wife and daughter, would not look so promising.

Jeremy Estrada is a student at Pepperdine University.

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Help kids make leap to better decisions

By BOB BEAMON

Some people think that Mexico City was the longest jump I ever made. But just getting there was tougher. Starting when I was 9 years old, I got into trouble with the law. I stole things. I got into fights. I skipped school. By the time I was 14, I was in a gang and had been expelled from a school for assault and battery. Social workers recommended that I be sent to a prisonlike facility far from home, and my fate hung in the balance when I appeared before a juvenile-court judge.

I remember being really scared and looking down at the ground as the judge deliberated my future. My grandmother pleaded my case, and the judge, who was thoughtful and compassionate, gave me another chance and sent me to an alternative school.

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I got off the corner and into the community center, and got interested in sports. I leapt into high school track and, just a few years later, jumped 29 feet and 6 inches in the 1968 Mexico City Olympics, flying 2 feet and 6 inches farther than anyone else ever had.

Since breaking the long-jump record, I've worked as a counselor, an entrepreneur, an author, a motivational speaker and a corporate spokesman. When I speak to kids today, especially those at risk of taking the wrong path, I tell them: "You have a chance to make a better choice."

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See Leap, back page

Olympic gold-medalist Bob Beamon is director of athletic development at Florida Atlantic University and co-author of "The Man Who Could Fly: The Bob Beamon Story." From Knight Ridder Newspapers.

G6

SEPTEMBER 5, 1989

Leap

Continued from Page G1

in which 25 adults come together to tell the story of how caring judges and juvenile-court officials changed our lives.

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But when we were kids, every one of us was in trouble with the law. We all benefitted from the juvenile court's intervention and its focus on rehabilitation and confidentiality, rather than the crippling punishment of the adult system.

But today — in the very year that the children's court is celebrating its centennial — Congress is about to change the way kids are treated before the law. It may very well take away the kind of chance that I

and many others had to turn our lives around.

The one-size-fits-all justice inherent in the bill is dangerous to the future of juvenile justice. The bill, which is sponsored by U.S. Rep. Bill McCollum, R-Fla., will strip judges of the power to make good choices about kids' futures and give prosecutors the power to send kids directly to adult court.

We need look no further than Florida to see what a dismal failure this policy has been. Florida led the nation in allowing its prosecutors to send kids to prison and jail. Despite trying more kids as adults than any other state, we have the nation's second-highest violent-crime rate among juveniles.

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Young people need to be punished when they commit crimes, and there always will be a few who need to be incarcerated to keep the public safe. But most kids need the helping hand of a caring judge and probation officer — not the heavy hand that slams a prison door shut.

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EDITORIALS

Juvenile crime

*Give as many kids as possible
a chance to turn around their lives*

After nearly 15 years as a judge in Sonoma County Juvenile Court, one might expect Jeanne Buckley to fall into "kids-are-going-to-hell-in-a-handbasket" camp. Her experience has taught her just the opposite.

In a conversation about her decision to leave her post, Buckley made this crucial point:

There are about 35,000 kids in grades seven through 12 in Sonoma County.

About 500 of them are on some kind of probation.

About 70 are serious repeat offenders "who drive you nuts."

"But most kids are OK!" Buckley declared.

Her decision to step down comes as juvenile crime is high on the political-radar screen. Horrific school shootings, gang activity, the off-putting appearance now in vogue among young people who hang out in Courthouse Square and other gathering spots — all these have many civilians wringing their hands and politicians rushing forward to ease popular concerns with legislation.

The problem is, some of the remedies will make the problem worse and destroy young lives that quite likely would straighten out if given the chance.

On Page G1, Bob Beamon, the man who set a world long jump record in the 1968 Mexico City Olympics, writes that he drifted into crime at the tender age of 9, and by 14 he was before a juvenile judge who could have incarcerated him in a place where he would have been hardened and learned still more violent ways from his fellow inmates.

Instead, the judge gave Beamon another chance. He took advantage of it and has gone on to live an exemplary life that includes counseling young kids to stay out of trouble.

As Beamon writes, one of the scarier provisions in the federal juvenile crime legislation is a proposal that would require states, if they want block grant funding, to take away from judges and give to district attorneys the decision of whether to certify a juvenile to stand trial as an adult.

That means prosecutors — not juvenile judges like Jeanne Buckley or the judge who gave Bob Beamon a chance to reach Olympic glory — would have arbitrary say over whether a 14-year-old would do better

under the supervision of a judicial system designed to rehabilitate him or under an adult system that has no programs for and no experience with young kids.

Some youthful offenders do not belong in the juvenile system. The youngest person Buckley ever ordered to stand trial as an adult was 15, one of the young men who savagely beat Dylan Katz into a

coma in Windsor in 1996.

But those cases are the exceptions. A study in Orange County showed that of the kids who show up in juvenile court, the overwhelming majority never return after their first scary visit, a sizeable percentage show up twice, and about 8 percent are kids who are repeat, chronic offenders.

As Congress returns to the juvenile crime bill, which has been larded up with such extraneous issues as gun control and wine sales on the Internet, responsible lawmakers will write legislation that strengthens the ability to deal with serious juvenile offenders but does not destroy thousands of other lives before they have a chance to begin.

They must do so for the sake of the kids, but also for everybody else — which means all Americans — who have a stake in troubled kids getting better not worse.

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September 7, 1999 Tuesday, CHICAGO SPORTS FINAL EDITION

SECTION: COMMENTARY; Pg. 14; ZONE: N; Voice of the people (letter).

LENGTH: 319 words

HEADLINE: JUVENILE CRIMINALS

BYLINE: Lynnette Stamps, Dwayne Sanders, Youth organizers, Illinois Caucus for Adolescent Health.

DATELINE: CHICAGO

BODY:

We applaud the coverage by Louise Kiernan in "Doors shut on 1 theory as the youth prisons open" (Page 1, Aug. 30). The Illinois Caucus for Adolescent Health advocates for holistic and preventative approaches to juvenile justice, which the article outlined. The recent trend to criminalize youth as "superpredators" has promoted such unnecessarily punitive legislation as Chicago's anti-gang loitering ordinance, which promotes profiling in low-income communities and communities of color.

The increased rates of incarceration of adolescent women are an alarming trend. Despite the decrease in juvenile-related crimes since 1994, Congress is considering legislation to give states block grants in the amount of \$1.5 billion to fight juvenile crime. The trend for programs funded by this money will treat adolescents with tougher, adultlike policies. The continuing treatment of youth as adults does not provide young people with the rehabilitation envisioned by the creators of Illinois' juvenile justice system; rather it is a step in shaping hardened criminals in years to come.

One example of effective prevention services that offer promise can be found in DuPage County, where a jail work camp provides an alternative rehabilitation method for non-violent juvenile felons. The camp will help inmates obtain their GED certificates, learn how to prepare resumes, learn basic computer skills and apply for jobs. The goal of the administrators is for everyone to leave the program with a job.

Incidents such as the recent school shootings must not be used to justify the passage of punitive juvenile justice legislation. Quick-fix solutions often do more harm than good. Illinois' evolution into a more progressive program on this issue will hopefully influence other states to rethink their public policy from the political demonization of juveniles to a more realistic perception of juvenile crimes.

GRAPHIC: GRAPHICGRAPHIC: (Illustration by) Anya Johnson.

LANGUAGE: ENGLISH

September 2, 1999, Thursday, FINAL EDITION

SECTION: OPINION, Pg. 16A

LENGTH: 553 words

HEADLINE: CREATE BETTER CITIZENS, NOT NEW CRIMINAL CLASS

BODY:

Five years after the Legislature gave prosecutors in Florida the power to send children to adult court, one author of the law regrets it. Former state Sen. Gary Siegel, who chaired the Senate Criminal Justice Committee that wrote the 1994 juvenile justice reforms, believes the law does too little to keep children from committing crimes.

"When you take a 13- or 14-year-old and send him to the state pen," said Mr. Siegel, a Republican who represented a suburban Orlando district, "you've created a career criminal." His criticism mirrors the results of a University of Florida study, which shows that children treated as adults are more likely to commit a crime again than those who go through juvenile court. Yet Florida's reforms have become the model for Congress' dangerous juvenile justice bill, which lawmakers plan to discuss next week.

No state has tried more children in adult court than Florida. As The Post reported Monday, Florida houses 10 percent of the 16,000 juveniles in adult prisons nationwide. One, 16-year-old Charisma McGee, spent two years in prison for burglary and auto theft. She qualified for punishment as an adult, at age 14, because she had been through the juvenile courts for shoplifting and purse-snatching. Because the juvenile system had no room in its programs for Charisma, her name went on a waiting list. She spent 21 days in a juvenile detention center and was sent home without getting the treatment, supervision and punishment a judge had ordered. Then she committed a more serious crime.

Charisma's case is typical. When she got out of prison, she moved back with her grandmother, one of the few in her family not incarcerated. Her little sister is in the juvenile detention center. Both her parents are in prison. Her 24-year-old boyfriend is in jail. What role models does she have?

Legislators wanted Florida's new juvenile justice laws to give prosecutors a way to protect society from violent children and to give those who had committed lesser crimes a sobering jolt that the juvenile courts could not provide. Among other problems, juvenile judges could not hold unruly defendants in contempt of court. The reforms have accomplished that goal, in some cases.

But there was a second goal: keep problem children from becoming career criminals. Florida was supposed to reduce the waiting lists for juvenile justice programs and keep track of children when they went home. That part of the law - which requires more money if it is to be successful - has not been a priority.

The sponsors of the federal bill have written it the same way: lots of money for prisons; no money for prevention. When anyone commits a serious crime, "that person, whatever his age, has to be removed from society," said Rep.

September 8, 1999, Wednesday KY/KENTUCKY

SECTION: NEWS Pg.05b

LENGTH: 532 words

HEADLINE: State studying racial mix of juvenile inmates

SOURCE: STAFF

DATELINE: LEXINGTON, Ky.

BODY:

Kentucky is will spend up to \$ 100,000 to study the racial gap in its juvenile detention centers, to determine whether they have a disproportionate number of black children and - if so - why.

Only 11 percent of Kentucky's children are black. But in 1998, 31 percent of the 12,690 admissions at the state's juvenile jails were black.

The disproportion is even greater in Louisville and Lexington, urban areas where most of the state's African Americans live. In 1998, the cities' non-adult minority populations averaged about 15 percent, but nearly half of the youths placed in detention centers were minorities.

"We're concerned that we don't have a lot of good numbers and facts to work with on this issue. There isn't much use in our speculating on what the causes might be," said Fayette District Judge Megan Lake Thornton, vice chairwoman of Gov. Paul Patton's juvenile-justice committee, which approved the proposed study.

In 1988, Congress responded to the disparity by amending the Juvenile Justice and Delinquency Prevention Act of 1974 to require all states to study the racial situation in their juvenile-justice systems.

Kentucky is conducting its study - albeit 11 years later - under the auspices of its 2-year-old Department of Juvenile Justice.

Most states' studies have concluded that black children were more likely than whites to commit the types of crimes - theft, burglary, assault and drug dealing - that attract the attention of police.

The reasons for this are complicated, said Kathryn Wood, a Somerset criminal-defense lawyer who is on the juvenile-justice committee.

Speaking generally, Wood said, black youths are more likely to be afflicted by the types of social problems - poverty, broken homes, parents with criminal records and poor educations - that can lead to a life of crime.

The juvenile-justice committee promised to give serious thought to possible solutions once the study is completed this fall.

"Our mood is, we want to get to the bottom of this problem," Wood said. "If the numbers are as they appear right now, it's very unfair, and it needs to stop. We also realize it won't be easy."

"It's a scary subject to address, and before you can address it, you need to get it on the table and have everyone drop their defensiveness," said Pam Lester of the Kentucky Department of Juvenile Justice.

Some people want juvenile jails - and later, adult prisons - to hold "other people's children" who can make the white middle class uncomfortable on the streets, Lester said.

"But we all live in the same community," she said. "We all have a stake in the success of all the children, not just the children who look like us. I don't believe in pointing fingers and saying: 'These are my kids; I care about them. And those are somebody else's kids; I don't care what happens to them.'"

Disproportionate numbers also appear in Kentucky's adult prisons - 38 percent of the inmates are black.

But the disparity is especially disheartening when teen-agers are involved, Lester said, because the original intent of juvenile courts a century ago was to rehabilitate young people instead of imprisoning them.

LANGUAGE: English

LOAD-DATE: September 10, 1999

Two Juvenile Justice Bills Under Consideration Would Make System Worse

BY CHRISTINE GERHARD

Two juvenile justice bills, now before a House-Senate conference committee in Congress, contain punitive measures, that if included as part of the final bill that the full Congress is expected to vote on this Fall, would make worse a juvenile justice system already characterized by Amnesty International as being harmful to children.

Regressive measures in the two bills fail to take into account the downward trend in juvenile crime, and instead, hit hard on the punitive side.

The House bill is especially disturbing because it re-institutes the dangerous practice of allowing young offenders in the federal system to be placed in cells with adults. Incredibly, one proposal would allow offenders as young as 13 to be housed with adult inmates in federal prisons, subjecting them to greater likelihood of sexual abuse and suicide.

Research has shown that juveniles commit suicide in adult jails eight times as often as those held in juvenile detention facilities. They are five times more likely to be sexually assaulted, twice as likely to be assaulted by staff, and 50 percent more likely to be attacked with a weapon.

The final bill should maintain current provisions calling for separation of children and adults, although even under present law, more than 3,700 juvenile offenders have been sentenced to prisons where they are not separated from adults, according to Amnesty International.

Other potentially injurious measures include removing confidentiality protections, thereby reducing the likelihood that youthful offenders could reenter mainstream society without stigma; expanding prosecution of juveniles in federal courts; allowing prosecutors alone, without review by judges, to determine if youthful offenders should be tried as juveniles or adults; and

requiring judges to impose long sentences on offenders, regardless of age, or the merits of each case.

The Senate bill repeals the already weak provision in federal law, requiring states to address the disproportionate confinement of minority youth, who like minority adults, are over-represented in the nation's jails and prisons.

Both the House and Senate bills inappropriately give parents the right to waive federal protections for their errant children, possibly subjecting the children to unacceptably long periods when they would be incarcerated with adults. These provisions should be dropped from the final bill.

Any new federal legislation must balance accountability for criminal activity with prevention measures that help kids stay on the straight and narrow, and must retain basic protections for children and youth who are already involved with the juvenile

justice system.

The juvenile justice proposals are being considered by five Senators and 20 Representatives, including Sen. Orrin Hatch, as Congress convened after Labor Day and the Conference Committee began its work.

The Committee should reject the unnecessarily harsh proposals, and instead, place emphasis on increasing resources for proven juvenile crime prevention programs.

In particular, the Conference Committee should adopt two provisions in the Senate bill that would increase funding for prevention. One involves setting aside for prevention programs 25 percent of an existing accountability block grant for juvenile programs.

The other provision calls for establishment of a "parenting as prevention" program. It is essential for the conferees to adopt the 25 percent set aside guarantee because investments in proven crime prevention programs are

the key to curbing juvenile crime.

Without a set-aside guarantee, there would be temptation to spend money on more detention and correctional programs, which the other 75 percent is intended for, instead of prevention efforts.

Finally, what started out as juvenile justice legislation has come to be overshadowed by the bills' gun control amendments. Since firearms kill nearly 13 children and young people every day, the modest gun law provisions that are in the Senate bill must be adopted: three business day background checks for all gun show purchases, safety devices sold with every gun, a ban on importing high-capacity ammunition clips, and a ban on juvenile possession of assault weapons.

These are minimum level provisions that will help protect children from gun violence. They should be included in the final bill along with the maintenance of current protections for

youthful offenders and sufficient funding for prevention programs. These are the best hopes for further reductions in juvenile crime.

The Child Welfare League America (CWLA) is an association of more than 1,000 public and not-for-profit agencies that directly help 3 million at-risk children and their families annually.

CWLA concentrates on protecting abused and neglected children, strengthening vulnerable families, and breaking the link between child abuse and juvenile crime. CWLA's Western Region is comprised of 15 states including Utah, and has over 20 agencies and organizations committed to guarding children's rights and protecting children's needs.

Christine Gerhard is deputy director of the CWLA Western Office — Mountain States. To learn more about CWLA or how you can help "Protect America's Children," visit the website at www.cwla.org.

September 12, 1999, Sunday

SECTION: Editorial ; Pg. 9b

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HEADLINE: Bills would endanger young people

BYLINE: By Mike Jones

BODY:

Juvenile justice bills now before some House-Senate conference committees in Congress contain punitive measures that, if included in the final bill that Congress is expected to vote on this fall, would make worse a juvenile justice system already characterized by Amnesty International as harmful to children.

Regressive measures in the two bills fail to take into account the downward trend in juvenile crime and, instead, emphasize the punitive side. Incredibly, one proposal would allow offenders as young as 13 to be housed with adult inmates in federal prisons, subjecting them to a greater likelihood of sexual abuse and suicide.

Any new federal legislation must balance accountability for criminal activity with prevention measures that help kids stay on the straight and narrow - and it must retain basic protections for children and youths who are already in contact with the juvenile justice system.

Besides the proposal to house young offenders with adult prisoners, other potentially injurious measures include expanding prosecution of juveniles in federal courts; allowing prosecutors alone, without review by judges, to determine if youthful offenders should be tried as juveniles or adults; and preventing judges from considering each case on its merits. Recent studies have shown that youths, when tried in adult courts, serve less time, are more likely to reoffend and are more likely to commit an even more serious offense.

The conference committee should adopt two provisions in the Senate bill that would increase funding for prevention. One involves setting aside 25 percent of an existing block grant for juvenile prevention programs. The other calls for establishment of a "parenting as prevention" program. Investments in proven crime prevention programs are the key to curbing juvenile crime.

The House bill is especially disturbing because it re-institutes the dangerous practice of allowing young offenders in the federal system to be placed in cells with adults. Research has shown that juveniles commit suicide in adult jails eight times as often as those held in juvenile detention facilities. They are five times more likely to be sexually assaulted, twice as likely to be assaulted by staff and 50 percent more likely to be attacked with a weapon.

The final bill should maintain current provisions calling for separation of children and adults.

The Idaho Statesman, September 12, 1999, Sunday

, .Mike Jones of Boise is president of the Idaho Youth Ranch.

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Letters to the Editor

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More punishment no cure for kids' crime

The juvenile justice bills now before a House-Senate conference committee in Congress contain punitive measures that would make worse a system already characterized by Amnesty International as harmful to children.

Regressive measures in the two bills the committee will merge fail to take into account the downward trend in juvenile crime and instead hit hard on the punitive side. Incredibly, one proposal would allow offenders as young as 13 to be housed with adult inmates in federal prisons, subjecting them to greater likelihood of sexual abuse and suicide.

Any new federal legislation must balance accountability for criminal activity with measures that help kids stay on the straight and narrow—and it must retain basic protections for children who are already in contact with the juvenile justice system.

In particular, the conference committee should adopt provisions in the Senate bill that would increase funding for prevention. Investments in proven crime prevention programs are the key to curbing juvenile crime.

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likely to be sexually assaulted, and 50 percent more likely to be attacked with a weapon.

The Senate bill repeals the weak provision requiring states to address the disproportionate confinement of minority youths, who, like minority adults, are overrepresented in the nation's jails and prisons. The Senate provision should be dropped. And both bills inappropriately give parents the right to waive federal protections for their errant children, possibly subjecting the children to unacceptably long periods when they would be incarcerated with adults. This provision also should be dropped.

Finally, what started out as juvenile justice legislation has come to be overshadowed by gun control amendments. Since firearms kill nearly 13 children and young people every day, the modest gun law provisions in the Senate bill must be adopted: three-business-day background checks for all gun show purchases, safety devices sold with every gun, a ban on importing high-capacity ammunition clips and a ban on juvenile possession of assault weapons. These minimum-level provisions should be included in the final bill along with the maintenance of current protections for juvenile offenders and sufficient funding for prevention programs. These are the best hopes for further reductions in juvenile crime.

Constance H. Ackert,
executive director,
Illinois Action for Children

Juvenile Crime Bill Unconscionable

BY JANICE PETERMAN

As the mother of a young son who died needlessly in an adult jail, you can imagine my outrage and shock to hear that some members of Congress are ignoring countless tragedies of children being harmed in jails, prisons and juvenile facilities, like the one that took my son Chris's life, and seeking to pass laws that will result in more children being hurt and abused.

During the last 17 years, I have bitterly regretted the day my former husband allowed our 17-year-old son Chris to be placed in the Ada County Jail for \$73 in unpaid traffic fines.

His father thought the experience would toughen Chris up, and if nothing else he thought he would at least be safe in the jail.

In a three-day ordeal, our slightly built young son, who had a reputation as a good kid and who had never been in any serious trouble before, was beaten, tortured, burned and bludgeoned to death by five older inmates who shared his cell.

Four of the five had extensive records. Yet the jail didn't know how to deal with youngsters or provide basic safeguards which would have protected our son from his killers.

I swore his death would not be in vain. I turned my grieving for Chris into work to protect other families from suffering a similar tragedy.

As part of the class action lawsuit that was filed on our behalf, I was horrified to learn that more than 650 children had been held in the same jail over a 3-year period, 42 percent for traffic offenses and 17 percent for such minor things as truancy and underage drinking.

We also discovered that another 17-year-old youngster, who had been serving a 30-day sentence for failing to pay a fine for possession of tobacco, had been beaten about a week before Chris was killed by some of the same inmates who were responsible for Chris's death.

Amazingly, after this youth had been beaten for 2

hours he was taken to the local hospital only to be returned to the same cell afterwards.

Thankfully, the local officials in Boise agreed to enter into a consent decree to end incarceration of youth in the jail, an agreement which is still in place today. However, now Congress is threatening to change this.

As part of the juvenile crime bill which was passed by the House, and which is due to be taken up by a House-Senate Conference Committee in September, Representative Tom DeLay (R-TX-22) has inserted a provision which would automatically terminate all consent decrees of this type which were in effect before April of 1996.

I've learned that these types of consent decrees exist in scores of counties around the country where children have been abused and mistreated in adult jails and poorly run juvenile facilities.

That means that if the DeLay amendment is made into law, children could once again be held in the Boise jail where Chris died, and thousands of children could again be locked up under dangerous, often horrific conditions in other jails and juvenile facilities all over America.

Congress is also considering other changes that would place many children at risk and do nothing to make our communities safer. These changes include allowing federal prosecutors non-reviewable discretion to try youths charged with federal offenses as adults, thereby allowing children as young as 13 years old to be jailed with adults, and eroding the confidentiality protections for young people by making their records available to schools to which they are applying.

I'm praying that Congress comes to its senses. We all agree that kids need to be held accountable for their behavior, but accountability shouldn't mean putting our children in dangerous and inhumane situations. Mr. DeLay and his colleagues in Congress shouldn't give up on our kids — we never would.

Janice Peterman is the mother of a teen who was killed while in an adult correctional facility.

Chicago Tribune

Sunday, September 12, 1999

Setting the tone for juvenile justice

The federal government does not involve itself greatly in matters of juvenile crime and punishment, and that is as it should be. After all, juveniles rarely commit federal crimes.

But in recent years, as the notion of protecting the citizenry from a predicted generation of pint-sized predators gained political currency, Congress vigorously turned its attention to juvenile crime issues. Properly directed, such attention might be welcome; sadly, it is not in this case.

A conference committee is working now to reconcile juvenile justice bills passed earlier this year by the House and the Senate, and the conferees no doubt are preoccupied with high-profile gun-control amendments. But gun control, critical as it is, ought not be allowed to overshadow the bills' juvenile justice provisions.

That's because although only a relative handful of juvenile offenders come under the jurisdiction of the federal courts each year, the laws governing their treatment constitute a model for the states.

The bills under consideration raise concerns because they whittle away at critical areas of protection that have long formed the bedrock of juvenile justice in this country. And if there is one overarching role the federal government *must* play, it is to set a tone and send the message that juveniles who come in contact with the law are entitled to protections not accorded adults: that rehabilitation, not long-term incarceration, is the goal, and that prevention now is

far preferable to punishment later.

Yet between them, the House and Senate have included a number of provisions that would seriously erode those principles. They would:

- Broaden the circumstances in which children as young as 13 may be prosecuted and sentenced as adults for certain crimes. Is a kid of 13 old enough to fully understand his constitutional rights? Is he old enough for society to give up on his chances for a productive life? It is appalling that Congress could answer yes to those questions.

- Give prosecutors unilateral discretion to transfer to adult court a juvenile charged with certain crimes. In those rare cases where it may be warranted to strip a child of the protections usually accorded children, the decision to do so should be left to a judge, not to the prosecutor, who has a built-in conflict of interest.

- Allow juveniles to have incidental contact with adult prisoners and, in some cases, *to be housed with them*. This even though kids in adult prisons are eight times more likely to commit suicide than those in juvenile facilities, and have a far greater chance of being injured. Surely justice is not served by increasing the numbers of children put at such risk.

If Congress wants to show its concern for curbing juvenile crime, it should be offering full funding and support for prevention measures, including early intervention and parenting programs. That would preserve the integrity of the juvenile justice system—and send the right message to the states.

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