

103

JUVENILE CRIME: BREAKING THE CYCLE OF VIOLENCE

Y 4. J 89/2: S. HRG. 103-1087

Juvenile Crime: Breaking Cycle of V... **RING**

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

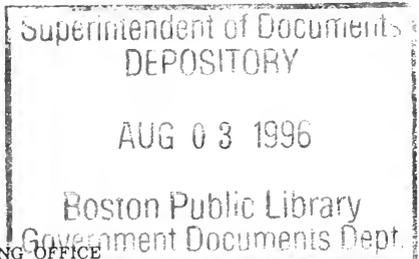
FINDING SOME EFFECTIVE SOLUTIONS TO VIOLENCE BY JUVENILES
AND AGAINST JUVENILES

CHICAGO, IL

NOVEMBER 29, 1994

Serial No. J-103-76

Printed for the use of the Committee on the Judiciary



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JUVENILE CRIME: BREAKING THE CYCLES OF VIOLENCE

TUESDAY, NOVEMBER 29, 1994

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Chicago, IL.

The committee met, pursuant to notice, at 11:12 a.m., in the Ceremonial Courtroom (room 2525), Dirksen Federal Building, Chicago, IL, Hon. Carol Moseley-Braun presiding.

OPENING STATEMENT OF HON. CAROL MOSELEY-BRAUN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator MOSELEY-BRAUN. The meeting will come to order.

Good morning, ladies and gentlemen. I am pleased to report I have spoken this morning with Senator Joe Biden, who is the chairman of the Judiciary Committee, at least for the next couple of months, and he has authorized us to go forward with this hearing on "Juvenile Crime: Breaking the Cycles of Violence." This is a Judiciary Committee field hearing for the Juvenile Justice Subcommittee of the Judiciary Committee of the Senate.

I am pleased to call to order this meeting of the Senate Judiciary Committee, Subcommittee on Juvenile Justice. Today, the subcommittee will address the topic of "Juvenile Crime: Breaking the Cycles of Violence."

By now, none of us is unaware of the skyrocketing rate of juvenile crime and violence, or the lack of legitimate opportunities or alternatives for many of these youth. Day after day in this country, television and newspapers show us one tragedy after another, until we are almost numbed by it. Chicago, in particular, has struggled to understand a number of horrible crimes by and against juveniles, from the hanging death of Joseph Wallace to the shooting death of Shavon Dean by Robert Sandifer, and, of course, his subsequent execution by fellow gang members.

The cumulative impact of these stories and of the riveting series of articles that recently appeared in the Chicago Tribune entitled "Killing Our Children," that series have combined to create a real demand for action by the American people. They want solutions to the problems of youth violence; they want action; and they want it now.

I have received literally hundreds of calls and letters from residents across Illinois who are appalled by the conditions in which so many of our children live. Those calls and letters were, in fact,

the catalyst for today's hearing, a hearing that I hope will highlight some effective solutions to violence by and against juveniles.

During my time in the Senate, I have been exploring ways to combat youth violence. As I am sure most of you know, I offered an amendment to the crime bill that addressed the issues of juvenile justice, including one that required children as young as 13 years old to be tried as adults for certain violent crimes. I would like for one moment to explain why I felt that that amendment was important.

When the first juvenile court was established in 1899, right here in Cook County, by the way, its purpose was fundamentally different from that of the criminal courts. Criminal courts exist to affix blame and to punish crime. Juvenile courts, on the other hand, were designed to function as surrogate parents for wayward youth. Rather than adjudicate guilt or innocence, juvenile courts focused on the child's welfare. The juvenile courts concentrated more on the characteristics of the offender than on the characteristics of the offense.

That made sense at the time, and aspects of that way of thinking make sense today. When separate courts for juveniles were established, a youth in the juvenile system had most likely been charged with shoplifting, truancy, or other more relatively minor offenses. Today, however, that crime can just as easily be an aggravated assault, forcible rape, or even murder.

That is not to say that I feel the Juvenile Justice System should be abolished, and I would like to be very clear about that. The goals of the system—serving as a sort of surrogate parent for wayward youth, sparing children the trauma of contact with the Criminal Justice System, avoiding the stigma of branding a child a criminal—are noble goals, indeed, and goals that I—in most cases—support. But the fact remains that there is a small but rapidly increasing group of violent juvenile offenders who arm themselves with handguns, sawed-off shotguns, or semiautomatic weapons and roam the streets with absolutely no respect for human life. In fact, if anything, they become predators on other children whom it is our obligation to protect.

The Juvenile Justice System, as originally envisioned at the turn of the century, was not created for this growing population of youth committing adult crimes. Our laws, I believe, must adapt to reflect this changing reality. These young juvenile violent offenders must be held accountable for their actions.

Getting tough with young criminals is an essential element of any solution to juvenile violence. We must lock up juveniles who literally terrorize their communities. We must ensure that they know that there is no excuse for that kind of violent behavior and that they will be punished, and even severely, for the terrible crimes of violence that they commit.

Yet as we demand accountability, as we make punishment for violent youths tougher and more certain, we must also improve our efforts to prevent crime in the first place. Our communities are better, safer places if we can lower the crime rate. Preventing crimes gives our neighborhoods and gives our people, particularly our young people, a better chance to succeed. We must, therefore, have a comprehensive strategy to address juvenile crime, one that fo-

cuses not only on personal responsibility, but also on creating real opportunities for our young people.

It is my hope that today's hearing can help to do that. Today, we will explore ways in which law enforcement and the courts must change in order to protect children from harm and areas where improvement is needed. But, unlike past hearings before the Juvenile Justice Subcommittee, we will not focus solely on the recent rise in serious, violent crimes committed by juveniles. Instead, we will also examine the problem of children as victims of crime, including child abuse and molestation. Studies have demonstrated that children who are abused early in life are 53 percent more likely to become delinquent in their teen years. If we fail to prevent crimes against children, we will never be able to stop crimes by children.

Before I begin, I would like to make one last point. There is an old African proverb that says, "It takes an entire village to raise a child." The problems we have gathered here to discuss can never be solved by government alone. The right kind of government action is critically important, but if we are ever going to be successful in giving our children back their childhoods, every member of the community must be involved. If people leave this hearing today with only one message, it should be this: that every single one of us has a duty to become involved in their neighborhoods, because one person truly can make a difference, and every child needs our help.

Just ask Sharon Linzy and Ila Perisin, whose fight to extradite an accused child molester has led to the formation of a nationwide grass-roots organization to combat child abuse and molestation and landed them on the nightly news. Or ask Tom Slawson, whose company—Vitner's Snack Foods—runs an inner-city horticultural program for young people living in Cabrini-Green. If more of our business and community members were like these witnesses, the problems facing us today would not seem so daunting.

With that, I understand that Judge Hall and Dr. Carl Bell have time constraints and will have to leave early. So I would like to call them to the witness stand.

Our witnesses today are divided into three separate panels, and so I want to call these witnesses, Judge Hall and Dr. Carl Bell, as part of the first panel.

With that, Judge Hall.

PANEL CONSISTING OF SOPHIA H. HALL, PRESIDING JUDGE, JUVENILE DIVISION, CIRCUIT COURT OF COOK COUNTY, CHICAGO, IL; AND CARL C. BELL, M.D., COMMUNITY MENTAL HEALTH CENTER, CHICAGO, IL

STATEMENT OF SOPHIA H. HALL

Judge HALL. Good morning, Senator Braun. I am delighted to be here to speak to you about issues of juvenile justice, which, from your opening remarks, you have a very good sense of. And as you well know, the Juvenile Division of the circuit court of Cook County was the first juvenile court established in the Nation in 1899. As the presiding judge of that juvenile court, I feel a particular responsibility toward the progress in juvenile justice that we are seeking as we approach our 100th year anniversary.

Many today may describe the rising problem of juvenile crime. Statistics can be presented and newspaper articles recalled. And as you noted in your opening remarks, Chicago has seen more of these cases than we would like, as recounted in the local and the national media.

Today, I want to talk about the difficult, long-term, but possible solutions for the rising tide of these tragedies. These day-to-day tragedies can be prevented through local, personal, and intense intervention in the lives of children and their families.

At the Juvenile Division of the circuit court, we try to find solutions that will assist children and their families. We serve children at risk from birth on into their preadult lives. We see infants and children alleged to have been abused and neglected in our abuse and neglect section of the court. And in the delinquency section, we hear the cases of children accused of crime.

Too frequently, when we investigate the background of these children in the Delinquency Section, we discover a history of abuse and neglect. In these cases, the cycle of violence stands before us, embodied in a child, once a victim and now a perpetrator.

The juvenile court is among a number of institutions that have the opportunity to intervene in and to break that cycle of violence by identifying the problems and referring the children and families to people who can help. Other institutions which may be able to intervene earlier in the lives of families at risk are health care providers, schools who see children every day, and government agencies like our Illinois Department of Children and Family Services who see families who are called to their attention who are particularly at risk. Their efforts at an early point may solve a family's problems before they rise to a level requiring court involvement.

What kinds of solutions am I talking about? One of the kinds of solutions is to provide options to mothers who are giving birth who may need to call someone to find out something or to relieve stress in particular circumstances. There is a program called Healthy Families America that has been tried in Hawaii that appears to have had an effect on the possibilities of abuse and neglect occurring in Hawaii.

Another area of serious need is the area of substance abuse. We find in the abuse and neglect section of our court that an estimated 80 percent of the families have some substance abuse problems. If we have programs that can deal with drug addiction in those families, they can help to prevent crime.

For instance, frequently we might see a baby who is born with cocaine in their system, and obviously intense interventions are necessary there. But their mother needs a solution, too. There are three programs that we have in Cook County that treat the mother and the child together in a residential setting to provide the intervention, to get the mother off of drug abuse, and to deal with their problems, and also that cause of that drug abuse, and also to help her in relating to her child. These three programs are: Haymarket, Interventions, and Forever Free.

As you can see, they are expensive kinds of programs in that you have the mother and child in the home. But this is a way to address that kind of issue in that family.

Senator MOSELEY-BRAUN. Judge Hall, may I ask, when you refer to residential setting, is that a residential setting outside of the family home? Is that a separate residential setting?

Judge HALL. Yes, a separate setting for the mother and her children, and the help that she needs is right there in that setting. And when that mother is able to live independently with her child in her own separate residence, there would be wrap-around services to continue to provide that network of support that any family needs.

A third area, of course, is family violence and the need to address abuse in the home and the appropriate individual and family counseling that would be necessary in those settings.

These are ways to prevent crime in the home, which abuse in the home is, and crime outside the home that an abused child may commit.

What can the Federal Government do to assist families and communities in breaking the cycle of violence? I believe that the solution is in funding a local community service center where the family can easily access a place that can refer them to the services that they need, the kinds of services I am suggesting. This kind of investment in solutions before crime occurs can save millions of dollars by reducing potential future crime costs and also can provide productive adults who can work in and ultimately lead this country.

Our children are suffering the sins of their fathers. By that I mean that our children are bearing the brunt of our Nation's policy choices which have resulted in the increasing gap between the haves and have-nots, underfunded public education, an increasing reliance on drugs, and rising revelations of domestic violence, just to name a few consequences.

The solution for juvenile crime, the long-term solution not the kind of solution that seems to be in vogue—that is, requiring larger juvenile detention centers and jails or requiring younger and younger children to be tried as adults, or even using a “three strikes and you're out” sentencing requirement—the solution is in these long-term preventions. We must fix our own house, our own Nation's priorities, because, as that is done, our children will be able to thrive and become adults who care for themselves and who also care for their communities and can contribute.

[The prepared statement of Judge Sophia H. Hall follows:]

PREPARED STATEMENT OF JUDGE SOPHIA H. HALL

Many today may describe the rising problem of juvenile crime. Statistics can be presented, newspaper articles recalled. Chicago has seen more of these cases than we would like as recounted in the local and national media. Today, I want to talk about the difficult, long term, but possible solutions for the rising tide of these tragedies. These day-to-day tragedies can be prevented through local, personal and intense interventions in the lives of children and their families.

At the Juvenile Division, Circuit Court of Cook County, we try to find solutions that will assist children and their families, we serve children at risk from their birth on into their pre-adult lives. We see infants and children alleged to have been abused or neglected in the Abuse and Neglect Section of the Court. In the Delinquency Section, we hear the cases of children accused of crime. Too frequently, when we investigate the background of these children in the Delinquency Section we discover a history of abuse and neglect. In these cases, the “Cycle of Violence” stands before us, embodied in a child, once a victim and now a perpetrator.

Since 1992, the number of delinquency cases pending in the court has risen from over 15,000 to over 18,000. The number of abuse and neglect cases has also risen since 1992, from 25,000 to 35,000. Our communities, as you can see, are well populated with children at risk and with an increasing potential for violence by children in the future, if we do not intervene effectively now.

The Juvenile Court is among a number of institutions that have the opportunity to intervene in and to break the "Cycle of Violence" by identifying problems and referring children and families to people who can help. Other institutions, which may intervene earlier in the lives of families at risk, are health care providers, schools who see children everyday, and government agencies like our Illinois Department of Children and Family Services who see families called to their attention who are particularly at risk. Their efforts at an early point may solve a family's problems before they rise to a level requiring court involvement.

The solutions all these institutions can offer usually require further referrals to services which can provide personal evaluation and assistance to the family and their children. For instance, a mother who is at risk for abuse and neglect might receive help from programs where all mothers giving birth are offered someone they could phone when the stresses of parenting overwhelm them or when they just need information. Hawaii's "Healthy Families America" program provides such a service, with initial results seeming to indicate a decrease in the numbers of abused or neglected infants brought into the judicial system.

Other solutions must be directed toward the issues of substance abuse. We estimate that 80 percent of families in the Abuse and Neglect Section have some substance abuse issues. For example, a rising part of our court caseload includes infants born with cocaine in their system. The solution for the child includes intense services to overcome the effect of the drug on them. Their mother's solution is help in overcoming her drug addiction, and facing the problems causing her reliance on drugs. There are programs that provide this assistance in a residential setting where the mother and her children live together. As the mother addresses her problems, she also learns how to better relate to her children. Such programs also provide follow-up wrap around services when she and her children are ready to live independently. Too few of these comprehensive programs are available. In Cook County, we have only three residential facilities which serve mother and children, Haymarket, Interventions and Forever Free. We also have the more typical non-residential drug rehabilitation programs for mothers and their children, but again, too few.

As drug abuse is a persistent problem we see in families appearing in court, we also see the effects of family violence. Children who are subjected to violence, or witness it, learn that violence is an acceptable way to solve conflicts. Preventing or addressing this abuse within that child's family through individual and family counseling, therefore, can lessen the risk that these children may later become involved in violent behavior of their own, including criminal behavior.

Services that provide personal, positive interaction with children at risk can be effective in reducing rates of juvenile crime. Recently, *Time Magazine* in its November 14, 1994 issue, reported on a program in Fort Myers, Florida that brought down the rates of juvenile crime in that community. The solution was not larger juvenile detention centers and jails. Nor was it more laws requiring younger and younger children to be tried as adults. It was not even a "three strikes and you're out" sentencing requirement. The solution was a program called STARS.

Time reported that STARS is an academic and recreation program for youth which started three years ago. This program offered academic and recreational activities for children. It provided intellectual and emotional rewards as well as hope to youth participating in positive activities. *Time* reported that during that three year period juvenile crime dropped 27 percent. *Time* also reported that the National Recreation and Park Association released a nationwide study of prevention programs that evidenced that recreation and training can contribute directly to decline in crime and juvenile arrest rates.

The few solutions that I have discussed indicate that crime prevention starts with our families and in our communities. So much is needed to assist families in communities resources are minimal. Children who live in these environments are particularly at risk. Though some of the families and children are strong, overcome the odds, and survive, many are overwhelmed and are caught up in the "Cycle of Violence".

What can the federal government do to assist families and communities in breaking the "Cycle of Violence?" In short, encourage and fund local social service programs which can provide long term, permanent solutions. That investment will save millions of dollars by reducing potential future crime costs and provide productive adults to work in and lead this country.

I would suggest that a local community center be the place to which individuals, families and institutions can go to obtain help for families and children at risk. The Center would be easily accessible to families who might need economic, psychological and other support like day care. This Center could receive referrals from those who see children in trouble and might wish to help before or after courts become involved. Self-motivated parents seeking help similarly could come to it. The Center could receive referrals from schools, churches, and government agencies. Likewise, the Center could refer families to each of these institutions when necessary and appropriate. The police could refer a child or family to the Center as part of a station adjustment for a minor offense, or the Juvenile Court could refer to the Center after a child is adjudicated a delinquent, if the court places the child on probation. An appropriately staffed and funded community Center can go far in addressing the problem of juvenile crime.

Our children are suffering the sins of their fathers. By that I mean that our children are bearing the brunt of our policy choices which have resulted in an increasing gap between the haves and the have nots, underfunded public education, an increasing reliance on drugs, and rising revelations of domestic violence, to name a few consequences. The solution for juvenile crime, the long term solution is prevention. We must fix our house, our nation's priorities. As that is done our children will be able to thrive and become adults who care for themselves and for their communities.

Senator MOSELEY-BRAUN. Thank you.

Before we go to Dr. Bell, I would want to ask a question regarding the need for coordination in juvenile justice services. A recent American Bar Association report observed that, "Families and children are hurt by the bewildering array of courts and social service agencies that are typically involved in complex cases. Services are fragmented. The same family may have different caseworkers from a child welfare agency, a school, a community health center, a juvenile delinquency program, and a substance abuse treatment program. The myriad courts and social service agencies do not communicate adequately with each other, resulting in unnecessary delay, duplication, and contradicting rulings and recommendations." Again, this is from the ABA report on America's Children at Risk.

In your opinion, Judge Hall, how serious of a problem is the lack of coordination among agencies responsible for children's welfare? And what can be done to remedy that?

Judge HALL. It is a serious problem, and I am sure that you are aware of many of the Federal Government agencies that are devoted to providing services to children and families, and they have programs all across the board.

Here in the State of Illinois, we have several State agencies that are addressing families, but they always address them from particular problems, like the Department of Mental Health and Developmental Disabilities that addresses mental health and disabilities; the Department of Alcohol and Substance Abuse that has programs dealing with substance addiction; the Department of Public Aid that provides economic support and, therefore, also intervenes in that part of a family's lives; the Department of Children and Family Services, another separate agency that addresses issues of abuse and neglect in the family.

The plan that needs to be on the table is to have these agencies work together, and I think Governor Edgar has talked about this possibility, have these agencies work together so that you would have one social worker, say, for a particular family, however they come into the system in their first contact, and this person would refer them out.

In my suggestion concerning this local community service center, the family who might be motivated on their own to go to seek help or who might be referred there because of the Department of Children and Family Services intervention or the court's intervention could go to one place, and there the various agencies that might be needed to service their problems, their services can be brought in.

Yes, when I first came into this area 2½ nearly 3 years ago as presiding judge of the Juvenile Division, that was one of the first things I could observe: the myriad of agencies. We have a lot of help out there, but they are so frequently uncoordinated.

Senator MOSELEY-BRAUN. To what extent have you had success in achieving intergovernmental cooperation, that is, say, among the other governmental agencies that impact on these issues?

Judge HALL. It is so very difficult. As you can imagine, the abuse and neglect section of our court works with our Department of Children and Family Services because, if there is a finding that there has been abuse or neglect, we have to refer that family for services, and they go to the Illinois Department of Children and Family Services, who find the services and who can develop services.

It has been very difficult developing that relationship. As much as I have worked on it, there have been changes in the government, the head of that department, in attorneys who work for that department. I do hope that right now we are on the threshold of achieving the kind of coordination that is needed, which is, in my estimation, having particular members of the Department of Children and Family Services who are responsible for operations, that is, seeing that caseworkers do their job and that services are provided right in the Juvenile Division courthouse to respond directly to the judges and to myself to those areas where the judges see that the services are not being provided, and by responding directly, have that accountability that is so needed to see to it that the services get there.

But coordinating the court and the Department of Children and Family Services is not an easy job, but it is a doable job if we realize that this is critically important to using our money economically.

Senator MOSELEY-BRAUN. Obviously, one of the threshold issues with regard to achieving that kind of coordination has to do with information sharing. At the present time, does the court system share information either with or from the State departments and the other departments of government that may have a role to play in this area?

Judge HALL. As you are aware, probably the government is in the Dark Ages when it comes to appropriate computerization of information. So it is not only—we are not as far advanced as private industry. So not only do we have to gather our own information, but we have to be able to gather it in a way that other agencies can use it, too. And sometimes you have turf issues around that.

The information gathering and sharing mechanically can be difficult, and policywise it can be difficult. But this is something that we have been working on for the 2½ years, to develop our own information capability and to see to it that it is shared.

For instance, just one point: The Illinois Department of Children and Family Services even now has a category of cases which they have records of that they serve, and they do not carry the court docket number that their case is in court so that, in maintaining their information, they can know what responsibilities in this category of case they have toward the court. So if we want to share information on those cases, we cannot use the court docket number as a control for the court's records and the Illinois Department of Children and Family Services records.

Senator MOSELEY-BRAUN. And so at the present time, then, for example, you have no capacity to link up the governmental interactions and the record, if you will, of a youngster that may have a juvenile record in the court system as well?

Judge HALL. We do have a capacity, but it tends to be more manual than computerized. And that way it takes time, and it is more difficult gathering that information.

Senator MOSELEY-BRAUN. Judge Hall, I want to thank you. I know that yours is one of the busiest sections of the court system at the present time, and I certainly very much appreciate your taking the time this morning to share with us and to share your statement with us and to testify. We will, as you know, work further on these issues, and we will get back with you and others who are involved this morning as we try to develop some responses for this area that can be helpful, particularly in regards to communicating and allowing for cooperation among agencies and among institutions in this regard, because I think certainly we have every opportunity to beef up that communication, and that in so doing we will save money and do a better job for our young people and for our community.

Judge HALL. Thank you.

Senator MOSELEY-BRAUN. I want to thank you very much for your testimony this morning.

Judge HALL. Thank you for your consideration.

Senator MOSELEY-BRAUN. Thank you, judge.

Dr. CARL BELL. Dr. Bell and I are old friends, and he has distinguished himself now as a national expert on the issue of juvenile justice and violence among young people. So, Dr. Bell, welcome.

STATEMENT OF CARL C. BELL

Dr. BELL. Good morning, Senator. I want to focus a little more narrowly. Before I do that, I want to try to frame things a little bit better, because when people talk about violence and breaking the cycle of violence, I get confused. I am not sure if they are talking about group violence or if they are talking about individual violence, because the manner in which that violence is manifest is very different. Mob violence is very different from individual violence.

I am not sure if people are talking about sexual violence or nonsexual violence. They function differently. I am not sure if people are talking about predatory violence—that is, violence which is committed by people with criminal intent—or if they are talking about interpersonal altercation violence, which tends to occur between two people who know one another, they get into an argu-

ment, there is a fight, somebody gets murdered. That tends to be the largest proportion of violence.

I am not clear if they are talking about gang-related violence, which is different, or if they are talking about drug-related violence, or if they are talking about self-defense. So I think we have got to be very careful because predatory violence, violence which is committed by people with criminal intent, has a very different motivation than interpersonal altercation violence or family violence. Because it has a different motivation, it has got to be approach differently in terms of solving the problem.

Recently you have been hearing a lot of hoopla about taking a public health approach to violence. That is a laudable goal, but it is not directed towards the predators in society, the guy who has killed five different people on five different occasions while he was robbing them. I am not interested in counseling him. Lock him up for a longtime. It is OK. You know?

On the other hand, where you have domestic violence, then I would be interested in counseling the husband that is beating his wife, because he has obviously got a problem and maybe I can help him with that problem. So we have got to be real clear about those differences.

Similarly, if you are talking about gang-related violence, which overall is about 2 percent of the murders in the country, I am not as concerned about that death. Two percent is a lot, but it is not 98 percent. There is a larger proportion of violence that goes on.

If, on the other hand, you start looking at juveniles, which is what we are talking about today, and you look at the issue of gang-related violence, you find out that it is about 35 percent of all teenagers that get killed. But, again, you have got to be very careful because you see different ethnic groups committing violence in different ways.

In Chicago, for example, the Illinois Criminal Justice Information Authority has the best surveillance of homicide in the world, and they are real clear that Latino teens kill themselves in gang-related murders at a rate of about 65 percent, while black teens, the gang-related murder death is about 30 percent, and white teens, it is about 40 percent. So if you are going to construct a gang intervention violence program in the city of Chicago and it is 100 percent effective, you would stop 65 percent of Latino teenage deaths. You would only stop 30 percent of black teenage deaths, because the other 70 percent of those deaths tend to occur in predatory situations and interpersonal altercations and family violence.

So we have got to be real clear if we want to talk about breaking the cycle of violence. We have got to be very specific about the type of violence we are talking about because it is going to have different impacts depending on which age range you look at, depending on which ethnic group you look at, and depending on which city you look at.

So we need to be very careful when we talk about violence. It is like talking about sex. You know, what are you talking about? Are you talking about heterosexuality, homosexuality, masturbation, pornography?

We have got to get much more specific and define the types of violence that we are talking about if we are going to start making meaningful interventions. So that is the first point.

The second point I would like to make is strictly from a perspective of juvenile justice. I am the past chairman of the National Commission on Correctional Health Care, which is a consortium of health care organizations, national medical associations, the American Medical Associations, the American Nurses, every health care organization you could name. And these groups got together to form this commission because we were concerned about health care in our Nation's correctional facilities.

We are real clear that if an inmate is in jail or prison or juvenile detention and they get tuberculosis and they are not treated in that facility, then what is going to happen is that when they get released—and the majority of people get released—they are going to come out into society and give everybody TB. So our concern was very much a public health concern, and we were very much concerned with providing quality health care in jails, prisons, and juvenile detention centers, because we are convinced that the Nation's health care is linked to the least of us, and often the least of us are incarcerated.

I will give you an example of a serious problem. If you look at AIDS and you ask yourself what is happening in our juvenile detention facilities to teach young children how not to get HIV infection, you will find that there is not a lot going on. And that is sort of scary to me because those are probably the highest-risk children that we have in our population. You see a lot of promiscuity, a lot of prostitution, running away, and drug use in that population. But when you look at the infrastructure that is in place to teach those kids how not to get AIDS, you do not find it very well developed.

As a result, the National Commission developed an AIDS prevention program, and we went into the States that had juvenile detention centers, and we taught nurses, physicians, and physician assistants how to teach these young people how not to get AIDS by a curriculum that we developed, a rather thick manual. And we were able to promulgate that because the Centers for Disease Control gave us a grant, so we were able to train health care providers in detention centers to deliver this information to children.

That since has been stopped. It is no longer being funded.

The reason I give you that example is to say that I think we can do similar kinds of things in juvenile detention centers around the issue of violence. We have been in the Cook County Detention center. We have been in the New York centers. We have been in the Washington State centers. We have been all over the country. And when we talk to young people that are incarcerated, it is very striking to us how much violence they have witnessed personally—not on TV but family violence.

We have done studies at the Community Mental Health Council which indicate that in the community, poor black community, 45 percent of freshman students in a high school that will go unnamed have seen a murder. Have seen a murder.

We are convinced from our studies that this trauma, this stress of witnessing this type of violence, has a serious impact on children and on teenagers. Specifically, it promotes violence. It promotes

drug use. It promotes unsafe sex because a child sees something horrible like that, they have a foreshortened sense of their future, they take risks, they do not engage in safe sex. They also, it seems, do not make an investment in their education.

So that when we have been in the detention centers and we have talked to these children, we have found that they are very much exposed to violence. So one of the things that we tried to do at the National Commission was using this model of teaching health care providers to teach juveniles about how not to get AIDS. We also were developing a program and a curriculum to teach kids about violence prevention, conflict resolution, helping children debrief their stress, to try to figure out that they could survive witnessing the extreme violence that they witnessed, in the hopes that when they left the facility they would have an investment in their future, they would stop taking these high risks, and hopefully they would go into a different track.

So one of the things that we want to recommend is that all children in detention centers and in our correction facilities, juvenile correction facilities, need to be screened around witnessing violence, witnessing murder, witnessing shootings and stabbings, because we think that is a serious problem.

In one study that we did in Cook County, we found that 15 percent of these kids had been shot or stabbed already. These are not kids that are 17. Fifteen percent had been shot or stabbed. And what I am suggesting is that a child who has been shot or stabbed already is going to think the best defense is a good offense, that it is better to be a predator than to be a prey, and it is going to promote their violence.

So we want to see programs in place to deal with the victimization of our children and to teach conflict resolution of these children.

Now, there is a problem which I think that you can be very helpful in solving. In 1984, the funding, the Medicaid funding, of an indigent child, a poor child, used to follow that child into the correctional facility, so that the payment for that medical service, the payment for that nurse to teach the child how not to get AIDS, the payment for that psychologist or social worker to talk to that child about the murder they saw, about the time that they got shot, the payment used to be paid by the Federal Government in the Medicaid program. In 1984, that stopped, and now that child goes into the juvenile detention center, and the payment for that child's medical care is on the county, it is on the State, it is on the local government. And the local government is short of money, and that Federal dollar stops. Then you have to have service provided without that Federal dollar, and you see cutbacks and frequently the first thing you see cut back is health care.

So one of the things that I would like to recommend is that we investigate some legislation, because the kid is going to get out of the detention center. If he does not have Medicaid following him while he is in, if the people providing that service cannot bill, they do not have adequate health care, and as a result the kid does not get tested for TB, the kid does not have a facility where there is adequate nursing to teach the kid how not to get AIDS, the kid is not in a facility where there is adequate nursing because they can-

not bill for services to teach the kid about violence prevention, to debrief the kid about their victimization. And as a result, there is a problem around medical services in detention centers to bring the sort of violence prevention programs I am talking about to high-risk kids, and as a result, the cycle just continues and continues.

You have all of this written down in front of you. You have got two position statements by the National Commission. You have got a 14-page little blurb from myself and Dr. Jenkins, who is the chairman of psychology at Chicago State, which outlines our seven or eight research projects on this issue. So it is all right here, and I would welcome any questions that you might have.

[Dr. Carl C. Bell submitted the following materials:]

PREPARED STATEMENT OF CARL C. BELL, M.D.

Madam Chairwoman and Members of the Subcommittee, I am Carl C. Bell, M.D., President/CEO of the Community Mental Health Council on Chicago's Southside, and a member of the Black Psychiatrists of America. In addition, I am the former Chairman of the National Commission on Correctional Health Care, a not-for-profit, tax-exempt corporation whose Board of Directors is composed of individuals named from the following national professional health associations: American Academy of Child Psychiatry, American Academy of Family Physicians, American Academy of Pediatrics, American Academy of Physicians Assistants, American Academy of Psychiatry & the Law, American Association of Public Health Physicians, American Bar Association, American College of Emergency Physicians, American College of Physicians, American Correctional Health Services Association, American Dental Association, American Diabetes Association, American Dietetic Association, American Jail Association, American Medical Association, American Medical Record Association, American Nurses' Association, American Osteopathic Association, American Pharmacy Association, American Psychiatric Association, American Psychological Association, American Public Health Association, American Society of Internal Medicine, Health Insurance Association of America, John Howard Association, National Association of Counties, National Medical Association, National Sheriffs' Association. The Commission's primary purpose is to improve health care delivery in the nation's jails, prisons, and juvenile confinement facilities by continuing the accreditation program initiated by the American Medical Association, supplying technical assistance, holding training programs and educational conferences, and developing and disseminating publications on correctional health care. As current Chairman of the Commission's Policy and Standards Committee, I am pleased to present to the Subcommittee the Commission's Position Statements on Correctional Health Care and the Prevention of Violence and Health Care Funding for Incarcerated Youth. I am also pleased to appear before the Subcommittee to represent my views and concerns regarding the recent increase in violent crimes by juveniles and reforms needed for the juvenile justice system to respond adequately to this increase.

The purpose of this testimony is to outline the problem of juvenile violence and the problems children may have who are victims of or witness to violence. In addition, solutions to the problem will be suggested. The majority of the background information presented is the result of empirical work done at the Community Mental Health Council, a comprehensive community mental health center located on the south side of Chicago serving a predominately Black community.

BACKGROUND INFORMATION

Many youth in inner-city neighborhoods are exposed to considerable community violence (Hollinger et al., 1994). The most recent research done at the Community Mental Health Council (Jenkins & Bell, 1994) reveals that the prevalence of children who witness and are victimized by violence is astounding. In 1992 we surveyed 203 African-American students at a medium size (enrollment=1300) public high school in an inner city Chicago community (80 percent of the students qualified for some form of public assistance). The police district in which the school is located consistently has one of the highest homicide rates in the city; in the year the study was done the district ranked third in homicides and was second the two years prior. Forty-three percent of these children reported seeing a killing, 61 percent reported seeing a shooting, and 47 percent reported seeing a stabbing. Six percent reported being shot, 8.5 percent reported being stabbed, 7 percent reported being raped, and

47.5 percent reported being shot at in their lifetime. Fifty-nine percent reported a close other being killed, 65.5 percent reported a close other being shot, 45 percent reported a close other being stabbed, and 43 percent reported a close other being raped. Other research on the violence exposure of inner-city youth has found that witnessing a shooting ranged from 31 percent in a sample of fifth and sixth graders in D.C. (Richters & Martinez, 1993) to 26 percent among fifth graders in New Orleans (Osofsky, et al., 1993). Fitzpatrick and Boldizar (1993) reported that 43 percent of their sample of 7–18 year old public housing residents had witnessed at least one murder.

Evidence from family and community violence literature points to the importance of children's experiences with violence—as witnesses and victims—as important contributors to their subsequent perpetration (Pynoos, 1993; Jenkins & Bell, 1994; Widom, 1992; Uehara et al., in press; Dyson, 1990). Juvenile detention centers are obvious places to screen for adolescent victims or co-victims (i.e. people who have witnessed violence). Addressing the resulting trauma from violence exposure, particularly if the juvenile was close to the victim, is an important step in reducing the youth's propensity to violence and to making them receptive to conflict resolutions skills training.

One would expect, and the research supports, that juvenile delinquents who engage in high-risk behavior have even higher levels of exposure to violence. A National Commission for Correctional Health Care survey of 1800 incarcerated youth at 44 facilities found that many of these youth had a history of violence. The overwhelming majority of these youth (70 percent) reported that they had been in, at least one fight in the year preceding their incarceration with nearly 18 percent reporting that they had been in 12 such fights. The survey also indicated that the fights were serious, often involving weapons and injury. More than three-fourths (76 percent) reported they been in a fight in which a weapon (such as a gun, knife, razor, club, or bat) had been used either by them or someone else, and 28 percent reported 12 or more such encounters. One-quarter (25 percent) of these youth reported that they had been injured seriously enough to seek medical treatment (National Commission on Correctional Health Care, 1991). A survey of 95 youth in a correctional facility in Pennsylvania found that over one-third (34 percent) had been stabbed and 60 percent had been shot at in their lifetimes. Many of the youth had seen friends and family members victimized with one-in-four reporting that they had seen a family member stabbed and 42 percent having seen a friend stabbed (DeFazio & Warford, 1993). A study of 835 incarcerated youth from six states (Sheley & Wright, 1993) reported similar results with 84 percent having been shot at or threatened with a gun and half reporting they had been stabbed.

Not surprisingly, violence erupts in Juvenile Detention Centers. According to the Children in Custody (CIC) census, in 1991 there were 3.1 incidents per 100 juveniles (within the previous 30 days) of juvenile-on-juvenile injury and 1.7 juvenile-on-staff injuries (Office of Juvenile Justice and Delinquency Prevention, 1994).

Health care professionals in juvenile correctional facilities have an opportunity to introduce programs to prevent and intervene in interpersonal altercations with these high risk populations. Such programs can reduce the amount of violence which occurs in the facility, and may, by teaching new skills, lessen the youngsters' involvement in interpersonal altercations once released.

Our work with extremely high-risk youth (i.e. adolescents being tried as adults due to the seriousness of their offenses) in our pilot study (Bell & Jenkins, in press) found that their experiences with severe violence were commonplace. As part of data collection, 50 youth (15 of whom eventually participated in our pilot conflict resolution training program) were asked about their exposure (witnessing and experiencing) to severe violence. Over $\frac{2}{3}$ ($n=32$) of these youth had witnessed at least one killing; 20 of these youth indicated they had seen a friend killed. Just about all (90 percent) of these 13–17 year olds had been shot at and 22 percent ($n=11$) indicated they had actually been shot. Similarly over two thirds reported they had seen a friend's or family member's life threatened.

Exposure to such violence (including witnessing the victimization of close others), can lead to a number of emotional problems associated with post-traumatic stress disorder including depression and anxiety, impaired cognitive functioning (with direct implications for learning and achievement), and an increase in aggression and behavioral problems (Pynoos & Eth, 1985; Jenkins & Bell, 1994). A school social worker in Chicago reported that of six black males individually referred from the same classroom for behavior problems and poor academic performance, all had an extensive history of family violence resulting from the murder of at least one family member (Dyson, 1990).

Exposure to violence follows a "dose exposure model" (Nader et al., 1990). Once an individual is screened and found to have a positive history of exposure to vio-

lence, an in-depth history needs to be taken in order to understand the degree of trauma (Jenkins et al., 1989). Direct exposure to violence is potentially more damaging to a juvenile than hearing about it or seeing it on television, and a juvenile directly traumatized by violence often will need treatment (Pynoos & Nader, 1988). The quality of support available to the child from his/her surroundings is important in addressing feelings of vulnerability and security (Pynoos & Nader, 1990).

Since these feelings of vulnerability are partly responsible for youth engaging in behaviors that increase the risk of perpetration of violence, maintaining a safe milieu in a juvenile correctional facility is even more important. Treating victims of violence and maintaining safe milieus serve to insulate children from the effects of violence they may have personally witnessed and have a role in reducing youth violence and homicide, particularly as victimization often precedes perpetration (McDermott, 1983, Uehara et al., in press). In addition to victim identification, perpetrators of repetitive sub-lethal expressive or interpersonal altercation violence can be identified and treated.

Once individuals at high risk for being victims and/or perpetrators of violence have been identified, a variety of treatments can be offered, depending on the exact nature of the problem. For individuals prone to impulsive violence, a number of medications can be prescribed (e.g., propranolol, lithium, trazadone, carbamazepine) which, along with psychotherapy, can aid these offenders (Bell, 1991).

Juveniles who engage in predatory attacks will not likely cooperate—with treatment for their violence as their motives are “rational” to them (e.g., their violence is often a means to an economic end); thus, the need for a criminal justice approach. However, individuals who have problems with a “bad temper” and who engage in expressive/interpersonal altercation violence may well be willing to cooperate with psychotherapeutic attempts at exploring how their own victimization may be related to their inability to keep their violent impulses under control, or may be willing to try a medication which may reduce their impulsiveness. Further, they may be willing to learn conflict resolution skills that may help them reduce the number of interpersonal altercations in which they are involved, provided they are approached in a respectful manner and are made full partners in the treatment being offered.

CONCRETE RECOMMENDATIONS

1. Based on the National Commission on Correctional Health Care's Position Statement on Correctional Health Care and the Prevention of Violence legislative support should be provided that would encourage the use of standards for correctional health services that should be used as the basis for correctional health services violence prevention, treatment, and education in these settings. Specifically, correctional health services should:

- A. Incorporate violence risk assessment—including child and domestic abuse, sexual abuse, and any personal victimization—into receiving screening undertaken of all juveniles upon intake, all inmate health assessments, and mental health evaluations.
- B. Refer as appropriate all juveniles with violent histories (i.e. those with expressive violence), including those who exhibit violent behaviors that place the safety and welfare of themselves or others in jeopardy, to treatment by appropriately trained health care providers. Treatment should not consist of only placing the juvenile on medication, but should take a balanced biopsychosocial approach to the treatment of juvenile violence. Such treatment could also ameliorate the impact of being exposed to the traumatic stressor of either being victim of violence or witnessing violence, as such a stressor often promotes high risk behaviors such as weapon carrying behavior, acting like a predator rather than prey, drug use, unsafe sex, an unwillingness to establish relationships with significant others that may provide mentoring, and an unwillingness to make an investment in self by getting an education.
- C. Protocols and guidelines for violence prevention, intervention, and follow-up should be developed for use by qualified health professionals treating juveniles. In addition, health care providers should receive training in these areas. Training should include information about policies and practices designed to prevent violence, non-physical methods for preventing and/or controlling disruptive behaviors, appropriate use of medical restraints, and effective techniques for personal safety.
- D. Correctional officer training should include prevention of expressive violence and non-physical methods for prevention and/or controlling disruptive behaviors stemming from expressive violence. Correctional officer training should

continue to address security issues designed to inhibit instrumental and gang-related violence.

- E. All juvenile detention and correctional facilities should establish contacts with community-based organizations able to assist in the treatment and continuity of care upon the juvenile's release from the correctional facility.

2. Based on the National Commission on Correctional Health Care's Position Statement on Health Care Funding for Incarcerated Youth legislative support should be provided that would allow that all youth in public and private confinement and detention facilities remain eligible for all public (e.g., Medicaid) and private health care coverage consistent with state and local eligibility requirements.

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Senator MOSELEY-BRAUN. Thank you very much.

Dr. Bell, I must say it is unfortunate that the information contained in all the literature you just described is not available to everyone else in this room, because there is a lot to learn from it, and there is a lot of very specific information reflecting a great deal of work and observation. And I want to congratulate you for your work in this area.

Dr. BELL. Thank you.

Senator MOSELEY-BRAUN. It really has been exemplary.

There are a couple of issues that I want to raise just from your testimony. Specifically, we just talked with Judge Hall about the issue of coordination, and quite frankly, what I am getting out of your comments is that there is a problem with coordination and follow-through, even insofar as the Medicaid dollars are concerned, as far as educational services are concerned, as far as programs for at-risk juveniles and youth are concerned.

On the Federal level alone, we have some 33 different programs for juvenile and at-risk youth. Thirty-three different programs, all administered by different agencies. That does not begin to talk about the plethora of agencies and programs at the State level, the county level, and the local level.

Have you any recommendations of a model that could be addressed to begin to coordinate the activities of these different programs of the different agencies, again, so that we not only get more bang for our tax dollar? Because they are all tax dollars that are funding, by and large, these programs, the governmental programs. Private sector, of course, there are any number of charitable and philanthropic operations that address juvenile issues.

But with regard to the governmental issues, again, you have got one set of taxpayers paying for all of these different programs that all seem to be scatter shooting past each other, and not addressing the core issues that you have raised in your testimony.

Dr. BELL. Yes, that continues to be a serious problem. Here in Illinois, it looks like it is about to be addressed. As Judge Hall mentioned, there is an effort afoot from the Governor to try to collapse some of the State agencies—Department of Mental Health, DASA—and partly it is being pushed by this whole need for health care reform. Because heretofore you have had six or seven different groups all focusing on one individual, and it has been real scattered and fragmented.

Currently, the efforts that are afoot are that the planning agencies are trying to pour the money into a community-based service provider that they are calling local area networks, both on the adult side and the child side. So that if the child local area network would get funds from the Department of Children and Family Services, Drug and Alcohol, all of the various State agencies that spend money on kids, but it would be centralized, that child would get

one provider, essentially, who would sort of case manage and make sure that the child was connected to the various places that they needed to go. That is the plan.

It is a little difficult right now because you have got a bunch of community providers that are scattered all over the place. You have got State-funded agencies that are sort of scattered all over the place. And they are really starting to develop this prototype Kiddie-LAN, they call it, child local area network, in the hopes that they will come together, form a common pool of money, so that there can be sort of a managed care, kind of HMO situation, where the child has one provider, and all of these different piles of money, pours funds to that one provider, and that one provider deals with all that child's needs.

This was how it used to be about 40 years ago. The Department of Public Aid, the Department of Rehabilitation, the State Board of Education, DCFS, all these folks used to be under one welfare agency, so you just had to go one place, and that was it, and you were OK. So they are looking at that.

The other thing that needs to happen is that the whole issue of computerization on the government level needs to get much more sophisticated. If that were to happen and if there could be one ID number, that would stop a whole lot of mess, a whole lot of mess. Because, as it is, we have got like four or five different numbers if we have to identify people depending on where they are in the system or which governmental agency they are relating to. And it gets to be a zoo without a keeper. But if there could be one number and everybody sort of interlinked through some sort of Internet system, life would be a whole lot easier.

Of course, then you get into civil liberties. You get people very paranoid about Big Brother, and it gets to be a little bit interesting about that balance. But we will let the ACLU and the courts work that one out.

Senator MOSELEY-BRAUN. You mentioned, in terms of the development of this case management approach, individual focus, and the whole issue of coordination. Do you see the current problems as being more a function of turf battles? Judge Hall in her statement referenced turf battles. Or do you see it being more of a problem of the failure to be specific in terms of defining what the cases are, such as you mentioned the distinction between different types of violence, different types of actors within the system? Do you see it as a lack of definition on the micro level or turf battles on the macro level?

Dr. BELL. It is both. It is both. It is very unfortunate, but I have seen kids who have gotten into interpersonal altercation types of violence where there has been no initial criminal intent. There has been a bad temper, someone has gotten hurt. But that child is then treated like they have killed five or six people, because people are not conceptually clear about the different types of violence. So that is one issue.

There have been studies done in Canada, for example, where they have followed juveniles who have murdered and broken these juveniles into two basic types: predatory criminal types and interpersonal altercation, angry aggression types. And they followed these kids up for 20 years, and they look at recidivism of violence.

And, of course, the predatory types have a lot of recidivism, but the kids who are involved in interpersonal altercation violence, they do something once, they get locked up, they learn a real bad lesson, and they pretty much go straight.

So part of it is the lack of conceptual clarity about the types of violence, but part of the problem is the lack of coordination and people bumping heads. The DCFS situation is particularly problematic, especially since the Amanda Wallace case. Now if you are mentally ill and you have got a child, even though you are a very good parent and your mental illness does not manifest towards your child, because this was headlines, it is almost impossible for women who have mental health problems to get their children back.

So there is a lot of confusion across boundaries, a lot of lack of clarity, and we just need to, I think, do a better job of managing our resources and somehow trying to cross the boundaries with information, because that would make life a lot easier. It gets to be very crazy when you are dealing with a child who has been in a hospital for psychiatric problems. You are dealing with the Board of Education because their psychiatric problems are causing learning problems. You are dealing with DCFS. You are dealing with the juvenile court system. You are dealing with the Department of Public Aid because the kid gets cutoff when he goes in juvenile court. I mean, it is just real bad.

So I think it is both lack of clarity and boundary problems.

Senator MOSELEY-BRAUN. Dr. Bell, I want to thank you very much and thank the members of the other panel for their patience, because we had to kind of rearrange our order this morning. But I want to thank you very much, and, again, as I indicated to Judge Hall, I have been working with a welfare reform task force here in the State. We do not yet know what the situation will be with the Juvenile Justice Subcommittee in the next session of the Senate, but at the sametime, I very much intend to continue working in this area, and I look forward to consulting with you and working with you further on this.

Dr. BELL. All you have to do is call. I will be available.

Senator MOSELEY-BRAUN. Thank you very much.

Dr. BELL. Thank you.

Senator MOSELEY-BRAUN. Our panel consists of Mr. Patrick Murphy, Public Guardian for Cook County, and Ms. Patricia Bryant, policy analyst for the National Committee to Prevent Child Abuse, and Sharon Linzy and Ila Perisin, two mothers from the south suburbs who formed an organization called L.O.C.K., "Lock Out Child Krime."

Mr. Murphy, welcome.

PANEL CONSISTING OF PATRICK T. MURPHY, PUBLIC GUARDIAN OF COOK COUNTY, CHICAGO, IL; PATRICIA BRYANT, POLICY ANALYST, NATIONAL COMMITTEE TO PREVENT CHILD ABUSE, CHICAGO, IL; AND SHARON LINZY AND ILA PERISIN, LOCK OUT CHILD KRIME (L.O.C.K.), FLOSSMOOR, IL

STATEMENT OF PATRICK T. MURPHY

Mr. MURPHY. Thank you for the opportunity to be here, Senator.

Senator MOSELEY-BRAUN. Thank you very much for all your work in this area. It is an important area and one that we hope will begin to get the kind of attention on a national level that it deserves.

Mr. MURPHY. Senator, you already have a copy of my remarks. I will not go into them. I just want to say in less than 2 minutes that all of the government programs I have heard spoken about by Judge Hall and Dr. Bell, I do not know how effective they can be when you have 14—we represent abused and neglected children at the court. I have been involved in this area since 1968. Let me just say that. And I started out way on the left thinking we needed much more in the way of government programs.

I do not know what you can do when you have 13- and 14-year-old girls who should be studying Chaucer and skipping rope and going to local sweet shops, having children, and when by the time they are 20 they have three or four children by as many fathers and the fathers are uninvolved.

If you look at Sandifer, his life was over by the time he was 3 years old. He was born to a mother who was 15 when she had her first child, whose mother was 15 or 16 when she had her first child. He was basically left to a 5-year-old brother to raise, and he was horribly abused.

One psychologist tested him, and he had an average IQ, she wrote, but it was difficult testing him at age 10 because he could not read or write. He could write a little bit but could not read.

When you have situations like that, do not talk to me about government programs. You do not have enough judges; you do not have enough social workers; you do not have enough psychiatrists to deal with the problem. The problem is essentially underclass. No one likes to talk about it. It is multigenerational; it is welfare dependency. And I think until those of us on the left begin to admit that many of the programs we pushed for in the 1960's and 1970's—the same types of programs, by the way, I heard talked about today, we have already tried them. They failed. Unless we admit their failures, and they too often only create dependence rather than giving people independence, and we start groping for ways to give people independence and to discourage kids from having children.

You know, I turn on the television on Sunday, and I see large African-American men running up and down a football field knocking each other down. The simple fact is we encourage excellence of inner-city athletes. We encourage mediocrity and less in any other inner-city kid, underclass kid I am talking about, housing project kid, unless they can do the 40 in 4.1 or something like that. Other than that, if they have an IQ of 110 or even 90 or 80 or 150, we do not care. You can go out and have four kids by the time you are 20. So do not talk to me about programs. It is too late. We have got to talk about doing something about the underclass.

Thank you very much for the opportunity to be here.

[The prepared statement of Patrick T. Murphy follows:]

PREPARED STATEMENT OF PATRICK T. MURPHY

Robert Sandifer had not yet reached puberty, was about four feet six inches tall and weighed eighty pounds when, at age 11, he caught a couple of slugs. But Robert

was not your typical 11 year old kid, either. At least I hope he wasn't too typical. In my judgment, he was pretty much the sociopath by his third birthday, maybe earlier.

Robert caught his first bad break when he was born. His mom had her first child, his older brother, when she was 15. But perhaps his first real bad break came when his own mother was born to a woman who should have been doing papers on Mark Twain and hanging out at the local sweet shop rather than having children when she was in high school. Robert's mom was the third of ten kids by four different dads and she never knew her own father. Robert was the third of Mrs. Sandifer's kids. By the time she was 20, she had four and was entrenched in the AFDC, food stamp, welfare world. And things weren't going real well for Robert and his sibs.

In 1984, his mom was investigated and cited for neglect by the state child protection agency called the Department of Children and Family Services (DCFS) for failing to follow doctor's orders in treating Robert's then 2 year old brother. This brother ultimately went blind. Less than a year later, Robert was admitted to the Jackson Park Hospital, his body covered with scratches and bruises. Several months after that, his younger sister suffered second and third degree burns on her genitals. The mom said that the girl had fallen on a radiator.

After Robert had been tortured and beaten and before he went to live with his grandmother, the court placed him in a hospital for an evaluation. The child abuse worker said something which angered the not-quite three year old boy. He grabbed a toy knife and rushed the woman, "* * * you, you * * *," and putting the rubber blade to the worker's arm he shouted, "I'm gonna cut you."

Robert went to live with grandma and, like a lot of three and four year old boys, got into cookies and candy bars. He picked up the nickname Yummy. Grandma lived in a relatively decent all black working class community. Some of her neighbors didn't take too well to her, her ten kids and 30 grandkids who from time to time inhabited the two-story, three bedroom home. A few initiated an unsuccessful petition drive to get rid of her and her family. And as Yummy got older he began to get into trouble which shouldn't have surprised anyone. He joined a gang at eight, was charged with attempted armed robbery at nine and by eleven had picked up 18 or 19 other beefs including arson, robbery, theft and burglary. By the time he was offed, he had copped out to at least two of these charges and was wanted by the cops for murder, aggravated assault and attempted murder.

Shavon Dean, a nice fourteen year old kid about to start high school lived around the corner from Yummy. On Sunday, August 28, 1994, she left a family barbecue to walk a friend home. At the same time, Robert's gang apparently sent him on a mission probably caused by a drug deal gone bad or a silly personal insult. The 11 year old began blasting away with his .9mm at a group of boys playing football. One of the bullets hit a 15 year old kid in the hand. Another slug found Shavon's head killing her instantly.

For the next several days, Chicago Police went on a highly publicized boyhunt sealing Robert's fate. His buddies in the gang could never let him live to finger them. So four days after Shavon Dean was murdered, a couple of Black Disciples allegedly took Robert for a walk under a deserted underpass and got off a couple of rounds into the back of his brain.

Robert's mom, who by this time had three more kids and was in and out of the grandma's home, said Robert was misunderstood and he was just "an average 11 year old." Grandma threw herself on the coffin and blamed the cops, the media, the schools and the courts for Robert's problems. His neighbors were less charitable, "Nobody didn't like that boy. Nobody gonna miss him," one boy told a *Time Magazine* journalist.

A few days after Robert was executed, I reviewed the file of a 15 year old kid who had been shot and killed at the Robert Taylor Housing Project during a gang shoot-out. This kid's background was the same as Robert's and thousands of other we see every year. Teen mom, lots of sibs, lots of men but no real dads, AFDC and Juvenile Court, first for being neglected then for being delinquent. This kid didn't make the international or national wires. In fact, he didn't make the local ones. His name didn't even appear on the obituary page. Reporters, like the rest of us, have come to expect that 15 year old black kids will be shot up or do the shooting up and end up dead or wounded or in prison.

Three months before Robert's death, the *New York Times* devoted two pages to profiling 26 children between the ages of 13 and 15 charged with homicide in New York City. One phrase ran through most of the profiles. No dad. Everyone has a father, a procreator. Few gang bangers have dads. Of the 26 kids, 20 had no dad. Two of the profiles were silent on the issue. The remaining four apparently had some kind of dad, two of whom were actually married to the kids' moms.

The Public Guardian's Office has approximately 120 lawyers and 30 social workers and investigators representing all abused and neglected children in this county. I have been Public Guardian since 1978 and have represented abused and neglected children as part of being Public Guardian since 1987. As a young legal services lawyer operating out of a storefront office on Chicago's west side, specialized in representing abused, neglected and delinquent children between approximately 1968 and 1974. In 1968, one judge on a part-time basis heard all the cases of abuse and neglect in the County. By January 1, 1995, we will have 18 judges and 24 hearing officers hearing the abuse and neglect cases in this County.

And the growth has been much more than quantitative. In the late sixties and early seventies, one sex abuse case a month would be a lot. Today, we have half a dozen a day and no one thinks it's out of the ordinary. (The usual case is the mom's paramour who is also her drug supplier takes on the child as a lover as well.) Similarly, physical abuse cases were relatively rare twenty five years ago. Today, they make up a substantial minority of all cases in the court. Neglect is much more serious than it used to be. In the sixties and seventies, a typical neglect case was a welfare mother with an uninvolved father overwhelmed because of the pressures of inner city living. She then became depressed and ignored her children. Today, neglect is a mother in her early twenties, has 3 to 5 children by different fathers, all of whom are uninvolved, and who wakes up without an education realizing that for all intensive purposes her life is over. She turns to drugs as a natural alternative as a trip to Vermont or the ocean. Her drug supplier becomes her paramour and ultimately her abuser and in many cases the abuser of her children. She goes off partying planning to return in a few hours and returns several days later while the five or six year old kid has been watching the brood. The apartment consists of urine soaked mattresses, standing water, rats and roaches.

Recently, such a case was publicized in Chicago. The Department of Children and Family Services PR person referred to it as a case of poverty and nothing more. Goofs like this give liberals a bad name. The vast majority of poor people do an excellent job of raising their children under the most bleak circumstances possible. They keep clean homes. They feed their children. They use the meager amount we give them on welfare judiciously. They do not use drugs. To argue that this woman, off doing drugs, was a poverty case is the worst kind of patronization.

When looking at the differences between twenty, twenty five years ago and today, most commentators refer to the increased use of drugs. And, in fact, about eighty percent of all the abuse and neglect cases at the Juvenile Court of Cook County are drug related. But the real issue is why do so many people turn on to drugs. And to determine that, one must look at the parents charged with neglecting their children. The vast majority are from the so-called underclass. Based upon my own experiences as a lawyer representing predominately poor people in both civil and criminal cases for much of my career, I believe that the numbers of people committing crimes and abusing and neglecting their children are proportionately the same from all races and economic groups until one gets to the underclass.

The problem is not racial but neither is it economic. It is cultural. A culture of welfare dependent individuals recycle their welfare dependency and misery to a new generation every fifteen years or so and that population for reasons dating back to slavery and segregation is primarily African American. If we do not stop now, examine the problem and, as a society, try to do something about it, it will explode to haunt the rest of us and our children. Worse, we as a society are tossing into the sewer the lives of many potentially talented human beings. But forget the talented human beings, why should a decent society shove aside innocent children, talented or otherwise, because they come from a certain background?

As a Peace Corps volunteer in the sixties, lived in a third world country. What I see today on Chicago's west side is much worse than anything I have seen while living in Africa or traveling in Asia. It is worse not because of poverty but because of the hopelessness permeating the underclass. Our AFDC system was initiated six decades ago to support widows with children but today it is often used to support single parents, most of whom are unmarried and who are not expected to take proper care of their children or become productive members of society. A case we had in Chicago this year is the ultimate example and, in truth, perhaps the worst. Four women had 23 children by 17 different fathers and none of the fathers acted as dads. The children and mother's lived in a five room flat in absolute squalor. The women appeared to be spending most of their over \$5,000 a month of welfare benefits on drugs.

The underclass was not created by welfare but it is today sustained by a welfare system encouraging dependency. But the underclass is also propelled by the fleeing of unsophisticated jobs to underdeveloped countries. To succeed today in this country one needs at least a high school education and probably more. Children having

children do not have a high school education. People of the underclass do not have high school education. The right ignores the plight of the underclass and the left patronizes it which is just another form of racism.

Marion Wright Edelman, who knows better, wrote in *Parade Magazine* on Mother's Day of this year "And if it's wrong for thirteen year old, inner city girls to have babies without benefit of marriage, it's wrong for rich celebrities too." But most thirty year old, and twenty-five and forty-five year old, women have the maturity and the financial resources to raise a child reasonably well. Thirteen year old children should be doing math, playing volleyball, working on computers and dating, not changing diapers and worrying about their W.I.C. funds, AFDC checks and food stamps.

Every Sunday afternoon, I see large African American men running up and down the gridiron, knocking people down and scoring touchdowns. Colleges and professional teams demand excellence from inner city African American athletes. Society, schools and the left expect nothing from inner city African American kids, whether bright, average or dumb. The most depressing part of my job is to walk into juvenile court on any day and see kids about the same age as my own two sons and with the same potential for excellence and achievement but whom I know will never attain that potential. As a society we should demand excellence from everybody, most particularly from those who have no one to motivate them to reach their potential.

I am not an expert in economics or welfare reform, or even the underclass. I have seen it. I have experienced it second-hand through thousands of children and adults I have represented. Among other areas of reform, we need a tough love approach to the problems of the poor. We must encourage children to stay in school and get degrees. Welfare reform should encourage responsible behavior and discourage irresponsible behavior. A recent Ohio program that provided increased welfare payments to prod teenage mothers into attending school was recently judged a success. That program followed 1,700 Cleveland teenage mothers on welfare. Basically, it gave mothers who attended school after they went on AFDC, \$62.00 a month and deducted the same amount from the welfare benefits to mothers who did not attend school. The three year study involving a control group persuaded 5.6 percent more mothers to graduate from high school or to receive a high school equivalency diploma over a three year period compared to the control group of mothers outside the program.¹

The rest of us make decisions in life based upon microeconomic realities. The welfare system turns microeconomics on its head. Irresponsible behavior is rewarded and responsible behavior penalized. Welfare reform will not do away with the underclass or the problems of the underclass. However, serious welfare reform will help in persuading some individuals to stay off the welfare rolls. I would cut off all welfare to any mother of high school age who dropped out of high school after having a child. Some will argue that children will be harmed. But children are now being harmed. I would give welfare benefits, though not high welfare benefits, to individuals who stay in school. Similarly, an individual should not be faced with a choice of losing all welfare if he or she goes to work. There should be a gradual and proportional withdrawal.

Parenting classes given to abusive parents are a waste of time. Parenting class for all children of all races and all classes from the first grade would ultimately pay dividends. Children should learn from the earliest ages responsible behavior toward children. Particularly, boys should be taught how important it is for a son—or any child—to have a male figure in his or her life.

As a nation we need the maturity to discuss racial problems without the scepter of racism being raised by either the left or right. African Americans make up the bulk of the underclass for legitimate historical reasons. The underclass originally was a creature of slavery, segregation and the inability of African Americans to obtain decent education and jobs. Today, the underclass is self-perpetuating. Those who suffer most are children. To increase welfare and other social programs as the left argues would not do much to increase the lifestyle of either the kids or their parents. And on a practical level any substantial increase in services or money to the underclass would be prohibitively expensive. The only alternative is first to challenge the children to motivate them to avoid the pitfalls of remaining underclass bound for the rest of their lives. Apologies by liberals for crummy mothers like the moms who mothered the Keystone 19, or for the few criminal thugs who prey primarily upon other underclass members only increases the public's misperception that most very poor African Americans are either criminals or welfare queens. Some are but it is the worst kind of patronizing and racist rhetoric to defend and protect those few. These arguments only serve to weaken the phenomenal efforts of over-

¹ *New York Times*, National Edition, Tuesday, September 20, 1994, page A12.

whelmed moms to raise their kids adequately and decent men and women to avoid the pitfalls of criminal behavior.

Senator MOSELEY-BRAUN. You know, when you say doing something, if anything, Mr. Murphy, that is why we have a Senate and that is why we have a House. The whole idea is that we are called on to be what my friend calls the CDLS, which is the Committee to Draw the Line Somewhere. I mean, if anything, it is our responsibility to come up with approaches and solutions that do not necessarily fall neatly into left and right kinds of categories. You know, we have got this problem, now what do we do?

Specifically, you have been involved as the Public Guardian and see firsthand these issues. I would want you to comment on a couple of things. Dr. Bell spoke about what we call the case management approach; that is to say, starting with and focusing in on the individual and that individual's relationship in the community as opposed to having kind of a scattershot approach in which each agency reinvents the wheel, if you will, with regard to a specific case.

What would you think of that kind of coordinated model? And do you see that as being more efficacious, more productive, than the approaches that we are taking now?

Mr. MURPHY. You know, we keep groping for solutions as we see the problem increase over the last 25 or 30 years. I do not think it makes a difference one way or the other. We have tried everything in the world, and the problem continues to increase.

For instance, Judge Hall was saying that 80 percent of abuse and neglect cases are there as a result of drugs. Absolutely correct. Why do people turn on to drugs? If I am 21 years old and have four kids and no involved father and have to live off public aid while living in Robert Taylor, I would turn on to drugs, too. It is a cheaper alternative to a trip to Vermont, D.C., or the ocean. It is very reality-based.

The simple fact is—and then you are going to plug in a coordinated agency to deal with a woman who is totally depressed, because she should be depressed? It does not work.

We have got to get there before that stage. To me, I think welfare reform is the most important thing sitting in the Senate and the House of Representatives today. I think you need to think about draconian and effective welfare reform that sends out a message that we are expecting excellence of the underclass, as we are of the middle class, as we are of the poor, working class, wealthy, et cetera. And I think it is going to be tough, but I think that is where—we are playing around the edges when we talk about integrated agencies, nonintegrated agencies, coordination. Sure there should be all that stuff. It is not going to make any difference. It will mean a more effective than humane bureaucracy, maybe. The people pouring into the system are going to be the same.

All you have got to do is walk up and down Robert Taylor a couple of times to figure that one out, or stop over at juvenile court.

Senator MOSELEY-BRAUN. What do you mean by draconian welfare reform?

Mr. MURPHY. I think we have to think about—and I am coming from the left; I am not coming from the right.

Senator MOSELEY-BRAUN. I am not sure, Mr. Murphy, but OK. [Laughter.]

Mr. MURPHY. Well, let's put it this way: Since 1966, I have been involved as a Peace Corps volunteer in Somalia, as a legal aid lawyer in the west side of Chicago.

Senator MOSELEY-BRAUN. Your credentials are well established. That was a joke.

Mr. MURPHY. OK; but I am not coming from the same point of view as some of your esteemed colleagues in the Senate.

I think that the message should go out as of a certain date certain, whatever it be—January 1, 1997—that any teenager without a high school diploma who has a child cannot get AFDC, period. End of situation. Now, she could always have a parent or relative act as guardian, I suppose.

I do not believe in the 2 years and out, but I think that the message should go out that, with exceptions—and there should be exceptions, by the way—after two children you will not get any AFDC, period. You are on your own after that point.

You could have it forever, perhaps, but the whole training business does not work because by the time we are giving a person training, it is really too late. The time that that kid should get training is in high school. And we have got to get the message out there that we are expecting excellence out of you. From the first grade up, we expect nothing more but the best from you. And the message in the welfare system is we do not expect anything of you. You can go live on \$300 or \$400 a month for the rest of your lives, and your kids can, and their kids and their kids and their kids.

It is a horrible, patronizing, and even racist message, and we have got to turn it around.

Senator MOSELEY-BRAUN. I do not think there are too many people that would argue at this point that personal responsibility is a key to any approaches to social services that we take. But I have to ask the question: What do you do about the children? What happens to the children?

Mr. MURPHY. The children are being eaten up today. All you have to do is go to juvenile court to see how they are being eaten up. And what we are saying is that, yes, at 14 or 15 you can handle four kids by the time you are 19. Some people can, by the way, and some do a heroic job of it. Many cannot.

If child bearing can be delayed, if responsibility for—you know, the New York Times had a thing in April on the numbers of kids charged with murder between 13 and 15 or 14 and 17—I think it was under 15 in New York City. And I went through it, and of the 27 kids that were charged with murder—I may be off by one here—23 had no father in their lives, 2 it was unclear, and 2 did. As I say, I may be off by one or two because I do not have notes in front of me.

But it is clear that when stuff like this is going on, no matter what the programs are, we are not helping. So as I said, if the message went out early that as of a certain date, 2 or 3 years down the line, we are drawing very tough lines—and we are not doing it to punish you; we are not doing it because of personal responsibility; we are doing it because we know that you as a 7-year-old girl today or as a 7-year-old boy today should have the benefit of

developing all the excellence you have within you and you are not going to do it growing up in this welfare system. It is cultural. Culturally, we have created this thing where kids think nothing about getting pregnant and having children. And they cannot deal with it. And we cannot deal with it. Integrated agencies cannot deal with it, and juvenile court judges cannot deal with it. Lawyers and Senators cannot deal with it.

We have got to get—I am just a lawyer. I go to court. I am not suggesting changes. I mean, this is the thing that comes to my mind after 25 years of seeing the situation get worse.

Senator MOSELEY-BRAUN. Well, thank you, Mr. Murphy.

Mr. MURPHY. Thank you.

Senator MOSELEY-BRAUN. Some of us think we have to deal with it, and so that is why we are continuing to plug away.

Mr. MURPHY. Well, I am glad you are doing it, Senator. It is always a pleasure to be here.

Senator MOSELEY-BRAUN. Thank you.

Mr. MURPHY. You are the greatest Senator in the history of the Senate, as far as I am concerned. [Laughter.]

Senator MOSELEY-BRAUN. Well, thank you very much, Mr. Murphy.

Mr. MURPHY. Thanks.

Senator MOSELEY-BRAUN. Ms. Bryant, Patricia Bryant.

STATEMENT OF PATRICIA BRYANT

Ms. BRYANT. Thank you for the opportunity to present testimony today. My name is Patricia Bryant, and I am a policy analyst with the National Committee to Prevent Child Abuse.

Senator MOSELEY-BRAUN. If you can speak a little louder, or pull the microphone toward you. Yes, thank you.

Ms. BRYANT. Numerous studies have identified the linkages between child abuse and neglect and future delinquency. One longitudinal study of abused and neglected children 40 years later found that half had been convicted of serious crimes, had become alcoholic or mentally ill, or had died at an early age.

Researchers told us that the most important factor contributing to future delinquency is the lack of bonding between parent and child. This is cause for serious concern.

Every year there is an increase in the number of child abuse reports and the number of child fatalities due to abuse and neglect. In 1993, there were more than 2.9 million cases of suspected child abuse, and more than three children a day are dying from child abuse.

According to a release by the Carnegie Task Force on Meeting the Needs of Young Children, "the earliest years of a child's life are society's most neglected age group, yet new evidence confirms that these years lay the foundation for all that follows."

Rather than to build more prisons and write laws of a punitive nature, I would urge this committee to implement programs to prevent violence and poor childhood outcomes. Currently, there are a number of programs aimed at violence prevention, such as midnight basketball and other youth programs. Although these programs are worthwhile, we must begin to focus more on resources that look towards improving parent-child relationships, since we

know that this is the most important factor that contributes to future delinquency.

Furthermore, it makes sense to begin working with new parents when they are learning to bond with their children, before poor parenting practices begin, when parents are most anxious and interested in learning about how to care for their babies, and when children are the most fragile and most at risk for abuse.

The majority of abuse occurs in children under the age of 2, and 86 percent occurs to children under the age of 5. Patrick Murphy was right when he said that the child's life was over by the time he was 3. We need programs that work with children and families from birth.

Although there are a number of programs that offer parent education and support, on balance the majority of these programs have successfully served parents who recognize their limitations with respect to child development knowledge, parenting skills, and the use of formal and informal supports. Far fewer resources exist for those families who may not know they need assistance, or if they do know they need assistance, they might not know how to access it. These families are generally not good at applying a theoretical concept to their own child's behavior or adjusting a technique to suit their child's development. In other cases, parents may be simply unwilling or unable to integrate social, emotional, and cognitive capabilities needed for healthy child development.

For prevention to be effective with this last population, efforts must be intensive, comprehensive, and flexible, and provide ample opportunities for families to observe and model positive parent interactions.

Looking across a broad array of prevention efforts, the U.S. Advisory Committee on Child Abuse and Neglect recommended intensive and long-term home visitation programs as the most promising strategy for developing or improving access to early intervention services that can help at-risk families become healthier and more self-sufficient.

Taking this recommendation to heart, the National Committee to Prevent Child Abuse launched Healthy Families America, an initiative to promote universal, voluntary home visitation programs for new parents. This program is based on critical elements that we have learned from research and program experience that make for successful home visitation programs. For example, services should begin prenatally or at birth; services should be provided over the long term, 3 to 5 years; services should include a range of activities for both the child and the parent; they should be tailored to the family; and they should empower the family to improve their skills as responsible parents.

The National Committee to Prevent Child Abuse is working to institutionalize State home visitation programs for all parents, depending on their service level. To date, there are 67 programs across the Nation in 19 States, and many of these States are working to pass legislation to implement the programs statewide. For example, Oregon last session passed legislation appropriating \$3.3 million to begin intensive home visitation programs. The Department of Social Services in New York recently issued an RFP to begin ten Healthy Families America programs. Last year, Indiana's

Department of Health funded 16 Healthy Families America programs. And in Illinois, the Department of Health is currently funding one program in the Chicago area and is planning on funding five more. The Department of Children and Family Services is funding one program in the Carbondale area, and legislation was passed last session to begin a statewide task force to look at implementing this program throughout Illinois.

Other States are hoping to use the Family Preservation and Support program moneys to fund these programs, but the demand for these programs far exceeds funding. High rates of violent juvenile crimes, school failure, and adolescent child bearing add up to an enormous public burden, as well as widespread public pain. Our common stake in preventing these damaging outcomes of adolescence is immense. We all pay to support the unproductive and incarcerate the violent. We are all economically weakened by lost productivity. We all live with fear of crime in our homes and on the street. We are all diminished when large numbers of parents are incapable of caring for and nurturing their dependent young children.

The choice is ours to make. We can continue spending millions of dollars a year to support the unproductive and incarcerate the violent, or we can spend a couple thousand dollars a year on a program such as Healthy Families America that aims to help parents become self-sufficient and responsible parents. Especially at a time when the public is clamoring for fiscal responsibility, I think that the latter choice is the most obvious.

Senator MOSELEY-BRAUN. Thank you very much.

You know, Ms. Bryant, the argument is well taken that prevention costs less than trying to make up after the harm has been done to the community as well as to the individuals, and that an ounce of prevention is worth a pound of cure, et cetera. That argument I think is well made.

But the concern, however—in the testimony you have heard today as well—is that if we have programs already and there is no coordination and people are not talking to each other and there is this scattershot, what does it serve to add another scatter to that mix as opposed to focusing in on fixing and revamping what we have now to make it work better?

Ms. BRYANT. I would agree with you, and Healthy Families America is not a program that seeks to go out there and replace other programs. It is a program that is working to—we look at it as a system, a gateway, to bring families together. It coordinates systems in the community. When communities call and say we are interested in developing this, we have a planning meeting with the community, and over a process of a series of months, they at the community level pull in different stakeholders, including local government people, county government people, consumers, people with programs, parent education support programs that are already in existence. We do not want to replace anything. We want to build on to what is already there. There are a number of programs, but there are not enough out there yet.

Senator MOSELEY-BRAUN. But that is kind of the problem. What is already there is flawed. It seems to me that the notion of we do not want to replace any programs, maybe that is precisely what we

want to talk about, is coming up with approaches, new approaches in some cases, such as the Healthy Families—and I have heard nothing but good things about this approach—and adding this aspect to the mix. But we cannot just keep building on top of one flawed initiative and another flawed initiative and another flawed initiative and another and say, well, we do not want to replace that, we just want to add something else.

Ms. BRYANT. Why are programs flawed, though? Is it because they do not have the funding to do the job right the first time?

Senator MOSELEY-BRAUN. I think that has to be a focus of our examination.

Ms. BRYANT. That is part of it.

Senator MOSELEY-BRAUN. Yes; all right. Thank you very much, Ms. Bryant.

Ms. BRYANT. Thank you.

Senator MOSELEY-BRAUN. Ms. Perisin and Ms. Linzy. I guess you guys are a team.

STATEMENT OF SHARON LINZY AND ILA PERISIN

Ms. LINZY. Yes, we are a team. Good afternoon, Senator. On behalf of myself and Ila, we would like to thank you very much for inviting us and for initiating these hearings.

At this time we would like to present to you several thousand signatures for a petition asking for reforms of laws.

Senator MOSELEY-BRAUN. Thank you.

Ms. LINZY. These are concerned citizens throughout the country, the Nation, that we have been in contact with. Their kids have been hurt.

Senator MOSELEY-BRAUN. Thank you.

Ms. LINZY. At this time I would like to give some background information on why L.O.C.K., Lock Out Child Krime, was formed and what we have done since forming L.O.C.K. Ila will follow with reform views in areas where the Federal Government could help.

We are new at this.

There comes a time in a person's life when you can no longer shake your head and tsk-tsk at what is going on in your country. There comes a time when you question the sanity of your country, and you say to yourself, How did it come to this? How did we let it get like this? And there comes a time when you answer those questions with: I allowed this to happen by my ignorance of the laws and the people I elected to watch over my country.

And there comes a time when you take a stand and you say: No more. It's gone too far and I must help. I must start the cleanup, and I must make the change.

And that time came for me and Ila in February of 1994 when a man accused of molesting a child in Washington State was picked up in Matteson, IL, about a half a mile from my home, on a vagrancy charge. A country warrant was run on this man, and an outstanding warrant for his arrest was out for him.

These were just some of the details I heard on the news that evening in February. I said to myself, "Oh, God, not another one," but thanking God he was at least caught and we were safe from him. But, oh, no, we were not safe. I could not believe it. The accused child molester, with an outstanding warrant in another

State, was set free back on to our streets, to walk freely among our children. This could not be true. How did this happen?

Well, it was true. The accused child molester, Joseph Bernard Davis, was set free, set free because of geographical boundaries and the almighty buck.

The outstanding warrant was only good for Washington State and the surrounding States, not for Illinois.

"Didn't the kids of the other States count?" I said to myself. It was inconceivable to me that this could happen. Our laws were to protect us, right? Our elected officials were to make good laws, right?

Well, I thought that to be true before, but now I am not so sure.

Since that night in February when Ila and I started L.O.C.K. (Lock Out Child Krime), we have learned a lot, accomplished a little, and we have a long way to go to achieve our goals.

Our mission is to bring awareness to the public that the current laws concerning child molestation need and have to be changed. Our children need to become a priority in this country, and tougher laws will help achieve this. Our current laws dealing with child molestation need to be revamped or changed entirely to ensure the safety of our children. Doing this, hopefully, will send a message to the child molesters and the repeat child molesters that it is "one strike and you are out."

Our accomplishments to date for Ila and myself are satisfying, but not complete. We have gained the support of local legislators. We have testified in Springfield to the need of our bill, 3615, and it passed unanimously in the House, but stalled in the Senate. We have had various newspaper articles with front-page coverage in the women's news section of the Chicago Tribune.

Peter Jennings', World News Tonight, felt this issue important enough for Ila and myself to be "Persons of the Week" on his national newscast.

Again, this issue of child molestation and what L.O.C.K. was doing drew interest from the Good Housekeeping magazine, and an article is ready for publication.

The Lock Out Child Crime Bill of 1994 was introduced into Congress in May of 1994. And in June of 1994, we traveled to Washington, DC, knocked on doors, and asked for support of this bill.

We have addressed various clubs and handed out petitions, made hundreds of phone calls, listened to people who were hoping that we had an answer because "the system" let them down. And we promised them, with their help, we would make a change.

These people are not just statistics. They have names, they have faces, and they have stories to tell. Time permitted they were not allowed to testify today, but let me speak on some of their behalf to share a little insight to their horrors.

First, there is Vicky from Decatur whose ex-husband molested her 14- and 12-year-old daughters along with her 20-month-old daughter. This man received no prison time, just 4 years' probation. I wonder where he is now.

Then there is Susan from Olympia Fields whose girl friend's father was a Congressman and abused her, but it took 29 years to finally tell and she has no legal recourse.

Out West, in Wyoming, there is Brenda whose 6-year-old daughter was sexually abused by the child's grandfather. The child's terrors are with her every night, and the legal system worked for her. He got 10 years—yes, 10 years' probation. No jail time for taking a child's innocence and her soul.

These are just a sampling of what is out there. There is more, so much more.

These people, children, have suffered terribly. Some are healing, but a lot are not. Most are angry at a legal system that has no sympathy for them as victims.

These sexual molesters are predators. They prey upon the most vulnerable citizens of our country—our children. Their preference is children, not age mates. Their preference is a crime. This is a choice they make. This is a crime, one of the most vile and perverse.

It is a wakeup call to all of us that these children who have been abused will someday be the future of our country. But until that day comes, we are our kids' future, and we must protect them by strengthening and changing our current laws dealing with child molestation. Our duty as Americans, as mothers and fathers, is to protect our young so that they can grow and become healthy and trusting adults. It is up to us. Let's not drop the ball.

Senator MOSELEY-BRAUN. We certainly do not want to do that. Thank you.

Ila?

Ms. PERISIN. I have a few things to say, but quite short, though.

My testimony is going to focus on the need for change of our current laws to achieve justice for these kids that are sexually abused. Sexual offenses against children are widespread in all levels of American society. Studies estimate that one-fifth to one-half of all females in the United States were sexually abused during childhood.

A study by the Bureau of Justice Statistics revealed that over half of the victims of reported rape in 1992 were under the age of 18 years old. In Illinois alone, in 1992, there were over 10,000 cases of sexual abuse reported.

Child sexual abuse is a multifaceted problem from which there are no easy answers. In spite of slight changes in attitudes toward children in recent years, the sexual abuse of children has persisted, and the rate of abuse has steadily grown.

As more and more children come before the courts, the legal system, which was designed for adults, needs to adjust to accommodate the special needs of children. L.O.C.K. proposes the establishment of a task force in which we would review and monitor Federal, State, and local strategies for preventing and punishing sexual crimes against children, including the protection of the rights of the child victim and make recommendations to improve the response to such crimes.

Specifically, we would address the following: evaluate the adequacy of State and Federal laws on sexual abuse and the need for a more uniform statute and response to child sexual abuse crimes; evaluate State prosecutors and State courts on their responsiveness to crimes of child sexual abuse; evaluate the adequacy of State and Federal rules of evidence, practice, and procedures to ensure the ef-

fective prosecution and conviction of child sex offenders and protect the child victims from further abuse in legal proceedings; evaluate the adequacy of such State warrants issued for child sexual abuse crimes, setting no boundary limits or restrictions on such warrants. For example, in the *Joseph Bernard Davis* case, the suspect knew how to manipulate the system. He went just far enough beyond the geographic reach of the boundary.

Could this not have been classified as a Federal offense, flight to avoid prosecution? If so, United States marshals could then pick up the wanted suspect. This would send a message to the perpetrator that there is nowhere to hide.

I thank the subcommittee for your attention to the problem of obtaining justice for the children of child sexual abuse. Regrettably, our legal system has for too long ignored the harm done to children through this heinous crime. Now that our society has reached a long overdue understanding of the harm done by this abuse, it is essential that the legal system respond. Currently, the large number of sexual abuse cases means abuses go unpunished for their acts and our legal system is failing to deter the devastating epidemic of sexual abuse of children.

Thank you.

Senator MOSELEY-BRAUN. Thank you very much.

How long have you been working in this area? When did you start?

Ms. PERISIN. Since February.

Ms. LINZY. February 16th.

Senator MOSELEY-BRAUN. Well, I want to congratulate you. This kind of citizen action is always important and really is what keeps our democratic system working, because to know there are people out there watching and who are concerned enough to get involved and spend their own time is very, very important.

In your opinion, is child abuse within families, whether physical or sexual abuse, treated differently than the same kind of abuse outside of the family? In other words, are parents who abuse their own children treated differently than those who abuse someone else's children?

Ms. PERISIN. Yes.

Senator MOSELEY-BRAUN. And if so, what do you think accounts for this discrepancy? And do you think that change is—that that ought to be part of our investigation?

Ms. PERISIN. I would believe so. It seems from the cases that we have seen that if it is basically a case of incest, which is still child sexual abuse, they are extremely more lenient than if it were just a family friend. They try to keep the family together. They try to keep the perpetrator in the house with the family.

Ms. LINZY. And the family members try to keep the kids quiet because it is still such a hidden, dirty shame. No one wants to say, just like what I said in my speech, everyone is like, you know, because it happened, it is a dirty, filthy, shameful thing to be done and to happen to your kids. And the parents keep it, and they do not want anyone to know about it. And this has been going on. I mean, it goes back to the Greeks and everything else. It is there. It is in our society, and we need to open up the windows and let people know that this is a crime. It is like the rape thing that was

happening. I mean, people were thinking of a girl wearing a short skirt and that was her fault. Well, the thing is that this is a crime against a child. The perpetrators prefer children. They want kids. They can be 40 years old, 80 years old. They are still going to go for a 7-year-old.

It is just there, it is so prevalent. And it is more incestual than it is stranger danger.

Senator MOSELEY-BRAUN. What kind of support have you received? Your effort started probably in your kitchen, I would imagine.

Ms. PERISIN. It still is there, too. [Laughter.]

Senator MOSELEY-BRAUN. Working together with this, what kind of support have you received from the governmental agencies that you have gone to with this issue? Has it been good? Has it been lukewarm? Have they said, you know, go away or have they been helpful?

Ms. PERISIN. It is a mixture of both. Everyone agrees across the board that this is a terrible problem, this is an issue that needs to be dealt with, there needs to be an answer.

Nobody really has an answer, though, and that is the big problem. I mean, if they did, I am sure this would have already been corrected by now.

Ms. LINZY. And we are Moms. We are trying to say this is out there; there are experienced people out there who can do this. But we have the core of the human race out there that we talk to, and when we went to Washington, it is a different world out there. It is not like human beings that cry on the phone and say, "I have nowhere to go, and the legal system raped me just like my daughter was raped."

Ms. PERISIN. It is statistics.

Ms. LINZY. You know, there is government, and then there is real people. And we want to represent the real people who say—read the letters, please. Give yourself a half-hour of just free time and see—

Senator MOSELEY-BRAUN. Free time, each and every one of them.

Ms. LINZY. And then you cannot come away without saying let's do something, let's start something, even in Illinois, which our statistics are so much higher. We just received a brief from an officer in Wheeling, and he works with children and the abused, and the statistics in Illinois are just horrendous. Statistically in the country, I think they are 2.1 for every 1,000 children, which does not sound like a lot, but if you are one of those 2.1 children—but in Illinois, it is like 47.7 for every 1,000 children in Illinois. So the figures are just astronomical.

From 1980 to 1990, sexual abuse—because it is lumped together. Abuse and sexual abuse, until it starts getting a momentum going, it is all lumped together. What we are trying to say is separate now completely sexual abuse and do not plea bargain down anymore. You know, do not say, well, yes, you can rape the child, and then you are going to get 6 months, but then you are going to get 3 months' good time, and maybe you are going to go to a psychiatrist for a few months. Well, then, you are out there again.

The recidivism rate is just—there is no cure, because it is left to the perpetrator to take care of himself from not doing this anymore.

Senator MOSELEY-BRAUN. That kind of buttresses Dr. Bell's testimony, when he said that we need to be more specific in the way that we define these different kinds of violent actions.

Well, I have actually reached the end of your petition, and so I want to thank you very much. We are going to take a 15-minute break and reconvene at 1 o'clock. Well, 5 minutes of 1 o'clock.

Ms. LINZY. Thank you.

Ms. PERISIN. Thank you, Senator.

Senator MOSELEY-BRAUN. Thank you very much.

[Recess.]

Senator MOSELEY-BRAUN. The hearing will reconvene, and I would like to call to the witness table the second panel. Our second panel will consist of testimony presented by Commander Roberta Bartik, on behalf of Superintendent Matt Rodriguez of the Chicago Police Department; Judge Thomas Hornsby, who serves as vice president of the National Council of Juvenile and Family Court Judges; and Sergeant James Mickler of the Decatur Police Department.

Will the witnesses please come to the table? Thank you. Commander Bartik?

PANEL CONSISTING OF COMMANDER ROBERTA BARTIK, ON BEHALF OF SUPERINTENDENT MATT RODRIGUEZ, CHICAGO POLICE DEPARTMENT, CHICAGO, IL; SERGEANT JOHN R. MICKLER, DECATUR POLICE DEPARTMENT, DECATUR, IL; AND JUDGE THOMAS HORNSBY, PRESIDING JUDGE, CIRCUIT COURT OF LEE COUNTY, IL, AND VICE PRESIDENT, NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, DIXON, IL

STATEMENT OF ROBERTA BARTIK

Ms. BARTIK. My name is Roberta Bartik, acting commander of the Chicago Police Department's Youth Division. Superintendent Matt Rodriguez was originally scheduled to give this testimony. He asked me to express his sincerest apology and regrets his inability to attend. He requested that I deliver his remarks concerning juvenile violence reduction.

Before I begin, I would just like to state what the youth division which I am in charge of does. I found all of these comments by the previous speakers very interesting. I work intimately with the Department of Children and Family Services in handling the child abuse and child neglect family-related cases. We also process every juvenile that is arrested within the city of Chicago and make referrals to community-based organizations, and then also refer them to juvenile court if needed. So I have worked very intimately also with Judge Hall and with the State's attorney's office. I am currently working with Ann Burke in trying to get new legislation to help us to combat these crimes, the juvenile crimes.

Now I would like to present Superintendent Rodriguez's remarks.

Senator MOSELEY-BRAUN. Before you do, Commander, mentioning that you work with these other agencies, do you believe that

the current levels of coordination among and between agencies is adequate? Do you believe it can be improved? And if so, what improvements would you suggest?

Ms. BARTIK. I believe that the cooperation needs improvement. But it is improving. Recently we have been beginning to coordinate more with these various agencies. We are starting to work very closely with the Probation Department in juvenile court, and along with the State's attorney's office in trying to combat various crimes. And we have identified various problems, and some of them you touched on previously.

One of the problems is the computerization. Judge Hall mentioned it. We have had in the past a difficult time getting our records from the juvenile court regarding the dispositions of cases, making it very difficult for the police officers to know what the status of a juvenile is, whether he is on home detention, whether he has a warrant out for him, et cetera.

We have recently improved these tremendously, and so we also are working on trying to coordinate with other agencies. Juveniles are now very mobile, and we do not have a real good coordination with other agencies even within the State of Illinois, other law enforcement agencies. It seems like, again, the computer system is not able to hold all the information to share this. But we are attempting to work on this.

Another aspect that we are working on—and I am probably plugging our mayor's new program, but he has started a Chicago for Youth Program, and he has set up six youth nets in the city of Chicago, starting in January of 1995, to deliver city services. I recently went to New York with this program. The Health Department was there, the Department of Children and Family Services, the Board of Education, the Chicago Police Department, and other organizations which are going to be in locations within the city of Chicago to deliver services to citizens and to children.

They will deliver afterschool activities, classes, tutoring, plus provide in one spot, in one location, DCFS services, health services, a coordinated place where these families can go.

It is interesting. My family grew up in Chicago—or I grew up in Chicago, and my family has been here since the 1850's. And my great-grandmother raised 12 children in the Pilsen neighborhood, and they all went to a community settlement house for all their services. And I have pictures of all of the 12 children getting all these services in Chicago in the 1890's, and that is probably what is happening now again. So it is kind of nice to see that.

Now I would like to present the superintendent's remarks.

For police executives like myself and for the thousands of police officers out on the street whom we represent, there is perhaps no problem more troubling, more frustrating, and at times more dangerous than the problem of juvenile violence. Youth, youth with guns, and youth with guns involved in gang and narcotics activity—these have become the leading causative factors of lethal violence in our cities.

Here in Chicago, close to half of our homicides so far this year have involved gang activity, narcotics activity, or both; and as gangs and narcotics have become more prevalent, the ages of our homicide offenders and victims have dropped. So far this year, 44

percent of known homicide offenders and 35 percent of homicide victims have been under the age of 21. By comparison, just 28 percent of offenders and 18 percent of victims were under age 21 in 1974. That was the year our city recorded its highest number of murders ever—970.

While it appears unlikely that Chicago will surpass 1974's murder total this year, we have already eclipsed 1974 when it comes to young people's involvement in homicide. This trend has been driven in large part by the increase in homicides involving the very young, those ages 16 and under.

During the first 10 months of this year, 96 homicide offenders and 103 victims have been in the 16-and-under age group; in other words, close to one in five homicide offenders and one in eight homicide victims have been at least 1 year away from even being able to cast a ballot in an election.

One factor that has contributed to the increase in homicide among young people is their easy accessibility to semiautomatic weapons and their propensity to use these weapons to settle a narcotics deal, a gang dispute, or other type of confrontation. In the last 2 years, firearms have been used in almost 75 percent of all homicides in Chicago. That is a record percentage. But among offenders younger than 21, the figure is closer to 90 percent who use firearms.

The statistics I have presented today pertain only to murder, which is the most conspicuous and statistically quantifiable of all crimes. But these statistics also reflect the broader trend of youth involvement in other types of violent crime.

We could easily spend the rest of the morning just analyzing the available numbers, but I understand that the purpose of today's hearing is as much about pursuing solutions as it is about further defining the problem. So I would like to spend the remainder of my time discussing ways in which government at all levels—local, State, and Federal—can provide both immediate relief for the crisis at hand as well as long-term leadership and assistance for turning this problem around.

I believe very strongly that it is the dual-track approach—providing short-term relief as well as long-term change—that offers our only hope for breaking the cycle of violence among our young people. Here in Illinois, short-term relief is needed in three key areas: one, increased accountability for young offenders; two, increased capacity to detain very young offenders in secure facilities; and, three, meaningful gun control. I would like to briefly touch on each of these.

Increased accountability for juvenile offenders is a major theme for the Illinois safe neighborhoods bill which is being considered today by the Illinois Senate. This bill and its comprehensive provisions on juvenile justice has received the overwhelming support of law enforcement executives from throughout the State. Police chiefs have supported the bill because we believe that juveniles charged with Class X felonies, driveby shootings, and armed drug and gang offenses should be transferred to adult court. If found guilty, they should face appropriate consequences. We also believe that minors who commit less serious offenses involving firearms

should be required to at least perform significant community service.

The safe neighborhoods bill sends a strong message of accountability to all juvenile offenders. Increased accountability is feasible only if there are sufficient resources on the back end of the system, whether that entails community-based sanctions or juvenile incarceration. In Illinois, our most immediate need is space to detain very young violent offenders.

Under current State law, we are forced to send our youngest violent juveniles to facilities in other States, if we are to detain them at all. It may be a sad commentary on our society that we must detain 11 and 12 year olds in secure facilities. But when those 11 and 12 year olds are members of violent street gangs, when they are involved in selling drugs, when they have access to 9mm semi-automatic weapons, and when they freely use those weapons against other 11 and 12 year olds, then we have no choice but to separate these young people from their peers.

Finally, any short-term relief must include meaningful controls over firearms. That means not retreating from the Brady law and not retreating from the assault weapons ban and the youth handgun safety provisions of the crime bill. It also means continuing to look for effective ways to keep guns out of the hands of our children. Those are just three possible short-term measures. There are certainly others that deserve consideration.

But if we are to have any type of lasting impact on the problem of juvenile violence, we must do more than implement short-term responses. We must also provide for long-term change through prevention, treatment, and, above all, education.

Earlier this year, Congress gave a significant boost to our prevention, education, and treatment efforts with the passage of the crime bill. While some people have tried to dismiss these provisions as little more than political pork, let me say that for most police executives—and I think I speak for the majority of my colleagues—these programs represent political leadership, not pork. They are a vital part of our crime control efforts at the local level, and they must be given a chance to take hold.

All of us are frustrated over the crisis in juvenile justice, whether we are an elected official, a police officer, a teacher, a factory worker, or a stay-at-home mom. However, we must not allow our fears and our frustrations to derail the dual-track approach that I mentioned earlier. Vigorous law enforcement and accountability for the short term, coupled with long-term prevention and education, these are the cornerstones of the crime bill at the Federal level, the Illinois safe neighborhoods bill at the State level, and the very promising community policing initiatives that are underway in Chicago and many other cities.

This dual-track is not an either/or proposition. We cannot afford to place all of our emphasis and resources on one track while ignoring or short-changing the other. These are complementary strategies that we must adequately plan for and fund right now and into the future.

Thank you.

Senator MOSELEY-BRAUN. Thank you very much, Commander.
Sergeant Mickler, welcome.

STATEMENT OF JOHN R. MICKLER

Mr. MICKLER. Thank you, Senator. Thank you for inviting me to testify this afternoon on a program that we are doing in Decatur that I think has some promise for the issues that we are discussing today.

My name is John Mickler, but I will answer to James. That is fine, so there will not be any confusion. I am a sergeant with the Decatur Police Department, and I supervise juvenile operations.

In 24 years of law enforcement experience and 17 years as a juvenile officer, I have found few programs to be more encouraging than the SHOCAP program. SHOCAP is an acronym that stands for Serious Habitual Offender Comprehensive Action Program. It is a community-based, multidisciplinary, interagency, case-management system that includes representation from police, schools, mental health, prosecutors, probation departments, detention centers, social service providers, child welfare, courts, and corrections.

The program is designed to establish a system-wide recognition, emphasis, and identification for the serious habitual juvenile offender population. It forces the system to recognize the difference between the serious habitual juvenile offender and the routine offender. It also forces the system to recognize that those two populations have different needs.

The serious habitual juvenile offender is the offender that is causing the Juvenile Justice System most of the problems. The Juvenile Justice System still works very well for the one- or two-time offender that comes before it. These serious habitual juvenile offenders are created; they are not born. They are products of the society that they grow up in.

SHOCAP is actually based on a Federal model that was developed by the Office of Juvenile Justice and Delinquency Prevention in the late 1970's. When OJJDP began to study this problem of the serious habitual offender, they found some very interesting facts. The vast majority of children who later became serious habitual juvenile offenders had incidence of sexual molestation, physical mistreatment, runaway from home, incorrigibility with their parents, trouble in school, and had witnessed or been a party to serious domestic violence.

They also found that these children had been in the Social Service System long before they entered the Criminal Justice System; yet as you have heard so much today, because of lack of information sharing and confidentiality issues, in spite of the fact that many of these children were the recipient of many services from many different agencies, there was no coordination of those services. In fact, in a humorous perspective, sometimes there were caseworkers bumping into each other on the front porch of these clients' houses, not knowing they were working with each other.

The Social Service System also did not provide a mechanism for early identification of at-risk youth for later involvement with the Criminal Justice System, something that is in place and can be done.

Finally, there was no family case manager. Each agency had a case manager, but their focus was strictly for the goal of their agency.

Decatur started a SHOCAP project in December of 1990 and continues to operate today under an interagency agreement. I have included with my written testimony a copy of that agreement for your review. We developed local, community-based criteria that would identify a serious habitual offender for Decatur-Macon County. Once that minor is identified as a serious habitual offender, the system helps each other in holding this minor accountable for their actions—something that most of these minors have never experienced. They have gone through the system being handled much like the routine offender, and due to system overload and a lack of communication, these minors have developed an air of invincibility.

Some of the things that are done to help hold them accountable: Police officers do bed checks on minors who are subject to the conditions of probation, and the condition includes curfew. If the judge has said, young man or young lady, be home at 10 o'clock, at 10:15, if they are a serious habitual offender, a police officer may be knocking on their door asking to see them. It establishes with the child that we are doing what we say and we mean what we say. Another thing we do is detention for minors who commit new offenses if they are a serious habitual offender.

These are reactive responses. Perhaps more importantly, what the SHOCAP program offers is an opportunity to be proactive, to break this cycle of violence, this self-perpetuating cycle. Through a staffing effort that the committee does, we attempt to establish preventive, interventive strategies to deal with the contributory causal factors of the minor's deviance. At the same time, we are also glancing down the family tree and trying to look at younger siblings who themselves are at risk of becoming serious habitual offenders. And if we have the opportunity, we try to also work with those children so that they will never become serious habitual offenders.

We have had some difficulties; not with the reactive component, that has worked well. Unfortunately, we have had some difficulties with the more important proactive component due to the fact that the confidentiality issue of information is something that is going to have to be addressed. Whether it is legal or perceived, many agencies do not want to share information for fear of being sued.

In addition to that, those of us who work in the SHOCAP project do this on a volunteer basis. It is kind of a second job. There is not time for us to manage these cases. There needs to be independent staff to manage these cases.

Our approach to crime seems to be backwards. We want to pour more money into prisons and fill them up as fast as we can. As a juvenile officer with 17 years' experience, in Decatur almost all of the adult career criminals were serious habitual juvenile offenders. We need to begin looking at putting the money with the juveniles to prevent them from ever becoming adult career criminals. SHOCAP has some promise to help reverse that trend.

Thank you.

[The prepared statement of John R. Mickler follows:]

UNITED STATES SENATE
SENATE JUDICIARY COMMITTEE
SUBCOMMITTEE ON JUVENILE JUSTICE FIELD HEARING
Chicago, Illinois, November 29, 1994

"Juvenile Crime: Breaking the Cycles of Violence"

Written testimony of : Sgt. John R. Mickler
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For the vast majority of delinquent youth who come to the attention of the juvenile justice system, the system works well by providing assistance to the minor and their family in adjusting the youth's aberrant behavior. However, the evidence is clear that for the growing population of serious habitual juvenile offenders, that same system is failing. Due mostly to system overload and a lack of information sharing and coordination, many of the serious habitual juvenile offenders go through the system without consistently being held accountable for their actions. Despite the fact that these youth are serious and habitual, the system fails to distinguish that fact and treats these offenders much the same way as the more routine offender. The serious habitual offender develops an attitude of invincibility in which the system is perceived as lacking credibility. The evolution of this mind-set continues until the youth commits such a serious crime, or series of crimes, that the system finally takes notice and commits the minor to a secure correctional setting. Unfortunately, by this time the probabilities for a successful rehabilitative effort have diminished to almost nil.

Throughout this child's experience with the juvenile justice system, the system's response to this child, his needs, and his family have been from a reactive perspective. There has been no initiative driven by a proactive, preventive, intervening strategy. This is where the system must begin to direct resources to break the cycles of deviance which so often manifest in a life as a violent juvenile offender and on to a life as an adult career criminal.

Recognition of this phenomenon began about fourteen years ago when the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) started to study the problem of the emerging population of the serious habitual juvenile offender. Research which examined the history of these minors

revealed several common factors resulting in the development of a rather consistent profile. The common factors included early incidents of sexual exploitation, physical mistreatment, running away from home, and trouble in school. Most had been the recipient of services from a variety of resources. While these services addressed a specific area within their purview, they also overlapped with other services. In spite of services being delivered by a variety of agencies and resources there was no coordination of the service plans and no sharing of case pertinent information. As these youth entered the juvenile justice system, this tunnel vision approach to service delivery continued.

The police, who serve as the entry mechanism into the juvenile justice system, rarely had a complete picture of the youth's family dynamics or of services currently being provided. In fact, the police may very well refer this youth/family to yet another service resource. If the minor was eventually referred to the juvenile court this same pattern continued. The juvenile courts were making decisions on minors, who were serious habitual offenders, with incomplete information.

The study had identified two substantial problems in the juvenile justice system. First, the serious habitual juvenile offender was not being distinguished from the routine offender. And second, there was a severe lack of comprehensive case management which resulted in fragmented services and the lack of complete information available for judicial consideration.

Based on the findings of their study, OJJDP developed a demonstration project called Serious Habitual Offender Comprehensive Action Program (SHOCAP). The philosophical underpinning of SHOCAP was a community based, interagency, multi-disciplinary case management system. The agency base would include schools, state child welfare, social service providers, police, corrections, courts, probation, and prosecutors. Through an interagency agreement, serious habitual juvenile offenders would be identified by community based criteria. Minors identified as serious habitual offenders (SHOs) would receive emphasis within the system. Those within the system would enhance their efforts to maintain or establish accountability for this youth. Through the interagency agreement case pertinent information would be shared. The prosecutor would have access to a comprehensive case file for this youth. That information would be submitted to the court, giving the judge a more complete source of information on which a disposition could be based. Once a disposition was ordered, pertinent information would be shared system wide. The system augmented the effort of the court (and hopefully the parent [s]) to hold the minor accountable. No longer was the disposition imposed by the court nothing more than meaningless words known only to the court, probation officer, minor, and

minor's family. The system, assisting an overburdened juvenile probation department, would help the minor in following the disposition of the court.

The overall goal was to prevent the minor from entering a formal correctional institution by enhanced system wide supervision and use of local juvenile detention space to reinforce accountability for violations of the disposition. The system, acting collectively, was finally telling this minor there were consequences for their deviant actions.

OJJDP set up a mechanism where interested communities would receive training and technical assistance to initiate a community based SHOCAP project. There was no direct financial assistance. Communities received training in making better use of existing community resources through effective case management. The emphasis was community based so that the project would be sustained. OJJDP, through a contractor, served as a facilitator to the communities' own initiative.

Several communities undertook this endeavor with the technical assistance and training offered through OJJDP. Around 1992 the funding for this project was withdrawn. However, several sites have continued to exist throughout the country. Others have developed on their own or by relying on technical assistance from existing sites. In Illinois, several sites have initiated a SHOCAP project either on their own or through technical assistance supplied by the Decatur-Macon County Interagency SHOCAP Steering Committee.

Decatur-Macon County instituted a SHOCAP project in December 1990. The project operates under an interagency agreement (copy attached). The initiation of our project was based on two goals. The first was an intensified reactive component designed to establish or maintain system wide accountability for the identified SHO. The second goal, and perhaps the more important, was to produce a proactive, preventive component which would get the SHO off of SHO status and work to prevent at-risk youth from making SHO status.

Local criteria was developed to identify SHOs for Macon County. Once identified, the system focused on enhanced supervision of the identified SHOs in an effort to emphasize to them consequences for their deviance. This included immediate secure detention for additional offenses, bed checks by police to ensure court mandated curfews were being honored, the sharing of conditions of probation with law enforcement so that they would be in a better position to assist with the supervision of those conditions. Unfortunately, the enhanced supervision has been restricted to those within the criminal justice system. Many feel that sharing beyond the criminal justice system, to the schools for example, is prohibited (either through law or

perception). Even if information is shared with the schools, it is unclear what the schools can do with it. Is it restricted to the administrators, counselors, or can teachers be informed? Although this component has been successful, the extent of the success is limited due to legal or perceived information sharing and re-disclosure restrictions.

The second major thrust of our project is the proactive/preventive component. This component of the project is the most exciting, offering, in theory, an opportunity to break the cycle of deviance. Early data collected from our project produced some disturbing information. About seventy-five percent of our SHO's had at least one parent with a criminal record. Seventy-one percent had at least one sibling with a criminal record. Most came from single parent, matriarchal families. Although most were enrolled in school, attendance was poor and grades were low. The average age for their first arrest was about age ten. And, perhaps notably disturbing, most had been in the system (often as sexually or physically abused children, runaways or incorrigibles) long before they entered the criminal justice system. (A mechanism to identify at-risk youth is already in place!)

The concept of this component is one in which a SHO is identified. A comprehensive social service, school, medical, mental health, child welfare, housing, criminal historical assessment is conducted. Including the parents as part of the process, the information is evaluated. Special emphasis is given to identifying contributory crisis points that were or are significant contributors to the deviance. A comprehensive service delivery plan, especially designed to address the contributory crisis points, is developed. The plan is then shared system wide so that all can assist in assuring the plan is followed. At this same time an evaluation is included for any sibling who are now deemed as at risk.

Initiating this phase has been more difficult than anticipated. The first significant obstacle concerns the inability to gather complete information about this minor and their family and the inability to disclosure information gathered. Our plan is to rely on releases of information. However, getting them signed by families and honored by agencies is a problem itself. A SHOCAP law was passed in Illinois which allowed information sharing based on a court order. However, we found several other laws within the statutes which were contradictory. Efforts to get those laws changed have met with some resistance. Although most favor the concept of SHOCAP, they are hesitant to allow a relaxation of records confidentiality.

A more pressing problem is finding a case manager to administer cases. All of the members of the SHOCAP committee are volunteers, doing SHOCAP as a second job. Although many would

consider serving as a case manager, finding the time to do it is difficult. In addition, some who want to serve have no experience or training in being a case manager.

A final problem getting this component established is the sophistication level of available services. By waiting until a minor surpasses the minimum criteria to become a SHO, the minor is generally in their middle teens and the sophistication level of the available services does not meet the level of need.

A SHOCAP type model can have a positive effect on breaking the cycle of violence. A multi-disciplinary, interagency, comprehensive case management and service delivery system can be effective. The keys to increasing the chances for success include early identification and intervention of at risk children; not allowing the children to be well entrenched in the system and then trying to undo what has been done. In too many cases, the irreversible damage has been done long before a concentrated effort of behavior modification is attempted. A second key is a multi-disciplinary, interagency, open minded approach. Undertaking this endeavor from a holistic perspective. And finally, employing a family case manager, independent of any service providing agency, who can serve as overall coordinator.

OJJDP already has experience in transferring a similar program throughout the country. However, experience has indicated that the program will be more effective if the technical assistance and training is supplemented by resources for professional staff (case managers and project directors) and service provider programs with enhanced sophistication to meet the need.

The application of resources to address the crime problem seem to be directed backwards. The majority of resources are directed to the adult problem with the thrust to build yet more prisons. The efforts that are directed at the juvenile problem center on transferring more juveniles to adult court, and eventually putting them in prisons. Almost without exception, the adult career criminal of today was the juvenile delinquent of yesterday. In the rhetoric of "crime fighting" we seem to lose sight of that fact. Resource allocation needs to be directed toward preventing individuals from ever entering the criminal justice system.

Of course there will always be a certain number of individuals who in spite of the best intended efforts still end up in jail. However, a significant number can be diverted from that track if we concentrate on very early identification and intervention. Such a model, similar to the SHOCAP concept, is worthy of serious consideration.

attachment

DECATUR-MACON COUNTY SHOCAPINTERAGENCY AGREEMENT

The Serious Habitual Offender Comprehensive Action Program (SHOCAP) focuses on developing an interagency response to chronic juvenile offenders. It is an information sharing and case management program involving education, social service providers, court, and law enforcement agencies that enables the juvenile justice system to enhance rehabilitative efforts.

The signers of this agreement concur that an interagency approach to information sharing and case management between agencies concerned with the juvenile justice system will lead to better informed decisions regarding the handling of the serious habitual offender. Each agency agrees to follow the guidelines set out in this agreement.

GENERAL PROVISIONS:

1. Agencies who are represented and individuals serving on the Decatur-Macon County SHOCAP Interagency Steering Committee shall abide by the confidentiality provisions of this agreement, orders of the Macon County Circuit Court, and applicable statutes of the Illinois Compiled Statutes.
2. Except as otherwise provided, all information, in any form, which is received, gathered, or disclosed under the auspices of the Decatur-Macon County SHOCAP Interagency Steering Committee shall remain confidential and shall be used only in the furtherance of the goals and objectives of the Decatur-Macon County SHOCAP project.
3. To ensure the confidentiality of the information contained in the case files of identified Serious Habitual Offenders the following procedure for record keeping shall be set up:
 - a. Kim Chervinko and/or Donna Mendenall, or their successors, will be designated as the case file custodians.
 - b. Case files will be kept in a locked cabinet in the Juvenile Unit of the Decatur Police Services Division.
 - c. Case files to be maintained will include copies of Juvenile Court records.
 - d. Relevant records from other member agencies may also be kept in case files subject to the confidentiality provisions of the SHOCAP agreement.
 - e. All records pertaining to SHO's made available to members of the SHOCAP committee and all records generated as a result of the interagency agreement shall be confidential and shall not be disclosed except as specifically authorized by this agreement, applicable law, or orders of the court.

4. All information gathered for the publication of the monthly law enforcement informational packet or used to enhance SHO profiles, will be maintained under secure conditions within the Crime Analysis Unit of the Decatur Police Services Division. This information shall be under the director control of Kim Chervinko, or her successor.
5. Any and all information gathered under the auspices of the Decatur-Macon County SHOCAP Interagency Steering Committee will be used exclusively for the interagency sharing of information as allowed by the steering committee, to enhance supervision of the identified population, and to develop, administer, and monitor comprehensive action plans designed to alter the deviant behavior patterns. To that end, in order for any confidential information to be shared under the auspices of SHOCAP, the individual (s) receiving the information must have a specific role in achieving one or more of the stated goals. Confidential information will not be routinely shared with all committee members.
6. This agreement will be subject to yearly review.
7. As the SHOCAP management information system becomes operational, member agencies agree to participate in the development of comprehensive action plans, some of which will be multi-agency in nature, design to provide a positive alternative to the deviant behavior patterns.
8. Members will also be alert to the existence of near-SHOs and at-risk youth as they relate to the identified serious habitual offender. In a pro-active contemplation, the development of comprehensive action plans will include consideration of this population.

LAW ENFORCEMENT:

1. Develop or revise agency policy and procedures to support this agreement.
2. Develop policy and procedures to ensure that information gathered, shared, and maintained under the auspices of SHOCAP adheres to the confidentiality provisions of this agreement and applicable statutes of the Illinois Compiled Statutes.
3. Support the interagency collaborative philosophy of the SHOCAP concept by assisting member agencies/disciplines in the information management, supervision, and rehabilitation of the identified serious habitual offender population.
4. Identify minors who meet the SHO criteria as established by the Decatur-Macon County SHOCAP Interagency Steering Committee and forward that information to the Crime Analysis Unit of the Decatur Police Services Division.
5. When processing a serious habitual offender, follow the Decatur-Macon County SHOCAP Law Enforcement Guidelines included in the SHOCAP Law Enforcement Informational Packet.

6. Enhance the preliminary and follow up investigations of all cases which involve an identified SHO.
7. Provide information to the Crime Analysis Unit of the Decatur Police Services Division to assist in the development and maintenance of SHO profiles.
8. Request the detention of SHOs who have violated their rules of probation or committed a new offense pursuant to this agreement, the Decatur-Macon County SHOCAP Law Enforcement Guidelines, and applicable statutes of the Illinois Compiled Statutes.
9. Provide authorized background informational support to the Crime Analyst of the Decatur Police Services Division to be included in the SHO case files. This information will assist the SHOCAP committee in making responsible and informed decisions in the development of comprehensive action plans.
10. Forward field interview contact cards, or any other information on SHOs, to the Crime Analysis Unit of the Decatur Police Services Division.
11. Identify training needs relevant to the SHOCAP project and ensure necessary training is provided.

CRIME ANALYSIS:

1. Forward pertinent information gathered or received on SHOs, who are subject to the rules of probation, through the supervisor of the Decatur Police Services Division Juvenile Unit, to the Chief Juvenile Probation Officer or her designee, .
2. Keep SHO Committee Chairperson updated on significant informational changes to include arrests, detentions, status changes, or the failure to take appropriate action, regarding identified serious habitual juvenile offenders.
3. Develop comprehensive profiles on each SHO and keep them updated.
4. Publish and Issue the monthly SHOCAP law enforcement informational packet.
5. Develop and maintain SHO case files.
6. Serve as primary records custodian for SHO case files.

STATE'S ATTORNEY'S OFFICE:

1. If the juvenile is detained, every effort will be made to keep him/her in detention pending the adjudicatory hearing.
2. The state's attorney will attempt to expedite the case through the juvenile justice system.

3. All petitions will be handled vertically (the same prosecutor assigned to the case all the way through the system) where possible.
4. An adjudication will be sought for each new petition filed, when feasible.
5. If plea bargaining is used, the prosecutor will attempt to obtain as favorable a result as appears possible, given the nature of the evidence. Any counts that are dismissed may be used at the dispositional hearing in support of a more stringent recommendation.
6. At the dispositional hearing, the prosecutor will be prepared to present any information in aggravation which is known (i.e. SHO profile information).
7. Where appropriate, and where the evidence supports such a decision, the state's attorney's office will file charges in adult court, or a motion to transfer to adult court.

JUVENILE PROBATION DEPARTMENT:

1. Conduct social history investigation reports and intake reports, taking into consideration information contained in the SHO profile.
2. Supervise SHO's on probation.
3. Explain what it means to be a SHO to youth on the SHO list.
4. Determine appropriate recommendations in cases where SHO's have violated the terms of probation.
5. Regularly advise the Crime Analysis Unit of the status on all SHO's under the authority of the Juvenile Probation Department.
6. Upon request provide the Crime Analysis Unit information needed on the minor regarding current address, school, favorite hangouts, nicknames, and such.
7. Seek a detention warrant for SHO's who meet the criteria.

BIVENS/WHITTEN JUVENILE CENTER:

1. Provide space in detention for the SHO's who meet the detention criteria.
2. Make available to the appropriate juvenile service provider any conduct violations by SHO's.

DECATUR MENTAL HEALTH CENTER:

1. Share social history and/or diagnostic information with the Decatur Police Division, and other social service agencies, as appropriate, and as allowed by the Mental Health Code.
2. Provide individual, family and/or group therapy to youth and their families requiring mental health and/or substance abuse services.
3. Crisis intervention services are available 24 hours, 7 days a week for youth in need of evaluation for hospitalization.
4. Geoghegan Recovery Center may offer chemical assessments on appropriate SHO's.
5. SHO's with a substance abuse problem may be referred to the Geoghegan Recover Center's Juvenile Offender's Program.
6. SHO's in the Bivens/Whitten Juvenile Detention Center will receive counseling through the Geoghegan Recovery Center.
7. Decatur Mental Health Center Staff shall participant in multidisciplinary staff meetings.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES:

1. Identify SHO's who are the victim or perpetrator in child abuse/neglect reports.
2. Identify SHO's who are receiving services from the Department.
3. Share social history and/or diagnostic information with the Decatur Police Division, and other social service agencies, as appropriate and as allowed by department rules, regulations and related legislation.
4. Provide social services and placement opportunities for SHO's/and potential SHO's under legal responsibility of the department, within available and attainable resource limits.
5. Participate in multidisciplinary meetings to plan for community services to individual SHO's.

YOUTH ADVOCATE PROGRAM/JUVENILE RESTITUTION PROGRAM:

1. To supervise community services or restitution work for all SHO referrals via the Probation Plus Program.
 - a. Report all violations of program rules to appropriate court representative.
 - b. Report all absences from community service or restitution work to the appropriate court representative.
 - c. Provide information request to appropriate representatives from the court or police regarding the SHO's behavior and attendance in the Probation Plus Program.

2. To provide Unified Delinquency Intervention Services (UDIS) for SHO youth referred by the court system for services.
 - a. Report on violations of program rules to appropriate court contact.
 - b. Provide information, upon request, of the SHO's activities, behavior and attitude to the appropriate contact agency.
3. To provide Aftercare Services for SHO youth referred by the court system for services.
 - a. Report violations of program rules to appropriate court contact.
 - b. Provide information, upon request, of SHO's activities, behavior and attitude to the appropriate court contact.
 - c. Information on referred SHO's will be provided to agencies who would benefit from the shared information.
4. To provide Comprehensive Youth Services (CYS) for SHO youth referred to the probation department.
 - a. These SHO youth will be referred into the Aftercare Program to provide a more intensive service.
 - b. Reports on violations will be provided to the appropriate court representatives.
 - c. Information on referred SHO's will be provided to agencies who would benefit from this shared information.

SCHOOLS:

1. Provide the crime analysis unit in the local police department with the following data to enhance a SHO profile: attendance records, discipline records, report cards and transcript as allowed by federal law, Illinois Revised Statutes or other appropriate program policy.
2. Share information with other SHOCAP member agencies as allowed by federal law, Illinois Revised Statutes or other appropriate program policy.
3. Report all crimes committed by an identified SHO that occur on a school campus, as a school sponsored activity or against school personnel to the local police department.
4. Make sure SHO's are adhering to the terms and conditions of probation that pertain to school. Report all violations to the juvenile probation officer.
5. Report unexcused absences and conduct violations to the juvenile probation officer or the local police department's crime analysis unit.

GENERIC SERVICE PROVIDERS:

1. Develop or revise agency policy and procedures to support this agreement.

2. Develop policy and procedures to ensure that information gathered, shared, and maintained under the auspices of SHOCAP adheres to the confidentiality provisions of this agreement and applicable statutes of the Illinois Compiled Statutes.
3. Support the interagency collaborative philosophy of the SHOCAP concept by assisting member agencies/disciplines in the information management, supervision, and rehabilitation of the identified serious habitual offender population.
4. Assist the Decatur-Macon County SHOCAP Interagency Steering Committee in the development of comprehensive action plans.
5. When specifically identified as part of a comprehensive action plan, coordinate and communicate, in a collaborative manner, with other service provider agencies to facilitate the successful administration of the plan.
6. When specifically identified as part of a comprehensive action plan, provide necessary documentation of a SHO's progress, participation, and performance as specified within the comprehensive action plan. The documentation shall be provided to the identified plan coordinator.

This agreement will expire October 1, 1996

Senator MOSELEY-BRAUN. Thank you very much, Sergeant.

What I would like to do is get the testimony from this entire panel and then come back and ask questions. I think that will be more productive, because you have said some very provocative things, as did you, Commander, and I really want to explore this area with you further.

Judge Hornsby?

STATEMENT OF JUDGE THOMAS HORNSBY

Judge HORNSBY. Senator Braun, my name is Judge Tom Hornsby of the 15th judicial circuit and the presiding judge of the circuit court in Lee County.

You are probably wondering what a judge 100 miles west of Chicago is here to testify about, and I must tell you that the same problems that you have heard from my colleague and good friend, Judge Hall, from the police department, from everywhere else, exists in Lee County today. We have a prison of approximately 1,600 population that is growing by leaps and bounds. We have an increasing effort to develop gangs in our area, and we have all the problems that have been discussed, certainly not on the magnitude of Judge Hall's court, but if you take that and multiply it times the number of counties in this State, I think you would say it is widespread.

I have served as a judge now going on 22 years—in 2 days, I will celebrate my 22d year on the bench—hearing cases both in the family, juvenile, and felony courts. So I have broad-based experience in all areas.

I am here today as vice president of the National Council of Juvenile and Family Court Judges, and we are pleased to respond to your invitation to provide assistance at this field hearing.

With Federal, State, and private funding, our organization has spearheaded fundamental reform efforts directed to assisting juvenile and family State courts in holding accountable serious juvenile offenders, which we certainly agree with. We are worried about constraining domestic violence. We are concerned with protecting abused and neglected children. And certainly we want to also comment on the fact that we believe it is necessary to collect child support that will take maybe some of these children out of the welfare cycle.

We are an independent not-for-profit judicial membership organization established more than 50 years ago. We consist of State judges. We provide continuing professional education for thousands of judges, prosecutors, and core professionals in locations across this country. We provide technical assistance to hundreds of State courts. We conduct research at the National Center for Juvenile Justice in Pittsburgh, and we assist State legislatures, and hopefully the U.S. Congress, in developing legislative reforms.

One of our key projects is the Family Violence Project with its resource center on domestic violence and its Model State Code on Domestic and Family Violence implementation project we have developed. We have provided this committee with that code, which has been developed with our organization and others as a result of a grant from the Conrad Hilton Foundation.

We also a year ago sponsored a conference in San Francisco in which we invited the chief justices of this country to send representatives from their States with the purpose in mind of going back to the States and developing their own State coordinating councils to deal with this issue. That council has been developed in Illinois and is an ongoing project to assist courts and communities in dealing with this issue, because we know that the domestic violence and family violence area is very instrumental in developing problems both in youth and adults.

We believe that the juvenile court and the juvenile court judge must play a leadership role, both in and out of the courtroom, in addressing the problems that face our most seriously at-risk children and families. Too often, I think we have hidden behind the veil of our robe. I think it is time for us now to come out and help and give you hopefully the experience that we have and the knowledge.

The juvenile court must be at the center of the community for the resolution of serious social/legal problems involving children and families. Someone said before, Who is going to do this? I would ask you, If not us, who? If not now, when?

I wanted to talk to you about three issues, and then I will be happy to answer any questions. Some of them have been already referred to.

The first issue is, as I stated, family violence and linkage. We know the statistics. We know that children in violent homes face dual threats: not only the threat of witnessing traumatic events, but also the threat of physical assault. We also know that a child's exposure to violence may lead to later violence on the part of the child.

I can tell you of a case where I had a child that was chained to his bedpost by his alcoholic father and whipped periodically with a bull whip. He came into my court. I put him in a detention center, and I got a call from the detention center person who said, "judge, we cannot take this child. We cannot handle him. We cannot control him." There was no question in my mind as to why he was violent. He had been whipped by his father.

I am now sentencing to prison adult violent offenders that were first in my court as abused and neglected children, and that has been over 23 years. That is very unfortunate to see those same kids now coming before me as adults and ending up just 2 miles from my courthouse.

So there is no question. We know that. We know that violence and parental conflict has been found in 20 to 40 percent of families of chronically violent adolescents. So if we can somehow break that cycle, then obviously we are going to help you break the cycle of violence, which I know is the purpose of this committee.

I want to tell you just a few things about what we believe in regard to transfer. That is a very hot issue now. We know that. But I would just say to you about transfer this: I believe that transfer—there is nothing wrong with transfer. It is absolutely needed. The National Council of Family Court Judges, juvenile court judges, favors transfer in certain situations. We only say that it ought to be discretionary, not automatic.

We believe the decision ought to be made by a judge, not by a prosecutor. We believe that the decision ought to be made in a courtroom with all the information available to that court. We think that the judge needs to know: What is the juvenile's past record? Has he been in trouble before? Are there resources available to assist that juvenile? Are there placement facilities available? What is his age? Is he amenable to treatment? And all other helpful information.

Let me give you an example of a case which I had at one time of a 15-year-old who was unaccountable, who would have been held accountable on the theory of accountability in an armed robbery. He did not have the gun. He was a 15-year-old in high school. He had never been in trouble before. He was under the influence of alcohol to a certain extent, and the person responsible for the robbery robbed a grocery store and held it up. He was also a good student. He was an honor student.

If, in fact, that child had been subjected to automatic transfer, he would have done 6 years. It was only as a result of the prosecutor's judgment that he be charged not with armed violence with a firearm, but instead an armed robbery—a robbery, that he was not transferred.

So I think that certainly there must be guidelines and that there are some violent juvenile offenders for whom the resources and processes of juvenile court cannot effectively rehabilitate and that long-term sanctions need to be applied. So while on the one hand we would agree with transfer, on the other hand we would only disagree with the methodology.

If you look at the statistics, interestingly enough, in 1991 about 10,000 juvenile delinquency cases were transferred to adult courts; 2,300 of those involved crimes against individuals; 85 percent of cases in this country that are requested to be transferred are, indeed, transferred. So I think the courts have abused that principle.

The only other matter that I would like to discuss briefly—and I do not want to take too much time here—is the serious juvenile offender. We also agree that serious juvenile offenders should be held accountable by the courts and that there must be sanctions for first offenders. And anyone that has ever been in my court, the hundreds of thousands of children over the last 23 years, knows that I agree with that principle.

The juvenile court must also protect the public, and for chronic offenders and juveniles who commit serious crime, the public is best protected by holding them accountable. But communities must provide resources to juvenile courts to provide upfront services to juveniles. Thanks to Sergeant Mickler for the great job he is doing. That is a marvelous program. And thanks that we have people in law enforcement who still are concerned about these kids and want to do something about it. We know that the country must adopt a long-term effort to reduce violent crimes.

The only other matter that I told your aide that I would talk about that has not been discussed but needs to be discussed, because we are very concerned about it, is the overrepresentation of minority youth in the Juvenile Justice System. The National Council has an ongoing commitment to ensure the continued fair treatment of minority youth in the Juvenile Justice System. The Office

of Juvenile Justice and Delinquency Prevention has documented disproportionate representation of minority youth in secure juvenile public facilities across this country, and that issue needs to be addressed by the Congress.

Finally, we know we must work together to address the causes of that problem by enhancing prevention and diversion programs. We encourage juvenile court judges to take a leadership role to ensure that community services and programs that are concerned with public safety are developed and implemented in the community.

As the Rev. Dr. Martin Luther King said, "The time is always right to do what is right." That is what we hope is done. And I would only leave you with one thought from my good friend, Judge Ferris, from the National Council. If you prevent, you will not need to rehabilitate. If you prevent, there is no need to incarcerate. So we would only ask you, please, to put your money into the playpens and not into the State pens.

Thank you.

[The prepared statement of Judge Thomas Hornsby follows:]

Field Hearing: Juvenile Crime

(Breaking the Cycles of Violence)

Chair: Senator Carol Mosely Braun

November, 1994

Testimony of Judge Thomas Hornsby:

Senator Braun, Members of the Subcommittee, I am Judge Thomas Hornsby of the 15th Judicial Circuit and the presiding judge of the circuit court in Lee County, Illinois. I have served as a circuit judge in Lee County for more than 22 years, hearing cases in the family, juvenile and felony courts. As vice president of the National Council of Juvenile and Family Court Judges I am pleased to respond to your invitation to provide testimony at this field hearing today.

The state juvenile and family courts perform a pivotal role in assuring public safety, protecting abused neglected and dependent children, and enforcing child support orders. The National Council of Juvenile and Family Court Judges, a national membership organization of state judges, is dedicated to improving the efficiency and the effectiveness of juvenile and family courts.

With federal, state and private funding, the National Council has spearheaded fundamental reform efforts directed to:

- holding accountable serious juvenile offenders;
- constraining domestic violence;
- protecting abused and neglected children; and
- collecting child support payments.

The NCJFCJ is an independent nonprofit membership organization. It was established over 50 years ago by and for state judges who have responsibility for juvenile and family legal matters. Each year the NCJFCJ:

- provides continuing professional education for thousands of judges, prosecutors, and court professionals in locations across the country;
- provides technical assistance to hundreds of state courts;
- conducts research, statistical analyses, and studies at its National Center for Juvenile Justice in Pittsburgh; and
- assists state legislatures and the United States Congress in developing legislative reforms.

dedicated to improving the efficiency and effectiveness of state juvenile and family courts. Key projects of the NCJFCJ include:

- the Family Violence Project with its Resource Center on Domestic Violence and Its Model State Code on Domestic and Family Violence Implementation project;
- study efforts on the serious juvenile offender including a report and recommendations;
- the juvenile and family child abuse and neglect case management project;
- the substance abuse intervention and control project, with a newly revised report and recommendations on the role of the court and the community in dealing with alcohol and other drugs in the children and families who come before the court; and
- the systems, applied and legal research efforts of the National Center for Juvenile Justice and the National Juvenile Court Data Archive.

The Juvenile Court and the juvenile court judge must play a leadership role both in and out of the courtroom in addressing the problems that face our most seriously at risk children and families. The juvenile court must be at the center of the community for the resolution of serious social-legal problems involving children and families as well as the source of referrals to services to project, support and rehabilitate those same children and families.

Family Violence

Children in violent homes face dual threats -- the threat of witnessing traumatic events and the threat of physical assault. Nearly half of men who batter their female partners also abuse their children. Courts, the criminal justice system, and the entire legal community must respond to family violence as serious, potentially lethal criminal conduct, and take measures aimed at protecting the safety of the victims.

The damage inflicted by living in a home with severe parent-to-parent violence is often overlooked. The immediate impact of this exposure can be traumatic: fear for self, fear for their mother's safety, and self-blame. Over a longer period of time, the child's exposure to violence may lead to later violence on the part of the child -- as well as to other serious emotional and behavioral problems.

- Violence witnessed at home is often repeated later in life. Violent parental conflict has been found in 20 to 40 percent of the families of chronically violent adolescents.
- Seventy-five percent of boys who witness parental abuse have demonstrable behavioral problems.

■ A comparison of delinquent and non delinquent youth found that a history of family violence or abuse was the most significant difference between the two groups.

■ The range of problems among children who witness parental violence includes stuttering, anxiety, fear, sleep disruption, and school problems. Violence witnessed at home is often repeated in later life. Violent parental conflict has been found in 20 to 40 percent of families of chronically violent adolescents.

The National Council of Juvenile and Family Court Judges offers policy and practice guidelines which encourage courts to provide protection to the victim of family violence and hold the perpetrator accountable in the civil and criminal justice systems. *Family Violence: Improving Court Practice* (1990) includes recommendations for improving court practices in family violence cases which were adopted as official policy of the NCJFCJ. Another publication, *The Model Code on Domestic and Family Violence* (1994) was drafted by a multidisciplinary advisory committee composed of judges, battered women's advocates, attorneys, law enforcement officers, and other professionals.

(See Attachment I: Children in Violent Homes.)

Juvenile Crime

■ About ten percent of violent crimes committed in America are attributable to juveniles. The percentage has not changed in three decades. At the same time the rate of arrests of juveniles for violent crimes has dropped slightly.

■ Criminal courts do not impose greater sanctions on juveniles who commit violent crime. Five independent studies have found that sanctions received do not vary greatly whether the person is prosecuted in juvenile or criminal court. The studies were conducted by the National Center for Juvenile Justice, the American Institutes of Research, the Rand Corporation, and the Office of Juvenile Justice and Delinquency Prevention.

■ To the extent public safety will permit, the primary goal of the juvenile court should be rehabilitation. The public is best protected and the children best helped by focusing on the future and preventing new offenses by rehabilitating delinquent youth.

The answers to a more effective response to juvenile crime do not lie in reducing the age a youth can enter the criminal justice system, but in a commitment to dealing with children in a meaningful manner at an early stage. Children are not small adults. They are, by definition, malleable. They are developing physically, emotionally, mentally and morally. The juvenile court is designed to deal with these developmental realities. The adult criminal system is not.

(See Attachment II: Where We Stand)

The Serious Juvenile Offender

Serious juvenile offenders should be held accountable by the courts. Moreover, there must be sanctions for first offenders. The primary focus of the juvenile court for the disposition of all juveniles, particularly serious, chronic or violent juvenile offenders should be accountability. The juvenile court must also protect the public. For chronic offenders and juveniles who commit serious crimes, the public is best protected by holding them accountable, restricting their liberty as necessary and imposing consequences proportionate to the injuries done.

Communities must provide adequate resources to juvenile courts to provide up front services to juveniles. Resources must be directed toward recognizing and diverting youths who are "at risk" of becoming involved with the juvenile justice system.

This country must adopt a long term effort to reduce violent juvenile crimes. The National Council believes that this effort first requires an expansion and redirection of existing resources to more effective crime prevention efforts involving families, schools and community organizations. Beyond prevention there are numerous actions that the National Council believes should be implemented by state and local governments with financial, technical assistance and research efforts from the state and federal levels. These efforts are designed to assure that protection of public safety remains the paramount goal of the juvenile court in dealing with violent juvenile crime. They include:

- Assuring that juvenile courts can hold violent juvenile offenders fully accountable for their crimes. Resources must be directed to imposition of swift and sure sanctions which are proportionate to the crime, to the culpability of the juvenile and to the juvenile's prior record.
- Providing adequate resources to the juvenile courts to conduct thorough diagnostic assessments of juveniles and to develop individualized dispositions for juveniles based on the circumstances of the crime and the problems and needs of the juvenile offender.
- Renewing the commitment to rehabilitation of violent juvenile offenders consistent with the paramount public safety goal.
- Opening the juvenile court to the public for fact finding hearings involving violent juvenile crime and transfers to criminal court.
- Expanding local community-based secure and non secure programs for violent juvenile offenders with adequate public safety controls and with involvement of and assistance to the families of violent offenders.
- Assuring that existing programs for dealing with violent juvenile offenders derive maximum utility from current levels of financial support.

- Developing better supervised and controlled re-entry programs for violent juvenile offenders who are being released into the community from secure institutions.

- Improving and expanding training and technical assistance programs for juvenile justice professionals to assure the most effective use of the limited resources which are available for dealing with violent juvenile offenders.

(See Attachment II: Where We Stand)

Transfer of Juveniles to Adult Court

The National Council of Juvenile and Family Court Judges does not favor automatic transfer of juveniles to adult court. The decision to waive a juvenile from juvenile court to the adult criminal court should be made by the judge of a juvenile court.

Legislation, with rational guidelines for the protection of public safety and individual rights, should be provided under which state and local juvenile judges can transfer violent juvenile offenders to adult criminal courts. These guidelines must recognize that there are some violent juvenile offenders for whom the resources and processes of the juvenile court cannot effectively rehabilitate the juveniles, provide an appropriate long term sanction, or adequately protect the public.

(See Attachment II: Where We Stand)

Overrepresentation of Minority Youth

The NCJFCJ has an ongoing commitment to insure the continued fair treatment of minority youth in the juvenile justice system. National data and research information compiled by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has documented disproportionate representation of minority youth in secure juvenile public facilities across the country.

- Data from FBI reports indicate that non-white juveniles are arrested five times more often than white juveniles.
- Nearly seven of ten black males face at least one arrest while the possibility for whites is only three of ten.

Minority youth may commit more crimes, but not at a rate or level of any great significance when compared to the rates for whites.

Public Law 93-45 requires states to make efforts to reduce the proportion of minority juveniles detained or confined in secure detention facilities, jails and lock-ups, if such proportion exceeds the proportion of minority groups represent in the general population.

The community must work together to address the causes of minority overrepresentation by enhancing prevention and diversion programs and expanding alternatives to secure detention and corrections. The National Council of Juvenile and Family Court Judges encourages juvenile court judges to take a leadership role to insure that community services and programs that are concerned with public safety are developed and implemented in the community.

Senator MOSELEY-BRAUN. That was terrific. Thank you very much, judge.

This panel, you are just terrific. I hope that the media, some of them, are still here so that they can get the benefit of some of this testimony, because I have heard some very interesting issues raised by those of you kind of on the front line in dealing with, if anything, the results of our failure to have social service systems that work better than they do; and not just social service systems but the sum total of all the cumulative issues and problems that we have in our community. You face them in your jobs, and I very much appreciate your testimony.

First, I want to respond to Judge Hornsby. In terms of the issue of transfer—and I don't want to get into so much a dialog about that. One of the reasons—as you know, my legislation regarding transfer of 13-year-old juveniles to the adult court had more to do with—it did pass the Senate as part of the crime bill, but in the form that left it discretionary.

I was just asked a moment ago whether or not I was going to try to continue to push to make it mandatory, and my response was that I was not going to do that, in large part because I absolutely understand and appreciate the point that you make about the judges needing the discretion.

However, I would urge you and all members of the juvenile justice bench to begin to develop the kind of guidelines, because the mandatory feature of the transfer amendment was put there precisely because there has been such an inconsistent judicial response to this issue over time and over the country, where in one jurisdiction you may wind up with a 13-, 14-year-old involved with a driveby shooting bound over to be tried as an adult, and in another jurisdiction, that child would be lost in the Juvenile Court System and you never hear about him. And then when they kill somebody with an AK-47, 2 years later, everybody is surprised.

That has been the problem with the interface in the systems, and that was one of the reasons for the amendment as it was originally offered. But it is in the crime bill now as a discretionary feature, and I would just encourage you, in your capacity as chairman of the National Council of Juvenile Judges, to recommend the development of guidelines for the issue of binding over and transfer of violent juveniles.

Judge HORNSBY. We have done that in the past and will continue to do it. We have over 1,000 members. Unfortunately, not all the judges belong. But we will continue to do that, and I will take that back to our organization. We will begin working on it in January, as a matter of fact.

Senator MOSELEY-BRAUN. That would be terrific.

Judge HORNSBY. Thank you.

Senator MOSELEY-BRAUN. And if we can be of any support in that regard—you are the other element of the sector, but if we can be of any support, we would like to, because that is obviously a very important issue.

Sergeant Mickler, you made a real important point when you talked about the social service systems being almost the precursor of the Juvenile Justice Systems. And as we have heard in the testimony so far, we have a terrible lack or failure of communication

in both regards. You do not have the coordination in the Juvenile Court System and in the Criminal Justice System with regard to the treatment of juveniles. The agencies that are involved do not talk to each other; and if they do, it is just social workers bumping into each other on the front porch.

So the failure of coordination and the failure of communication occurs with regard to the Criminal Justice System on the one hand; it also occurs with regard to the Social Service System on the other. So what you have is kind of a failure of communication from every possible aspect as far as what I have heard today and what we have in our experience seen with this.

What recommendations have you with regard to beefing up communication, sharing of information? You raised the issue of the privacy concern, which obviously is always an issue regarding sharing of information. But what recommendations would you have to enhance communication? Is it a matter of starting over with some of these programs? Is it a matter of building on what we have? Is it a matter of taking a moment to step back and reexamine how they work?

How would you approach the coordination issue?

Mr. MICKLER. Well, I do not share Mr. Murphy's concern that we need to throw all these programs out. As a frontline law enforcement officer, I would submit, where would we be today without some of them? I do not know if I would want to be out there.

The problem is the family does not have a case manager. The family needs a case manager. The case managers are all part of an agency, and they are obligated to manage whatever services that agency provides for the family. They are not really obligated, at least by their mandate—maybe they are morally—to do anything beyond that.

That is where the SHOCAP concept is unique in that once the child is in the SHOCAP system, which is too late, granted, a case manager for the family is who takes over and basically does an assessment—who are you getting services from and why?—and then begins kind of coordinating some of this and really making better use of existing resources.

So my recommendation is to look more at family case management of someone who is independent of an agency.

Senator MOSELEY-BRAUN. Well, you know, the irony of that is that takes us back to Commander Bartik's comment of when she was extemporizing and not just reading the superintendent's statement, when you were talking about your grandmother's experience with the social service agencies here in Chicago at the turn of the century. That, if anything, we are talking about going back to the future, if you will, going back and picking up some of the approaches in terms of family support as opposed to just focusing in on one individual in a family as having one kind of a problem when, in fact, the problems that family faces may be more widespread than that and require more comprehensive approaches than that. That was what you were referencing in your comment.

Sergeant, is this program in place in other jurisdictions here in Illinois?

Mr. MICKLER. Yes, it is. There are maybe five or six other jurisdictions in various phases of development or actually doing the pro-

gram. We still hope someday to kind of host a statewide meeting in Decatur, once there are seven or eight, and begin discussing state issues.

The motivation nationally, before the funding was withdrawn for SHOCAP, was to have State projects. There are five State projects in existence today that I know of.

Senator MOSELEY-BRAUN. Commander Bartik, is there a similar program to SHOCAP here?

Ms. BARTIK. Well, the State law, the Juvenile Court act, has SHOCAP in the State law. It allows us to do this, to share this information. However, in Cook County, it is not being done. The reasons are probably varied. I imagine it is just because it is so big to coordinate.

As I said before, we are beginning to coordinate a lot better than in the past. As an example of a problem, I recently spoke to Ann Burke, who is the Governor's appointed counsel for DCFS, and she wanted to get information about the arrest records of juveniles who were put into group homes, teenagers who oftentimes have large criminal arrest records, sometimes sexual, to find out what these arrest records were to protect the other juveniles in the home. And that is not allowed by Illinois statute, to give the Department of Children and Family Services this information. So we are working on getting that. And I suggested that, well, maybe we can use the SHOCAP statute to at least begin to share this information between the two agencies as a means.

We have a statute in place that allows us to share this, and so, as I said, in Cook County, it is difficult because of the large organizations that we have to deal with. When I spoke to Ann Burke, we both realized the need for her agency to have information on some of these juveniles in order to protect the other juveniles who are in these homes with them. That seems simple, like we should be able to give them, but, no, by statute we are not allowed to. We are trying to find—well, maybe we can use it through the SHOCAP statute.

SHOCAP, I think, is a very, very, very good program, and I would like to see it implemented in Cook County.

Senator MOSELEY-BRAUN. Talk to Sergeant Mickler. He will help you.

All right. Judge, did you have something else you wanted to add?

Judge HORNSBY. I know that as a result of your vast experience in the legislature in Illinois that the funding mechanisms are much different whether you are dealing with a delinquent as opposed to an abused/neglected child. The responsibility for funding programs, placements, services for an abused and neglected child rests with the State. The responsibility for providing resources, programs, diagnostic services so that judges can make decisions intelligently as to whether to transfer a child or whether to put him in secure are totally dependent upon county funds. There are some counties in Illinois that have more deer than people. There are some juvenile court judges that have no resources, that their only alternative is to place children in the Department of Corrections because they have no money for residential treatment.

You cannot place a child in "secure shelter care"—and I know you remember that term because we tried to get that done many

years ago in Illinois—because those facilities are not licensed by the department.

Senator MOSELEY-BRAUN. But, you know, judge, I think that is, again, the value, hopefully one of the values of these hearings—this hearing, and hopefully we will have others. Government should not function as a Rube Goldberg contraption. If anything, we have an obligation. We have the community out there that has a level of expectation that it can live in safety, that there are going to be opportunities for their children. You know, the basic kinds of values.

We are here in government to make certain that happens. Now, when we wind up with this patchwork quilt—not even patchwork, with this Rube Goldberg of a mechanism in which this one does not talk to that one and we are spending money here and we are spending money there and this is not working and this works kind of OK and this does not work at all and this is doing a terrific job and there is not enough money here and there is too much money there and this group is not communicating with that. If anything, that is our responsibility to bring those pieces together, to throw out those programs that are not working, to try to support and create new ones that are, to give people the capacity to bring these threads together so that they work better. That is what we are in this, and I think, quite frankly, we had one witness who said, you know, just throw up your hands, this is hopeless. I do not think we can do that. We cannot afford to just throw up our hands. We have an obligation to dig in and do the hard work, the follow-through, the step by step, and all in our respective capacities to do what we can to try to straighten this out to make it work better.

I just want to thank the three of you for giving your time this morning to come to this hearing to testify and to participate in this regard, because I think this is going to be very valuable in taking back to my colleagues in the Senate information, points of view, attitudes, approaches that will hopefully give us something that works a little better than the simplistic “lock them up and throw away the key,” which is what we get from some of—you know, let’s just build some more prisons. Build more prisons on the one hand, and those who say, well, we just need some more programs, because, quite frankly, I do not think either one of those approaches is what we need for these times and they are not the most efficacious. What we need to do is try to beef up what we have that works and be honest enough to say this is not working and get rid of it and provide the basis for coordination between and among the social welfare systems, the juvenile, the criminal justice systems, our community-based systems. We need to provide ways to get people working together.

Again, I just want to thank you very much for coming in today and for providing this testimony. It is very helpful.

Mr. MICKLER. Thank you, Senator.

Judge HORNSBY. Thank you, Senator.

Ms. BARTIK. Thank you.

Senator MOSELEY-BRAUN. Well, now, we want to thank Panel 3 for their patience, and this is the last panel. Maybe we will just kind of get on through and then conclude for the day.

For our final panel, we will hear from James O’Rourke, who is the executive director of the Judicial Advisory Council of Cook

County, which has just issued a report on the needs of the Juvenile Justice System in Cook County; and also from two individuals who are living examples of what I hope will be part of the message of this hearing that, if we are going to be successful in giving our children back their neighborhoods, we have to do as these individuals have done, which is to get involved: Thomas Slawson, Mr. Slawson, of Vitner's, which participates in a number of volunteer programs, including a horticultural program at Cabrini-Green; and Dr. John May, senior physician at Cermak Health Services in Cook County, the founder of Rise High Projects, which is a group promoting violence prevention messages for you.

So let's start, Mr. Slawson, with you.

PANEL CONSISTING OF THOMAS J. SLAWSON, VICE PRESIDENT, C.J. VITNER COMPANY, CHICAGO, IL; JOHN P. MAY, M.D., SENIOR STAFF PHYSICIAN, CERMAK HEALTH SERVICES OF COOK COUNTY, CHICAGO, IL; AND JACKIE KLOSAK, ON BEHALF OF JAMES O'ROURKE, EXECUTIVE DIRECTOR, JUDICIAL ADVISORY COUNCIL, COOK COUNTY, IL

STATEMENT OF THOMAS J. SLAWSON

Mr. SLAWSON. Thank you, Senator. I consider it an honor to have been invited here today to discuss the subject of juvenile crime, with juveniles not only being victims but perpetrators as well. As you know, it has grown to be of epidemic proportions not only in Chicago but across the country.

You mentioned in your opening remarks our involvement with the Inner-City Horticultural Foundation, and I will address how we got involved in what we do, as well as a number of other activities that we are involved in.

The C.J. Vitner Company is a privately held, family-owned snack company which was established in 1926. The Vitner family has its roots on the South Side of Chicago. In fact, our current major distribution center is at 4202 West 45th, which is probably within 3 miles of the original location of the company.

Over the years, the city has provided such support for the company that the Vitner family mandated in 1993—actually, 1992, that we begin to repay, wherever possible, that support over the years by becoming involved with the communities that we service.

In addition to the Inner-City Horticultural Foundation, which is also known as the Cabrini-Green Gardening Project, we do work with the Clara's House shelter, which is a shelter that you probably know of in the Inglewood area of Chicago; the Unity Shelter on the Southeast Side; Providence-St. Mel High School; the Chicago Public Library by way of their summer reading program which we sponsored this year; the Chris Zorich Foundation; and just a number of other smaller organizations that really do not get the publicity that they well deserve.

One of the reasons that our president, Bill Vitner, sanctioned our becoming involved with both the Cabrini-Green gardening project and the summer reading program of the Chicago Public Library was that it offered teenagers and preteens an alternative to crime, drugs, and other less desirable activities. He realized that the time dealing with the Chicago Public Library summer reading program

we would have the opportunity to touch a great many more young people than we did with the Cabrini-Green gardening project, but it is that Cabrini-Green area and areas like Cabrini-Green where the level of need just appears to be so great.

The Vitner family feels very strongly that part of the answer to combating juvenile crime, a key component of the equation in solving the problem has to fall to the business community by working with schools to develop meaningful cooperative education programs, programs that not only provide a job for today to a young person but will provide the training necessary for perhaps a meaningful career in the future.

Another thing that we can do is to work with companies to develop programs that will aid in the funding of the local school system and/or the educational process in general.

We feel by doing these things that the business community can address some of the more significant causes of juvenile crime, specifically being lack of self-esteem, a lack of economic opportunity, and a complete, severe frustration with the mainstream of American life across the country.

The answers, we recognize, cannot all come from government, be that at the State, the local, or the Federal level. The 1990's is the decade of strategic alliances for businesses. In many cases, the purpose of those alliances is to improve or, in many cases, guarantee the survival of both the participating companies and a very competitive market. We at Vitner's feel that companies have to also develop alliances with the communities that they service and the communities that have provided them with support over the years by purchasing their products or their services.

We recognize that working with communities and organizations to combat juvenile crime is part of, and just a small part of, being good corporate citizens. We also recognize that it is a collective responsibility of the community. If we work together, we can eliminate, not totally but certainly take that first step to eliminating the rampant spread of juvenile crime today.

On Wednesday prior to Thanksgiving, which was November 23d, the name of Kenneth Wright was published in the Chicago Sun Times as the 58th child in Chicago this year that was slain under the age of 15. So out of—and I think the number was 825 young people that were killed in—or 825 people that were killed in Chicago this year, 7 percent, or 58 of them, were, in fact, under the age of 15. That is a travesty. Somehow business and the community that we service and other organizations have to come together to solve the problem. Either that, or in 1995 we could easily be coming together to talk about the name of the 100th poor child that was slain.

It is a travesty. I talked with Sara Paine yesterday from the mayor's office, Mayor Daley. There was an interesting writeup in the Sun Times this past Sunday about the program that he has put into place. I called the mayor's office yesterday and committed our support to that, and we want to be involved in not only the program itself but the development of the program. We think the mayor is moving in the right direction by looking for mentoring programs along the lines of the Cabrini-Green mentoring program,

which I understand is the oldest in the country, 25 years old. We think he is moving in the right direction.

We stand ready and there are a number of other businesses that stand ready to assist in this horrible, horrible situation.

[The prepared statement of Thomas J. Slawson follows:]

PREPARED STATEMENT OF THOMAS J. SLAWSON

Juvenile crime is a problem that is not confined to the City of Chicago, or to large cities in general. It has now achieved epidemic proportions and permeates our entire society. Juvenile crime impacts all ethnic and socio-economic groups to the point that each of us has probably reconsidered plans or altered our behavior and that of our family as a result. In other words, the hostile environments that it has created forces us to alter our lifestyle to prevent becoming a victim. The inner-city neighborhoods may be the areas most affected, but there should be little or no doubt that juvenile crime can and does strike everywhere. For example in Sicklerville, NJ a middle-class suburb of Camden, a Vice Principal contacted the mother of a male high school student "to pick him up because your son's life has been threatened". To make matters worse, when the student's mother arrived at the school, the Vice Principal had gone to lunch. Therefore, the mother was unable to even meet with him for details. At the insistence of the student, both mother and son were forced to sneak out the back entrance because he feared "they are waiting for us". As you might suspect, the story does not end there. Three days later, the boy did become a statistic. However, there is a cruel twist. The boy was not killed, he purchased a .38 caliber revolver and while showing his acquisition to a female classmate, the gun discharged fatally injuring the girl.

Of course, we in Chicago are very aware of the Robert Sandifer story. Young Robert, who was eleven years of age, and who was known as "Yummy", shot and injured two sixteen year old boys. The shooting, was evidently gang-related. Unfortunately, a stray bullet killed Shavon Dean, who was only fourteen. Then, after three days of searching for "Yummy", the Chicago Police found him face-down, under a railroad viaduct; apparently the victim of an execution style slaying. Of course the Police believe that gang members wanted the boy silenced before they could apprehend him. This young man had been arrested approximately twenty-eight times. Twenty-three of those arrests were for felonies. Another tragic side of Yummy's story was that he had actually dropped out of school in the third grade. Yummy had been the victim of horrible child abuse at a very young age. However, we must ask ourselves if he wasn't also the "victim" of a system that is designed to help and develop our young people yet often times seems to have the opposite effect.

Of course, the horror goes on because two other youths, fourteen and sixteen, were charged with Yummy's murder. Now I must add one last detail. Cook County Public Guardian, Patrick Murphy, whose legal staff represents 31,000 abused and neglected children is quoted as saying, "America has thousands of these little powder kegs, the question is whether they'll kill at eleven, or fifteen".

Although it is usually the *most heinous* crimes that receive widespread attention, there are also non-violent crimes that serve as examples. In Glenwood, Illinois, a middle-income suburb, two teenage boys were apprehended in connection with a cross-burning in front of the home of an African-American couple. Then we also have the teenagers that were arrested after vandalizing a suburban school. In fact, vandalizing may be an understatement since thousands and thousands of dollars in damages resulted.

At some point, we as a society must determine what the causes of juvenile crime are and take some steps to alter the trend. Even with the passing of the crime bill and assuring that as a society, we declare a federal war on crime, many people feel that we should be prepared for the current level of juvenile crime to continue. In the opinion of many, however, the trend will significantly worsen. Police Superintendent, Matt Rodriguez, is quoted as saying, "the harbingers are not good". This comment was made recently when mayors and police chiefs were in Washington soliciting funds for crime prevention. One reason for this is population trends. U.S. News indicated that although the total population will grow about 12 percent by 2005, the number of teens between 15 and 19 will grow at 21 percent. Even in those areas where the teen crime rate remained flat, the wider availability of firearms makes offenses more lethal.

In my opinion, there is no "one" answer or explanation that explains the "why" of juvenile crime. To some degree, all of the following contribute to the problem:

- (1) *Breakdown of traditional family values.* This would include the extended family, including the concept involved in the African proverb "that it takes an entire village to raise a child".
- (2) *One parent homes with little or no supervision.*
- (3) *Lack of role models.*
- (4) *A lack of self-esteem.*
- (5) *Lack of jobs.*
- (6) *The use of illegal drugs.* I mean this from both the addiction standpoint (which often leads to crime) and the economic opportunities that drug selling can provide. As we all probably realize, juveniles are often recruited by drug organizations and street gangs to perform dangerous tasks solely because they are juveniles and face very little prosecutorial threats from our judicial system. Of course, they can be recruited for comparatively little money as well.
- (7) *Availability of firearms.*
- (8) *Lack of recreational facilities or opportunities.* In Chicago for example, our impressive lakefront has 41 acres of park land for every 1,000 residents. On the west side, there is 1/2 acre per 1,000 people. (*Time*, July 1994)

As a society, we must realize that any combination of the conditions I have noted could force our young people "into the street". Once in the street, our young people must conform to what could easily be termed, the "code of the streets". By this I am suggesting that there is an informal set of rules that governs or dictates how a person conducts themselves in various situations. According to the *Atlantic Monthly* (May 1994), "at the heart of the code is the issue of respect—loosely defined as being treated "right" or granted the deference one deserves". In the street, respect is viewed as almost an external entity that is hard-won but easily lost. Therefore, it must be constantly protected. A person cannot allow themselves to be "DISSED". In many cases, the code replaces the belief in the law enforcement and judicial systems that the mainstream of society holds.

Again, I believe in many cases it is a feeling of frustration and profound sense of alienation from "the establishment" or the mainstream American economic and social systems that fosters these viewpoints and adoption of the "street" lifestyle.

What are the solutions to juvenile crime? Clearly government whether it be on the federal, state or local level cannot alone provide the answer. Adding 100,000 new police officers *may* help, but the help will probably come in the form of an increase in the number of arrests that are made. This will add to an already overburdened court system. Of course, the crime bill also allows for the building of new correctional facilities. I would guess a number of these could be dedicated to juvenile retention. However, isn't that addressing *the symptom rather than the disease*? We should also keep in mind that for many of our young people who are living by the "code", being incarcerated is often a medal to be worn proudly. In other words, it improves their street image. Let's be honest, in reality, rehabilitation is neither the goal nor a result of our correctional facilities.

The business community can and should be part of the equation that solves the problem of juvenile crime. Some areas where the business community could have a significant impact would be:

- Develop cooperative education programs that not only provide a job today, but may provide the training needed for a career tomorrow.
- Education is clearly one answer to providing an alternative to crime. I say this because providing a solid education will eliminate or reduce the feeling of frustration and alienation with the "American System". Therefore, companies could sponsor reading programs, particularly remedial reading programs. If the cost is too great for one company operating in a particular area or community, then perhaps two or more companies could work together toward that end.
- Providing support for summer camps and other recreational programs is another suggestion. The crime bill has allowances for midnight basketball leagues. While this, per se, has received mixed reviews, the concept of sponsoring leagues, etc. could certainly be expanded.
- Working with individual schools to provide scholarship programs is a viable option. Again, this opens the door to a better education, and increases a young person's chances for gainful employment later.

There is also no reason why more companies do not lend support to the United Negro College Fund and other organizations of that nature.

- There are currently programs that allow for tax relief when companies hire employees from a particular area or group. This too could be expanded.

- Promotional events could be developed between companies that allow for both the companies and a community to benefit. For example, by partnering with Jewel Food Stores in Chicago, Vitner's could donate to several schools a fixed amount of money for every bag of product sold in a particular group of stores located in the same area as the schools. The C.J. Vitner Company has done that in the past and it has usually been successful. Of course, a critical element here is to gain the support of the consumers in the area affected. This can be accomplished by utilizing Public Service Announcements on radio as well as including the promotion in the advertising of both participating companies.

As I indicated, in some cases tax relief could be offered to companies that participate in these types of programs.

This list is by no means complete. The possibilities are almost as numerous as the creative mind can fathom. However, it is designed to provoke some thought.

One point is extremely clear, juvenile crime is a problem that we must all come to terms with. The toughest part being, taking that first step. On Wednesday, November 23rd, Kenneth Wright was the fifty-eighth child under fifteen years of age slain in the Chicagoland area this year. *Let's act now before we are forced to print the name of the one hundredth.*

MISSION STATEMENT

The primary mission of the Inner City Horticulture Foundation is to enrich the lives of inner-city youth and to improve the appearance of blighted urban areas through the establishment of specialty vegetable gardens. Specifically, the goals of the foundation and its gardening projects are:

- To teach economically disadvantaged children skills associated with successful employment, e.g., punctuality, productivity, teamwork and an understanding of business and the market economy.
- To foster children's appreciation for agriculture and positive attitudes towards the natural environment.
- To improve the urban landscape in Chicago by converting blighted vacant land into attractive productive urban food gardens.
- To be a self-sustaining, entrepreneurial organization by taking a "market-driven" approach to community gardening.
- To increase the availability of and demand for locally-grown organic vegetables and, indirectly, to stimulate awareness of issues surrounding sustainable agriculture.

DETAILS

- Founded by Jack Davis in 1990. Mr. Davis is a financial planner for Edwin C. Sigel Accounting Firm.
- In 1991 Mr. Davis established a ½ acre garden across from Schiller School located within the housing project. 40 young people from the project participated and the harvest was sold to upscale restaurants in Chicago. Of course this effort necessitated numerous discussions with CHA officials.

1993

- During 1993 the garden was moved and expanded to 1½ acres.

The C.J. Vitner Company became involved by:

- Purchasing potato seeds to be planted.
- The Vitner Company then agreed to purchase the harvest.
- We scheduled for the anticipated day of the harvest to provide the young people involved in the program with a plant tour.
- We entered an agreement with Jewel Food Stores to sell at cost to the store at 1210 N. Clark the potato chips that theoretically the harvest yielded.
- That Jewel would then sell the chips at a reduced price. The proceeds produced to be turned over to the Inner-City Horticulture Foundation to fund next years planting, etc.

This process allowed the young people involved to experience the entire economic cycle.

1994

- Now utilizes two acres (three locations).
- 25 young people participate.
- Mr. Davis asked me to sit on the advisory board.
- We have participated in a fund raiser at Michael Jordon Restaurant sponsored by the Chicago White Sox Wives.
- In 1995, we are looking for 50 young people to participate.

Senator MOSELEY-BRAUN. Thank you very much, Mr. Slawson.
Dr. May?

STATEMENT OF DR. JOHN P. MAY

Dr. MAY. Thank you, Senator. Excuse my voice. I woke up with a cold this morning. But thank you for your interest in this issue and for asking me to come here.

Among urban children aged 10 to 14, homicides are up 150 percent, robberies are up 192 percent, assaults up 290 percent.

Frightening statistics? Well, these are juvenile crime reports from 1967. Before we react too quickly to the newest urgency in addressing youth violence, we must carefully consider and understand the reality. The data reveal that our children are not necessarily more violent today than they were 10 or 30 years ago.

In 1982, of all arrests for violent crimes in the United States, juveniles consisted of 17.2 percent. In 1992, that number was 17.5 percent. Where is the explosion of juvenile violence?

Well, what has changed is that our children have many more guns available to them, and this increases the intensity and consequence of any act. Now the smallest altercation can become a deadly event. Young kids have access to high-caliber automatic and semiautomatic handguns, and these create the most serious, deadly, or paralyzing injuries.

Senator MOSELEY-BRAUN. Hold your thought, Mr. May. You gave percentage numbers. Are the whole numbers, are the real numbers any different?

Dr. MAY. The real numbers are proportional to the general increase with adult violence.

Senator MOSELEY-BRAUN. That is the point. The level of violent crime in 1967 was much less than the level of violent crime today.

Dr. MAY. That is correct. I did not mean to distort that.

Senator MOSELEY-BRAUN. So even though the proportions have not changed, in real numbers it has exploded.

Dr. MAY. That is right, as with the adult. And my point will be that—

Senator MOSELEY-BRAUN. I did not mean to cut you off. I just wanted to be clear that obviously the percentages may be the same, but if the whole numbers are different, that, of course, will give rise to a different set of reactions and perceptions about it.

Dr. MAY. Yes; thanks for clarifying.

Well, I am a doctor, and at the Cook County Hospital, I see these results everyday. We are seeing younger and younger people coming in with gunshot wounds, more and more disabilities, spinal cord injuries, et cetera. I do not believe there has been a fundamental shift in the level of goodness or badness in our children, and that was the point I was trying to make. It is that now when hand-

guns are available, a disaster can occur so much more frequently with any ordinary childhood event or risk-taking activity.

The rate at which our children are becoming victims of violence, and gun violence in particular, is shocking and shameful. Teenage boys in the United States now are more likely to die from a gunshot wound than all natural diseases combined. Youth homicides have risen 154 percent since 1985. This consists entirely of firearm deaths. The nonfirearm homicides have remained level.

So as a physician, this is my concern. I am a fulltime physician at the Cook County Jail, and a few months ago we did a study there. We found that one in four of the male inmates have been shot at least one time, and only 10 percent of them were ever referred for any kind of support services or counseling. This creates a kind of environment that Dr. Bell alluded to when someone then becomes more offensive and aggressive.

Furthermore, of those who were shot, we found that they were twice as likely to say that they have easy access to a semiautomatic weapon, and those who were shot before were twice as likely to have witnessed a shooting themselves while they were in grade school.

Our children are exposed to this chronic violence and uncertainty, and when we ignore it, the cycle of violence expands.

So the fundamental roots of juvenile crime remain the same: physical, sexual, mental abuse and neglect, family abuse of alcohol and drugs, poor education, lack of meaningful opportunities, and so on. Each of these problems requires vigilant attention.

The new and deadly force behind juvenile violence, however, is the extraordinary availability of guns. The Federal Government must continue its efforts at reducing gun violence, and each sector of our society can also contribute to the prevention of gun violence, and the Federal Government should help support those efforts.

For example, community groups can now strengthen many of their youth activity programs with the funding from the crime bill for prevention efforts. Youth offenders could be mandated to receive job training and perform work at select businesses in exchange for Federal tax credits.

Gun shops in Fulton County, GA, recently were required to put labels on their guns saying, "Warning: Think again if you are purchasing this gun to protect you, it will not do that." And it lists the medical data which shows that a gun in the home is more likely to cause a suicide or homicide. Maybe this should be expanded across our country.

Furthermore, with the crime bill, it is now a Federal offense to transfer a gun to a minor. Why don't we have a permanent inscription or label on every handgun saying that transfer of this weapon to a minor is a Federal offense?

The media ought to help develop messages and programming which make guns less glamorous or exciting and expose the real dangers, just as we have done with cigarettes or alcohol. As you introduced me, you mentioned our group Rise High Projects. This is a similar effort where we have made public awareness campaigns on the issue of guns and violence. It is a group of individuals and myself from Chicago who have been working with groups across the country and now, for instance, in Dallas, TX, last week they

put up billboards all across the city saying, "Enough Tears. Stop the Killing." And it lists where you can volunteer at Boys and Girls Club, and they have been flooded with phone calls. This is the sort of approach to bring together a community.

We ought to have intervention teams to be dispatched into communities to support the survivors and witnesses of every violent death. Hospitals should admit children who come to their emergency rooms with violence-related injuries so that we can provide counseling and intervention services. Most hospitals do not do that.

Doctors should routinely screen for a patient's risk of violent injuries and convey the knowledge to their patients that guns increase their risk of death rather than offer protection. When I explained this to the inmates at the jail who are my patients, they are struck by this fact, and many begin to understand that carrying a gun may not be in their best interest.

We must remember that kids are impulsive, curious, take risks, and face many pressures as they mature. It is imperative for the adult society to provide direction and make their journey safe. Priority needs to be given to the environment.

During the last decade, for example, the public health community looked at the unacceptable number of teenage deaths due to alcohol-related motor vehicle crashes. So we decided that teaching kids to drive more carefully and avoiding alcohol are part of the message, but clearly that is not enough to solve the problem. After all, these are 16 year olds with a sense of invulnerability, a flare for excitement, and a vigor to impress members of the opposite sex.

So it took a Federal initiative to make alcohol less available to children or to any person under 21 years of age before the death rates decreased. Tough laws held adults responsible for serving alcohol to minors or adults who distribute alcohol at parties. These have contributed to making a difference, and now thousands of teenage lives are saved each year.

This same approach needs to be employed to remove violence from the lives of our children. Every gun involved in a child injury, killing, or possession ought to be traced by the Federal ATF to its last legal owner. We must remember that it is the adults who manufacture, distribute, market, promote, sell, own, and store the guns. If our children are obtaining guns, it is our fault. Everytime a child is injured or killed by a gun, the media should be encouraged to report the manufacturer of that gun and its last legal owner, its last point of sale.

In the first 8 months of this year, in Chicago, our ATF here traced over 6,000 guns confiscated from juveniles, and they found that 90 percent of them were not stolen, but they had a legal adult owner before getting into the hands of children. So let's stop punishing our children for the shortcomings and lack of responsibility of adults.

Finally, I am concerned that the increasing population in juvenile detention facilities will start adversely affecting the health care delivery there—again, as Dr. Bell referred to. The Journal of the American Medical Association has suggested that our policy of mass incarceration for adults is directly linked to the rise in multidrug-resistant tuberculosis in this country because of the overcrowding and diminishing resources. What additional troubles

are ahead for us as we incarcerate more children? The Office of Juvenile Justice and Delinquency Prevention recently reviewed conditions in our Nation's juvenile detention centers, and they found that there were many serious deficiencies, including gross overcrowding and inadequate health care. Is our country ready to make the tremendous commitment of resources necessary to achieve the minimal standards of confinement, which are only going to grow more costly, or would we be better served to focus on prevention and alternatives?

I know you agree with that, that prevention efforts would be most cost-effective and go further to preventing crime than building a larger juvenile detention bureaucracy.

If children had fewer guns available to them, fewer serious or deadly violent events would occur. Let us value and nurture our children, not blame them or lock them up for our failures.

[The prepared statement of Dr. John P. May follows:]

PREPARED STATEMENT OF JOHN P. MAY, M.D.

Among urban children aged 10 to 14, homicides are up 150 percent, robberies are up 192 percent, assaults up 290 percent.

Frightening statistics? These are juvenile crime reports from 1967.¹ Before we react too quickly to the newest urgency in addressing youth violence, we must carefully consider and understand the reality. The data reveal that our children are not necessarily more violent today than they were ten or thirty years ago. What has changed, however, is that our children have many more guns available to them which raises the intensity and consequences of any act. Now the smallest altercation can become deadly event. Young kids are particularly drawn to the high caliber, automatic and semiautomatic handguns²—and these create the most serious, deadly or paralyzing, injuries. As a doctor at Cook County Hospital I see these results. And the increasing sophistication of firearms is creating more and more destruction of younger and younger patients. I do not believe that there has been a fundamental shift in the levels of goodness or badness in our children. It is just that when a handgun is present disaster can occur with any ordinary childhood event or risk taking activity.

We hear many statistics regarding youth crime and violence, and it can become confusing. Most impressive to me, however, is that in 1982, of all arrests for violent crimes, juveniles consisted of 17.2 percent of arrests. In 1992, that number was 17.5 percent. Where is the explosion of juvenile violence? Furthermore, of young people who are arrested, the vast majority, 94 percent, are arrested for property crimes and other less serious offenses; very few are violent offenders.³

On the other hand, the level at which our children are becoming victims of violence, and gun violence in particular, is shameful and alarming. Teenage boys in the United States are now more likely to die from gunshot wounds than from all natural diseases combined.⁴ The disturbing rise in youth homicide rates of 154 percent since 1985 consists almost entirely of firearm deaths, while the level of non-firearm deaths have remained level.⁵

As a physician, this is my concern.

Now in my daily work as a doctor at the Cook County Jail, many of the younger inmates relate horrific stories of the violence surrounding their lives. They seem to have grown to expect that this is the way life is. Such an attitude is hardly without consequence. Layers of despair, depression, anger, hopelessness, and aggression de-

¹In: Zucchini D. Today's violent crime is old story with a twist. The Philadelphia Inquirer. October 30, 1994. p. 1.

²Shelley JF, Wright JD. Gun acquisition and possession in selected juvenile samples. OJJDP. December 1993. NCJ 145326.

³Jones MA, Krisberg B. Images and reality: juvenile crime, youth violence, and public policy. National Council on Crime and Delinquency. San Francisco, CA: June 1994.

⁴Fingerhut LA. Firearm mortality among children, youth, and young adults 1-34 years of age, trends and current status: United States 1985-90. Advance data from vital and health statistics; no 231. Hyattsville, MD: National Center for Health Statistics. 1993.

⁵Butterfield, Fox. Teen-age homicide rate has soared. New York Times October 14, 1994. p. A10.

velop. For some, being tough or carrying a gun seems to be the only available survival technique. I spend time talking with my patients about the risks of guns. Most are struck by the medical evidence which demonstrates that a gun does not protect, but actually increases the risk of death. After reflecting on their own circumstances, many begin to understand that carrying a gun might not be in their best interest.

A few months ago we conducted a study at the jail which found that 1 in 4 of the male inmates had been shot at least one time. Only 10 percent of them were ever referred for any counseling after the injury. That is a lot of unaddressed pain and fear. Furthermore, those who were shot were almost twice as likely to have easy access to a semiautomatic weapon and almost twice as likely to have had witnessed a shooting sometime during their grade school years. Our children are exposed to chronic violence and uncertainty. If we ignore it, the cycle of violence expands.

The fundamental roots of juvenile crime remain the same: physical, sexual, mental abuse and neglect, family abuse of alcohol and drugs, poor education, lack of meaningful opportunities, and so on. Each of these problems requires vigilant attention. The new and deadly force behind juvenile violence, however, is the extraordinary availability of guns. The federal government must continue its efforts at reducing gun violence. Each sector of our society can also contribute to the prevention of gun violence, and the federal government should support these efforts. Community groups can strengthen their youth activity programs with prevention money from the crime bill. Youth offenders could be mandated to receive job training and perform work at select businesses in exchange for federal tax credits. The media ought to develop messages and programming which make guns less glamorous or exciting and expose their real danger, just as we have done with cigarette smoking or drunk driving. Intervention teams ought to be dispatched to support the survivors and witnesses of each violent death. Hospitals should admit each child with a violence-related injury and provide counseling and intervention services. Doctors should routinely screen for a patient's risk of violent injury, and convey the knowledge that possession of guns increases the risk of death rather than offering protection.

Let us remember that kids are impulsive, curious, take risks, and face many pressures as they mature. It is imperative for the adult society to provide direction and make their journey safe. Priority needs to be given to their environment. Last decade the public health community looked at the unacceptable numbers of teenage deaths due to alcohol-related motor vehicle crashes. Teaching kids to drive more carefully and avoid alcohol were part of the message, but clearly not enough to solve the problem. After all, these are 16 year olds with a sense of invulnerability, a flare for excitement, and a vigor to impress members of the opposite sex. It took a federal initiative to make alcohol less available to people under 21 years of age before the death rates decreased. Tough laws holding adults responsible for alcohol sold to minors or distributed at parties contributed to the success. Now thousands of teenage lives are saved each year.⁶

This same approach needs to be employed to remove violence from the lives of our children. Every gun involved in an child injury, killing, or possession ought to be traced by the federal Bureau of Alcohol, Tobacco, and Firearms (ATF). It should be traced to its last adult owner. We must remember that it is the adults who manufacture, distribute, market, promote, sell, own, and store guns. If children are obtaining guns, it is our fault. Each time a child is injured or killed by a gun the media should be encouraged to report the manufacturer of the gun and its last point of sale. In the first eight months of this year, the ATF in Chicago traced over 6,600 guns confiscated from juveniles and found that 90 percent were not stolen, but had legal adult owners before getting into the hands of children.⁷ Let us stop punishing our children for the shortcomings and lack of responsibility of adults.

Certainly violence committed by juveniles is scary and unsettling. Those who commit violent acts must be quickly adjudicated, and the few who are chronic offenders deserve special management. We should allow judges more discretion in these few cases. But despite current hype and criticism, some aspects of our juvenile justice system deserves to be commended. Successes do occur. This happens as they recog-

⁶National Highway Traffic Safety Administration. Fatal accident reporting system 1989: a review of information on fatal traffic crashes in the United States in 1989. Washington DC: US Dept of Trans, 1991. DOT Pub No. HS 807 693.

Williams AF, Zador PL, Harris SS, Karpf RS. The effect of raising the legal minimum drinking age on involvement in fatal crashes. *J Leg Stud* 1983;12:169-79.

Zador PL, Lund AK, Fields M, Weinberg K. Fatal crash involvement and laws against alcohol-impaired driving. *J Public Health Policy* 1989; Winter:467-85.

⁷Bey, Lee. 6,600 guns seized from underage owners. *Chicago Sun Times*. September 20, 1994. p. 1.

nize that these are children, not adults, and require special attention. We know this to be true in medicine where children require different treatments and communication styles than adults. Emphasis on education and counseling in the juvenile justice system makes recidivism rates for juvenile offenders much less than those for adult offenders. The federal government ought to be assisting states, counties, and cities in delivering these services, not jumping into the "business" (and that is what it is) of juvenile incarceration (which is what it is doing). Our frenzy to lock up more and more children is stripping resources from reform programs and creating harm to our children. Soon the juvenile system might look like our adult system which is a failure by most accounts.

I am convinced that our past decade of aggressive adult incarceration policies, with three-fourths of arrestees being nonviolent offenders, actually fuels violence in communities. We uproot families, provide few rehabilitative services, expose individuals to negative influences, ration resources, and then release inmates with no job, no housing, and little education. Let us not make the same mistakes with our children.

And we cannot talk about juvenile detention without acknowledging the disturbing racial discrepancies. Most children in U.S. detention-centers are youngsters of color.⁸ Furthermore, trends show that the numbers of minority youth being detained are increasing, while the numbers of white youth are decreasing. Researchers have found that minority youth, particularly African American, are almost twice as likely to be held in pretrial confinement than are white youth. Once detained, minorities are confined for longer periods of time than whites.⁹ Already, 23 percent of young African American men are in the criminal justice system.¹⁰ At what point will we demand alternatives: 30 percent? * * * 40 percent? (already 42 percent of the young men in Washington D.C. are in the criminal justice system¹¹) * * * 50 percent? * * * 60? Every alternative to incarceration must be explored for nonviolent offenses, and prevention must be given priority.

I am also concerned that increasing the population in juvenile detention facilities will adversely affect health care delivery. The Journal of the American Medical Association has suggested that our policy of mass incarceration for adults is directly linked to the rise in multi-drug resistant tuberculosis in our country.¹² What additional troubles are ahead for us as we incarcerate more children? The Office of Juvenile Justice and Delinquency Prevention recently reviewed conditions in our nation's juvenile detention centers and found many serious deficiencies, including gross overcrowding and inadequate health care.¹³ Is our country ready to make the tremendous commitment of resources necessary to achieve the minimal standards of confinement (which will only grow more costly), or would we be better served to focus on prevention?

Developing prevention efforts would be more cost-effective and go further to prevent crime than building a larger juvenile detention bureaucracy. If children had fewer guns available to them, fewer serious or deadly violent events would occur. Let us value and nurture our children, not blame them for our failures.

Senator MOSELEY-BRAUN. Thank you very much, Dr. May.
You are obviously not James O'Rourke.

STATEMENT OF JACKIE KLOSAK

Ms. KLOSAK. My name is Jackie Klosak. I am here for Mr. James O'Rourke, who was called out at the last second for a county budget hearing. He is the executive director of the Judicial Advisory Council, and I am here to read his testimony for him:

Dear Senator Moseley-Braun: Thank you for the opportunity to appear before the committee and present to you a picture of the Ju-

⁸Sweet RW. Public juvenile facilities: children in custody 1989. US Dept Justice, OJJDP. January 1991. NCJ 127189.

⁹Jones M, Krisberg B. Detention utilization: case level data and projections (a study of secure detention in five sites). San Francisco, CA: National Council on Crime and Delinquency, 1993.

¹⁰Mauer M. Young black men and the criminal justice system: a growing national problem. The Sentencing Project. Washington, DC: February 1990.

¹¹DeParle J. 42 percent of young black men in capital's justice system. New York Times April 17, 1992. p. 1.

¹²Skolnick AA. Some experts suggest the nation's "war on drugs" is helping tuberculosis state a deadly comeback. J of the Am Med Assn 1992; 268(22):3177-78.

¹³Conditions of confinement: juvenile detention and corrections facilities. OJJDP. February 1994. USGPO: 1994-301-177:80039.

venile Justice System from the frontline, so to speak. As executive director of the Judicial Advisory Council, it is the responsibility of my office to advise the county board president and commissioners on justice system issues and offer recommendations to improve the administration of justice in Cook County. The Judicial Advisory Council is also charged with identifying and securing grant funding for new initiatives along these lines.

The Juvenile Division of the circuit court of Cook County has become the court of last resort for many children and parents. Every year thousands of abuse and neglect cases become the responsibility of the Juvenile Division. The increase in the number of abuse and neglect petitions filed every year has been so overwhelming that it has become nearly impossible to give the kind of attention to the problems of the children and their families that they deserve.

In 1993, 7,000 new abuse and neglect cases were filed, compared with 3,544 in 1983 and 1,783 in 1973. There were 4,435 findings of abuse and neglect in Cook County in 1993. Today there are over 24,000 children with pending cases in the system. The Illinois Department of Children and Family Services has seen its caseload jump 60 percent to more than 56,000 cases in just the last 4 years. Attorneys and judges are overwhelmed at the number of cases they handle each day. DCFS caseworkers responsible for supervising these families in the community are overloaded, overworked, and understaffed.

Similarly, the Cook County Juvenile Temporary Detention Facility is operating above its capacity due to the rising level of crime committed by juvenile offenders. To treat juvenile delinquency or abuse and neglect cases in a vacuum is short-sighted at best, and potentially fatal at worst. The root causes of both sets of problems are often the same.

To address some of these problems, Cook County has already taken many necessary and dramatic steps toward improving operations in its abuse and neglect courts. Under the leadership of President Richard Phelan and Finance Chairman John Stroger, Cook County opened a new state-of-the-art juvenile facility which increased the number of abuse and neglect courtrooms from 6 to 14. This has allowed Cook County to immediately address the more than 24,000 pending abuse and neglect cases and has led to a more reasonable apportionment of cases and a more controllable docket with facilitated case processing.

In addition, the county's executive branch and circuit court worked in a cooperative manner to pass State legislation amending the juvenile court act to utilize hearing officers to conduct predispositional conferences. The purpose of these conferences will be to address the failure to communicate critical information regarding the child, parent, or caregiver by requiring full disclosure of information regarding youth and caregivers irrespective of legal formalities.

Judges in the abuse and neglect courts must have all the relevant information if they are to make decisions that are truly in the best interests of the child. This pilot program will begin with 16 hearing officers and 14 social workers as soon as construction of the hearing rooms is completed.

Furthermore, President-Elect Stroger has unveiled a comprehensive program entitled "Leadership 2000" to address juvenile crime and combat recidivism among juvenile offenders. These steps demonstrate Cook County's commitment to a continuing effort aimed at improving the administration of justice, particularly juvenile justice.

These new initiatives will reduce the caseload of the juvenile courts. However, without additional resources, the ever increasing number of abuse and neglect cases will be impossible to keep up with. We in government must do a better job addressing some of the root causes of abuse and neglect, or we will continue to see many of these children return to the system as juvenile delinquents. Poverty, inadequate education, lack of decent jobs, teen pregnancy, alcohol and drug abuse, and other social problems are causal factors resulting in abuse and neglect of minor children.

Clearly we cannot solve all society's problems just as we cannot mandate that all parents act responsibly. We can, however, focus the resources we have where they can do the most good. To that end, the Judicial Advisory Council has recommended the creation of a Parental Development Reporting Center for families involved in the abuse and neglect system.

As progress toward improving services to children is heightened, minimal attention has been focused on addressing the issues and needs of the parents involved in these proceedings. Cook County recognizes that issues of violence, substance abuse, and mental illness of the parents must be addressed if we are ever to solve these problems. Most youth are removed from their homes due to problems associated with their parents, and many are never returned because of the lack of resources to address these issues. Family reunification simply becomes impossible without addressing and servicing the problems and dependencies of the parents.

The proposed program in Cook County is detailed in the attached report. As you conclude these hearings in Chicago, and around the Nation, hopefully you will hear of many new proposals designed to address the problem of juvenile justice and abuse and neglect cases. Cook County has a specific plan ready to be tested in one of the most overcrowded, overburdened, and underfunded jurisdictions in the country. We hope your committee will consider the Parental Development Reporting Center as a program worthy of support by the Federal Government.

I hope this testimony gives you an idea of the scope of the problems associated with juvenile justice, particularly the abuse and neglect of children. Furthermore, if government can proactively work to prevent abuse and neglect, we will also be helping to reduce the problem of juvenile delinquency. Finally, to the extent that government can deliver the services it currently offers in a more unified and focused way, we can help those who need it most when they need it most, and at a price that is more efficient than the current patchwork arrangement that is often reactive in nature.

Finally, on behalf of President Phelan and Commissioner Stroger, I would like to thank Senator Moseley-Braun for holding this hearing in Chicago. Cook County is proud of what we have done to improve the Juvenile Justice System here in the Nation's

largest unified court system, and we look forward to working as an active partner with the State of Illinois and the Federal Government to continue to make progress toward protecting our children.

Thank you again for the opportunity to address this distinguished committee. Sincerely, James M. O'Rourke.

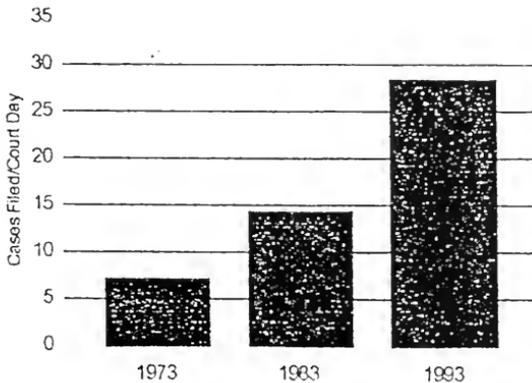
[James M. O'Rourke submitted the following materials:]

PREPARED STATEMENT OF THE JUDICIAL ADVISORY COUNCIL OF COOK COUNTY, IL,
PARENTAL DEVELOPMENT REPORTING CENTER

PROBLEM STATEMENT

Every year thousands of abuse and neglect cases become the responsibility of the Juvenile Division of the Circuit Court of Cook County. In some cases, children are returned home under supervision orders and in other cases, children are placed into temporary custody by Juvenile Division Judges. Families involved in these cases are often plagued with problems including drugs, violence, mental illness or some combination. Many of these youth never return to their homes because there are not enough resources to address this ever growing problem. These children will never have a fair opportunity for health and happiness. Habilitation of families and permanency cannot be achieved without addressing the lack of resources available to the court and the families.

The increase in the number of abuse and neglect petitions filed every year has been so overwhelming that it has become nearly impossible to give the kind of attention to the problems of the children and their families that they deserve. In 1993, 7,000 new abuse and neglect cases were filed in the Juvenile Division of the Circuit Court of Cook County, compared with 3,544 in 1983 and 1,783 in 1973.



There were 4,435 findings of abuse and neglect in Cook County, Illinois in 1993. These numbers have put extreme pressure on all participants within the Juvenile Justice System. Attorneys and judges are overwhelmed at the number of cases they process each day. DCF's caseworkers responsible for supervising these families in the community are overloaded, overworked, and understaffed.

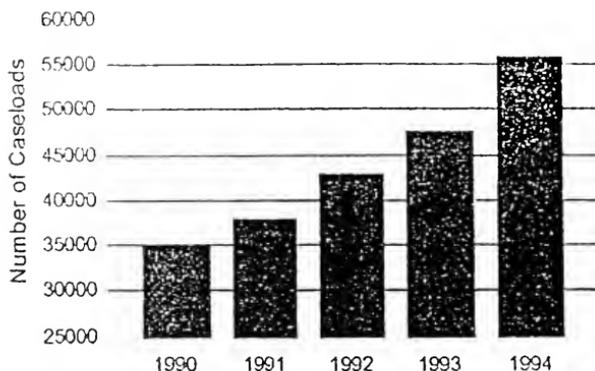
Caseloads at the Illinois Department of Children and Family Services have been increasing at an unprecedented rate. Since 1990, the DCF's family and child caseload has increased from 35,231 to 56,128, representing over a 60 percent increase in only a 4 year period.

One possible solution is to offer a program that works toward resolving the issues faced by these parents.

Soaring caseloads at DCF's have increased the need for foster care. Not only are the number of foster children increasing, but their problems are becoming more complicated. More children are entering foster care programs with medical problems suffering from crack cocaine addiction, AIDS, alcohol abuse and mental and emotional problems. Unfortunately, as the number of children needing services increases, the number of foster families to care for them is decreasing.

A Parental Development Reporting Center would provide assistance to an overburdened abuse and neglect system and a collapsing foster parent system. Local

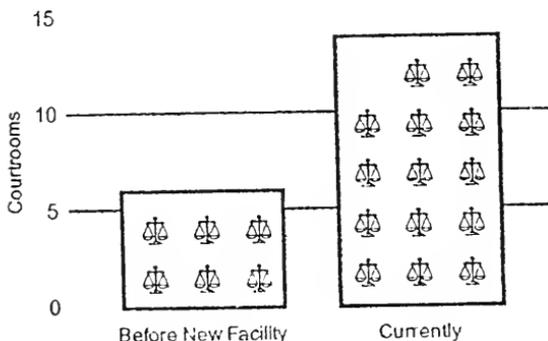
funds have been channeled into the development of a new Juvenile Justice Center, allowing for more courtrooms, additional personnel and the ability to hear more cases. Cook County recognizes, however, that the crisis occurring in the abuse and neglect system cannot be resolved unless larger issues such as drug abuse, family breakdown, and violence are addressed as well.



PROGRAM DESCRIPTION

Cook County has already taken many necessary and dramatic steps toward improving operations in its abuse and neglect courts. Progress in policy and program development has occurred, offering promise and hope to the children and families involved in these cases.

Cook County has recently opened its doors to a new state of the art juvenile court facility. The addition to the Cook County Juvenile Court became operational in 1994. This new addition made available 14 abuse and neglect courtrooms, nearly doubling personnel. It has allowed the county to immediately address the more than 23,000 pending abuse and neglect cases. This has led to a more reasonable apportionment of cases and a more controllable docket with facilitated case processing.



In reviewing operations at the Juvenile Court, Cook County realized that to best protect the safety and security of the children involved in the abuse and neglect system, a forum needed to be created within the Juvenile Court system that is nonadversarial in nature and encourages an open and honest exchange of information. The Executive Branch and Circuit Court of Cook County worked in a cooperative, nonpartisan manner to pass State legislation, amending the Juvenile Court Act to utilize hearing officers to conduct predispositional conferences. The purposes of these conferences is to assess whether it is in the best interest of the minor to be made a ward of the court, and if so, to consider the most appropriate placement and to review the proposed service plan for that minor. These hearings compel attendance of all lawyers and interested parties and require full disclosure of information regarding youth and caregivers irrespective of legal formalities, including hearsay

and chain of custody. Based on that information, the hearing officer recommends to the Court both a dispositional and permanency plan that will best serve the interest of the child. The failure to communicate critical information regarding child, parent or caregiver will be alleviated by the use of this new procedure. The pilot program will begin as soon as construction of the officer hearing rooms is finished this Fall and will consist of sixteen hearing officers, five clerical support staff and four law clerks.

A Parental Development Reporting Center for families involved in the abuse and neglect system is the next necessary step needed in Cook County. As progress towards improving services to children is heightened, minimal attention has been focused on addressing the needs of the parents involved in these proceedings. Cook County recognizes that issues of violence, substance abuse and mental illness of the parents must be addressed if we are ever to solve the problems. Most youth are removed from their homes because of problems associated with their parents and are never returned because of the lack of resources to address these issues. Family reunification simply becomes impossible without addressing and servicing the problems and dependencies of the parents.

The proposed program in Cook County Juvenile Court will provide programming related to violence reduction, mental health, and substance abuse intervention for alleged perpetrators of abuse and others screened as a high risk in these areas. It will also provide the court with information about the caregiver(s) and offer progress to the courts pursuant to the caregiver(s) resolution of these problems.

The Parental Development Reporting Center will be targeted at new child abuse/neglect and appropriate dependency cases. The program will intervene with caregivers after the adjudicatory hearing, pursuant to a judicial order. A screening will take place to determine need and motivation for treatment in the areas of violence reduction, substance abuse and mental health. For those caregivers who are eligible for services, a comprehensive screening, assessment, and evaluation process will be completed in 20 days following the adjudication hearing. Ongoing services will also be available following the disposition based on need and judicial mandate(s).

Adults involved will include those caregivers responsible for the child(ren) at the time of the child(ren)'s removal from the home or when a supervision order has been initiated by a judge.

A team of program workers will be located in juvenile court to immediately interface with the judge, hearing officer, the indicated caregivers, the state attorney, public defender and guardian ad item. A referral to the program, ordered by the judge, will begin the process of intake, following the adjudication hearing. The judge will order the caregiver(s) to the program unit. The program worker will:

- (1) Complete the screening and score it; and
- (2) Schedule appointments for further assessments and/or reporting center participation.

A tiered screening and assessment process will take place. The first screening will identify those caregivers who have unresolved issues of violence that have led to their current violent behavior. It will further determine the impact/extent of violence involved and prescribe a violence interruption program for the caregiver(s). The second screening is to identify caregivers with significant mental illness issues. These results will be reported to the judge with recommendations for appropriate mental health services. The third screening will identify those caregivers with substance abuse issues. If the caregiver is screened as having a substance abuse problem they will be referred to an appropriate community based agency for an evaluation and treatment, if required.

Each Monday, eligible clients will begin the program. Programming will take place in the Reporting Center which will offer an array of services located within one facility. It is contemplated that program services will be delivered by a consortium of agencies, including not-for-profit community based agencies, religious affiliated groups and agencies affiliated with the Department of Alcohol and Substance Abuse. The program process is a five-day program. Flexible times will be offered to accommodate the caregiver's schedule. Predispositional services will focus on the problems of substance abuse, violence and mental illness. Additional attention will be directed toward the development and the provision of an accurate and comprehensive assessment for review by the courts.



At the completion of this portion of the program (20 days following referral), a report will be prepared regarding;

- Summary of screening and assessment issues identified regarding violence, mental illness and substance abuse;
- Caregiver's progress while in the Program;
- Recommendation for specific services if ineligible for further Parental Development Reporting Services; and
- Recommendation for further Parental Development Reporting Services with a 60–90 day status date.

Additional types of aftercare services may be recommended by the program representative that would be available at the Reporting Center. A menu of possible aftercare services include:

- Parenting skills/educational groups
- Parent support groups
- Victim's/survivor's groups for physical and sexual abuse
- Crisis intervention
- Anger control management groups
- Stress reduction groups
- Job training/job readiness classes
- GED classes

- Intensive case management classes

This report will be provided to the hearing officers and may be utilized in the discussion regarding the placement of the child. This report, based on actual observation, is an enhancement necessary to make the hearing officers role more successful. A program representative will also be available to the courts for testimony.

At the dispositional hearing, the judge may order the family to further participate in the Reporting Center with a 60-90 day status date. Caregiver(s) will continue participation in the program, with the availability of services as identified above. The purpose of additional participation is three-fold:

- (1) To provide the courts with comprehensive information regarding progress of caregiver(s), allowing for a more informed decision regarding permanency placement for youth;
- (2) To provide an opportunity for caregiver(s) to receive services needed to begin recovery stage and,
- (3) To increase the likelihood of youth returning to caregiver(s) home.

PROGRAM EVALUATION

The plan to evaluate the Program will consist of two components: process evaluation and impact evaluation.

The process evaluation is a descriptive analysis demonstrating how closely the implementation of the program followed the original planned execution and to document the assessment and referral process. The process evaluation will more specifically look at what elements impeded or facilitated program implementation, what changes were needed during the course of the program to allow it to more effectively progress towards program goals, the cost of the program relative to other options and evidence of regularly scheduled court appearances, court reports and service delivery. Information for this component of the evaluation will be collected through interviews with program participants, program staff, and a review of program records and reports.

An impact evaluation is an analysis of the success of the program. Success of the program would be generally defined in both long- and short-terms. Long term success will focus on the permanency of the family and the impact regarding the best interest of the child. Short term success will be measured based on the ability to provide the courts with accurate information based on real observation and the provision of services previously unavailable to this population. Questions addressed throughout this component of the evaluation may include:

- Was the Court provided with more accurate and comprehensive information to allow for better decision making?
- Did the Court's utilize the reports during their decision making?
- How many caregiver(s) received services?
- Are there significant differences in the types of dispositions being made?
- How many families were able to be preserved?
- Have DCFS caseloads decreased?
- Has the need for foster care decreased?

Information for this component of the evaluation will be collected through program records and monthly statistics maintained by the program director. Participant records will also be reviewed.

LOCATION SITE

The proposed site for The Parental Development Reporting Center is the 10th and 11th floors located within the facility at 2240 W. Ogden Avenue in Chicago, Illinois. This building is located directly across the street from the Juvenile Court Facility. The 10th and 11th floors are currently available. These two floors were previously occupied by the Cook County Public Guardian's Office, who have since been relocated to the new Juvenile Court Facility. Other offices which occupy space at this facility include the Cook County Public Defender's Office.

Approximately 7,500 square feet is available. In 1992, the annual rent was estimated at \$97,500.00. Based on an annual 3 percent increase, the present annual rate would be approximately \$103,350.00.

PROPOSED BUDGET

It is estimated that the program will cost a total of 2.4 million dollars for a complete program year for approximately 4,500 cases with 3,000 receiving full Parental Development Reporting Center services. Budget projection includes rental of space, start-up and overhead costs, and reimbursement for personnel, administration, and provision of services.

improving cook county

In addition to the aforementioned initiatives, Cook County has achieved other successes within its Juvenile Justice System. The newly created Family Justice Coordinating Council, chaired by Harry G. Comerford, Chief Judge of the Circuit Court of Cook County, and comprised of leading state and county juvenile justice officials as well as the Governor of the State of Illinois and the four (4) legislative leaders of the Illinois General Assembly, works productively to formulate policy reform and pass required State legislation. The purpose of this Council is to ensure coordinated action and efficient use of resources.

The Circuit Court of Cook County is also operating a Family Justice Leadership Institute. This Institute, now in its pilot stage, provides training programs and material for judges and other players in the system who deal with families in crisis. In addition, the Institute's mission is to explore new approaches, methods, processes and programs to improve the Juvenile Welfare System for all those who deal with the sensitive areas of child abuse and neglect.

Although not part of the abuse and neglect system, Cook County has demonstrated success in the creation of programs for youth on the delinquency side of the juvenile justice system. The Cook County Juvenile Home Detention Program is the County's first alternative to detention program and is the initial step in reducing the Juvenile Temporary Detention Center's population. Started in February, 1994, home detention provides intensive supervision services including, but not limited to, daily monitoring, tutoring, intervention with youth and family service referrals as appropriate, liaison with school officials, supervised recreational activities and coordination with neighborhood youth organization activities. The program is designed to ensure that youth remain crime free while awaiting adjudication, appear for all court-ordered appointments, and help youth lead more productive lives at home, in school and in their communities. The success of this program has been made possible through a collaborative effort of the executive and judicial branches of county government.

Finally, Cook County has already shown success in operating a day reporting center, conceptually similar to the one being proposed here. The Men's Day Reporting Center, operated through the Cook County Sheriff's Office, is a pretrial program designed to provide supervision to offenders awaiting adjudication. The dual purposes of the day reporting center are to reduce the population of the jail by providing safe and cost effective supervision in the community and to provide programs and services intended to reduce recidivism. Participants receive comprehensive programming, including outpatient substance abuse services, job readiness training, and GED services. All programs are geared to enable participants to become socially responsible and law abiding members of the community. Started on March 29, 1993, over 400 defendants have participated. When the program is fully operational, there will be slots for up to 600 defendants. The overwhelming success of this program demonstrates the good intentions and "can do" attitudes prevailing in Cook County, Illinois.

Senator MOSELEY-BRAUN. Thank you. Thank you very much, and I appreciate your testimony. Again, if there is a single message out of this hearing today, it is that we have to, I think, focus in on co-operation, both in terms of private and public sector cooperating with each other, as well as all the various agencies within the Social Welfare System and the Criminal Justice System. Those institutions of government have to cooperate better and coordinate better if we are going to be able to tackle that.

But then if you think about it, that gets back to the expression, "It takes an entire village to raise a child." We all have an obligation and a responsibility and an opportunity here, working together, and I just again want to thank this panel for your patience in the first instance, for the value of your testimony, for your words. And, again, I hope that this will make a difference in terms

of educating my colleagues, bringing this issue to the public's attention, helping to frame and shape legislative responses to the variety of concerns that are raised by this issue of violent juvenile activity.

So, again, thank you very much for coming today. Unless you have a further comment, this hearing is adjourned. Thank you.

[Whereupon, at 1:59 p.m., the subcommittee was adjourned.]

APPENDIX

ADDITIONAL SUBMISSIONS FOR THE RECORD

PREPARED STATEMENT OF NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE

Position Statement

HEALTH CARE FUNDING FOR INCARCERATED YOUTH

Background

As reported by the AMA Council on Scientific Affairs, Journal of American Medical Association:

Youth who are detained or incarcerated in correctional facilities represent a medically undeserved population that is at high risk for a variety of medical and emotional disorders. These youth not only have a substantial number of pre-existing health problems, they also develop acute problems that are associated with their arrest and with the environment of the correctional facility * * * Indicative of both their personal behavior and their lack of adequate prior health care services, youth in correctional institutions have a greater than expected rate of selected physical and emotional problems, such as substance abuse, sexually transmitted diseases, unplanned pregnancies, and psychiatric disorders." (JAMA, 1990).

In the United States, the number of juveniles (aged 10 to 17 years) in custody increased 25 percent from 80,091 to 99,846 from 1983 through 1989. (CDC, 1992). Annually, more than 600,000 youth are admitted to public detention facilities. These children are admitted with substantial existing physical and emotional problems caused by a variety of factors, including past physical and psychosocial insults, lifestyle habits, and lack of prior health care. A variety of studies reported through the Academy of Pediatrics, the American Society of Adolescent Medicine, the American Public Health Association, and the National Commission on Correctional Health Care have shown that upon admission to the juvenile facility, about 33 percent have a history of sexually transmitted diseases; 20 percent report having parented a child, another 10 percent of the girls are pregnant, and 10 percent have gonorrhea. In addition, juveniles also have a high rate of alcohol and other drug abuse including tobacco abuse. Prior to arrest and incarceration, these children typically do not seek medical assistance until their symptoms become extreme, and are usually treated in an emergency room. They also lack a regular source of coordinated health care prior to incarceration.

Medicaid in juvenile detention and confinement facilities

Young people incarcerated in juvenile detention and confinement facilities eventually return to their communities hopefully to live productive, and healthy, lives. It is, therefore, important to provide needed health care services, including early diagnosis and treatment for communicable diseases, that address their unique needs. The likelihood that needed health care will be provided is, however, contingent upon the availability of funding for these health services. Children who are placed in foster homes, private residential facilities, or group homes remain eligible for Medicaid

assuring that the federal and, local governments share in the cost of required health care.

Until 1984, federal regulations allowed correctional institutions to bill for health services provided to incarcerated youth who were eligible for Medicaid for the month of their arrest and the month of their discharge. After 1984, the regulations were changed to disallow any federal reimbursement for health services to incarcerated individuals. This action shifted the responsibility for financing needed health care entirely to local governments (e.g., states, counties, cities) and, owing to a reduction in federal funding, in many instances results in inequities in the quality of care available to youth. Children in public, as compared to private, facilities are mostly poor, minority, and from dysfunctional families. They are, therefore, particularly affected by their ineligibility while children in private facilities continue to be eligible for Medicaid.

POSITION STATEMENT

America's future on the health of all of our children. Incarcerated youth represent an especially vulnerable population whose lives are at high risk for illness and disability. Early diagnosis and treatment is essential. The National Commission urges equality in access and funding for health care and, therefore, recommends that all youth in public and private confinement and detention facilities remain eligible for all public (e.g., Medicaid) and private health care coverage consistent with state and local eligibility requirements.

All of America's youth deserve the opportunity for equal access to health care regardless of placement in public or private facilities.

Adopted by the National Commission on Correctional Health Care Board of Directors—March 21, 1993.

REFERENCES

AMA Council on Scientific Affairs. (1990, February). *Journal of the American Medical Association*, pp. 987-88.

Center for Disease Control and Prevention. (1990, June 5) *Mortality and Morbidity Weekly report*, pp. MWR. June 5, 1990, p. 22.

CORRECTIONAL HEALTH CARE AND THE PREVENTION OF VIOLENCE

In the last ten years, interpersonal violence (i.e., homicide, rape, robbery, aggravated assault, abuse and neglect of young and old people) has grown to epidemic proportions. In 1990, there were more than 23,200 homicides in America. In comparison to other industrialized countries, the United States 1990 murder rate was 11 times that of Japan, nearly 9 times that of England, over 4 times that of Italy, and 9 times that of Egypt and Greece. Our nation's youth and young adults, particularly among minority groups, are frequently involved in acts of interpersonal violence. During the 1980s alone, over 48,000 people were murdered by youth and young adults in the 12 to 24 year age range. Homicide is now the second leading cause of death among 15 to 24 year olds and the leading cause of death among 15 to 34 year old black American males. It's also been demonstrated that the effects of violence on youth increase the odds of their future delinquency and adult criminality overall by 40 percent. Victims of violence, in other words, are likely to become victimizers in future years.

As violence grows in America, a number of different agencies are responding in a number of different ways. The justice system's long range plans address reducing violent crime, improving the effectiveness of law enforcement agencies to combat violence, providing assistance to victims, and crime prevention programs. The medical and mental health professions have joined with the Centers for Disease Control and Prevention (CDC) in an initiative intended to treat violence as a major public health problem. Such an approach has an objective of preventing violence through surveillance, epidemiological analysis, and the evaluation of various intervention techniques. An important emphasis of this initiative has been to involve the health care community in the identification of victims of abuse and violence.

Very little emphasis has yet to be placed upon the use of intervention techniques that teach individuals alternatives to violence as a behavioral response. This would appear to be a particularly appropriate technique for use within correctional facilities where increasing numbers are now being incarcerated for violent crimes. This further suggests an important role for correctional health programs that might begin to address violent behavior within the correctional environment as a public health problem. Perhaps an equally important role for correctional health programs

is the identification and treatment of the incarcerated who have lived with violence in their lives. Some experts believe that certain kinds of violent behaviors can be effectively treated enabling people to better cope with violence in their lives. Since most of those who are incarcerated eventually return to their communities, these kinds of intervention and treatment techniques might have a positive effect on reducing violence in the community.

Violence can be characterized in several ways. For example, Jenkins and Bell characterizes *expressive* violence as that which grows out of some kind of interpersonal altercation in which one person intends harm on another. Persons involved in expressive violence typically know each other, are similar in age, and frequently share the same race and ethnic background.

Instrumental violence, in contrast, is usually premeditated and motive-driven (e.g., acquire property or economic gain). Typically, parties involved do not know one another and the harm caused is secondary to the motive.

Finally, *gang-related* violence results from gang membership and related membership activities involving retaliation or revenge. These distinctions imply that different intervention strategies may be required to effectively prevent the various kinds of violent behavior. Further, experts believe that expressive violence may be appropriately treated through public health intervention techniques, as opposed to socioeconomic interventions for instrumental violence and political interventions for gang violence. All three kinds of violent behaviors are prevalent in society and, too, in correctional facility populations.

Correctional health programs are an important public health resource in the identification, care, and treatment of individuals who have been involved in violent acts. The national Commission heartily endorses the CDC's position that violence is a public health problem and calls upon correctional health programs to join with the CDC, and other professional groups, in addressing violence within the incarcerated population. It is the National Commission's position that standards for correctional health services should be used as the basis for correctional health services violence prevention, treatment, and education in these settings. Specifically, correctional health services should:

1. Incorporate violence risk assessment—including child and domestic abuse, sexual abuse, and any personal victimization—into receiving screening undertaken of all inmates upon intake, all inmate health assessments and mental health evaluations.
2. Refer as appropriate all inmates with violent histories (i.e. those with *expressive violence*), including those who exhibit violent behaviors that place the safety and welfare of themselves or others in jeopardy, to treatment by appropriately trained health care providers. treatment should not consist of only placing the inmate on medication, but should take a balanced biopsychosocial approach to the treatment of inmate violence.
3. Protocols and guidelines for violence prevention, intervention, and follow-up should be developed for use by qualified health professional treating inmates. In addition, health care providers should receive training in these areas. training should include information on policies and practices designed to prevent violence, non-physical methods for preventing and/or controlling disruptive behaviors, appropriate use of medical restraints, and effective techniques for personal safety.
4. Correctional officer training should include prevention of expressive violence and non-physical methods for prevention and/or controlling disruptive behaviors stemming from expressive violence. Correctional officer training should continue to address security issues designed to inhibit instrumental and gang-related violence.
5. All correctional facilities should establish contacts with community-based organizations able to assist in the treatment and continuity of care upon the inmate's release from the correctional facility.

Adopted by the National Commission on Correctional Health Care Board of Directors—September 19, 1993. Latest amended April 10, 1994.

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JUVENILE CRIME—FACTS AND FIGURES

THE INCREASE IN VIOLENT CRIME IS PARTICULARLY TROUBLING AMONG OUR NATION'S JUVENILES

- Between 1987 and 1991, the number of juveniles arrested for murder increased by 85 percent. That compares with an increase of only 21 percent for those over 18.
- Between 1965 and 1990, juvenile arrests for murder increased by 332 percent, and juvenile arrests for forcible rape more than doubled.
- In 1990, 1/3 of all murders were committed by those under 21.
- Between 1987 and 1991, the number of juveniles arrested for all violent crimes increased by 50 percent, twice the increase for persons over 18.
- In 1991, 122,900 juveniles were arrested for committing a violent crime, the highest number in history.
- Between 1986 and 1988—just two years—the number of pediatric inpatients admitted for gunshot wounds increased 70 percent. The American Academy of Pediatrics estimates that firearms are responsible for the death or injury of 65,000 children each year.

GUNS ARE EASILY ACCESSIBLE TO AMERICAN YOUTH

- During the past decade, there has been a 79 percent increase in the number of juveniles who commit murders with guns. In 1990, nearly 3 of 4 juvenile murders were committed with guns.
- Between 1988 and 1992, juvenile arrests for weapons violations increased by 66 percent. In 1991, the nearly 50,000 juvenile weapons arrests accounted for more than 1 out of every 5 weapons arrests in the country.
- During the 1991-92 school year, 200 guns were confiscated from students in Chicago's public schools.
- Each day, 1 percent of adolescents carry a gun to school. That amounts to 135,000 guns in American schools *every day*. Children as young as six have been found carrying weapons in school.
- Despite a federal law prohibiting the sale of handguns to a minor, 41 percent of male adolescents state they can easily obtain a handgun if they want.

JUVENILE ARREST FOR MURDER—1992

Age	Total murders	With firearms
13	55	40
14	166	123
15	393	320
16	686	535
17	965	767
18	1090	869

Source: FBI Uniform Crime Reports, 1992 (FBI UCR).

JUVENILE ARRESTS FOR AGGRAVATED ASSAULT—1992¹

Age	Total assaults
13-14	4,282
15	11,731
16	14,952
17	16,728
18	17,595

Source: FBI UCR.

¹ Breakdown for aggravated assaults with a firearm not provided.

JUVENILE ARRESTS FOR FORCIBLE RAPE—1992¹

Age	Total arrests
13-14	1,411
15	952

JUVENILE ARRESTS FOR FORCIBLE RAPE—1992¹—Continued

Age	Total arrests
16	1,132
17	1,236
18	1,458

Source: FBI UCR.

¹ Breakdown for forcible rapes with a firearm not provided.

SCHOOL VIOLENCE LEVELS ARE HIGH AND RISING ACROSS THE NATION

- In a survey of 700 American cities, 38 percent of school districts report increased school violence over the past five years.
- The rate of school violence is highest in larger cities—41 percent of cities of 100,000 or more, 32 percent of cities of 50,000 to 100,000 and 19 percent of cities of under 50,000 reported violent incidents.
- In the past year, school violence killed or seriously injured students in 41 percent of big American cities; school violence is also on the rise in small towns.
- One-fourth of the schools surveyed reported student deaths or injuries requiring hospitalization within the previous year as a result of violence.
- In a 1990 survey, nearly 8 percent of all students in grades 9–12 reported that they had been in at least one physical fight that resulted in an injury requiring treatment by a doctor or nurse during the 30 days preceding the survey.
- 54 percent of middle school and 56 percent of elementary school principals report an increase of violent acts in their schools over the last 5 years.
- Each day, 100,000 children carry guns to school.
- In a national survey, 20 percent of all students in grades 9–12 reported that they had carried a weapon in school at least once during the preceding 30 days.
- Every hour, 900 teachers are threatened, nearly 40 teachers are physically attacked, and over 2,000 students are physically attacked on school grounds.

CRIME IS UP IN CHICAGO PUBLIC SCHOOLS

- Nearly two-thirds of Chicago Public school sixth and eighth-graders said they had something stolen at school during the last year;
- One quarter of those students said that they had something stolen in school at least three times during the last school year.
- 40 percent of sixth-graders and 35 percent of eighth-graders said that they had been threatened by another student in school.

CHILD ABUSE AND NEGLECT—FACTS AND FIGURES

Reports of child abuse and neglect are on the rise

- According to the National Committee for the Prevention of Child Abuse, since 1985, the number of reported cases of child abuse and neglect has risen from less than 2 million a year to more than 2.7 million.
- In 1993, there were 2.9 million cases of suspected child abuse and neglect reported by child protection agencies, and 3 children a day died from child abuse and neglect.
- According to the American Medical Association, of the more than 2,000,000 children abused each year, $\frac{1}{3}$ are under one year of age, and another $\frac{1}{3}$ are between the ages of one and six.

Child sexual abuse is also a serious problem

- According to Child Assault Prevention, about 30 percent of America's children are sexually abused. One in four girls will be molested before the age of 13, and one in eleven boys by age 18.
- In 1993, there were 333,000 reports of child sexual abuse, of which approximately 150,000 were substantiated.
- However, since child sexual abuse is often not reported, many experts feel more accurate numbers can be obtained by surveying adults. These surveys have indicated that at least 20 percent of American women and 5–10 percent of American men were sexually abused as children.

- While many parents worry about strangers molesting their child, in the vast majority of child sexual abuse cases, namely 70–90 percent, the abuse is committed by persons known to the family, such as family members or friends of the family.
- According to a Justice Department study, girls under 18 are victims of more than half of the rapes reported to police. And, the younger the victim, the more likely the attacker is a relative or acquaintance.

Girls under 12 are the victims in 16 percent of the rapes reported to the police. One in five rape victims under age 12 was raped by her father.

According to the Senate Judiciary Committee's study "Rape in America," girls under 18 were the victims in 61.6 percent of all rapes, and girls under 11 accounted for 29.3 percent of rape victims.

- Family members or acquaintances were the attackers in 96 percent of the rapes of girls under 12.
- According to the Department of Health and Human Services, over 130,000 children are sexually abused each year in the U.S. However, the vast majority of these cases are not prosecuted, for a number of reasons, including:
 - (a) The large number of unreported cases;
 - (b) The unwillingness of many children to testify, which is often exacerbated by the abuser's control over the victim;
 - (c) Expiration of the statute of limitations, and;
 - (d) The inability of the child to realize he or she has been injured.

Link between child abuse and delinquent behavior

- Victims of child abuse and neglect are more likely than other adolescents and adults to be arrested for delinquent behavior, adult crimes, and crimes of violence.
- It is not surprising that children who grow up in families that routinely engage in child abuse and spouse abuse learn to act out physically when they are frustrated or upset.
- That is not to say that every abused child will become a delinquent child or criminal adult. However, according to a study conducted by the National Institute of Justice:
 - (a) Abused and neglected children are 53 percent more likely to be arrested as juveniles;
 - (b) 38 percent more likely to be arrested as adults, and;
 - (c) 38 percent more likely to be arrested for a violent crime than individuals without a background of abuse or neglect.
- In Cook County Juvenile Court, researchers compared 101 juveniles convicted of murder with 101 juveniles convicted of non-violent crimes. The murderers were nearly three times as likely to come from violent families, and were significantly more likely to have been physically abused than the non-violent teens.
- In addition, the young killers were nearly four times as likely to be active participants in gangs. They had many prior arrests, including many weapons arrests, and repeated truancy from school.
- A study of first-time juvenile offenders conducted in Denver found that 84 percent had been abused by the age of 6.
- Problems with academic performance are also associated with abuse. A recent study of grade school children found that the academic performance of abused children was significantly lower than non-abused children.

Link between domestic violence and child abuse

- 45 to 70 percent of battered women in shelters report that their batterers have also committed some form of child abuse. Child abuse is 15 times more likely to occur in households where adult domestic violence is also present.
- In addition to the number of abused children, at least 3.3 million children each year are witnesses to parental abuse.

How the system fails our children

- Too often, the system does not pay sufficient attention to the needs and welfare of the child victim, which aggravates the trauma that the child victim has experienced.

- The investigation and prosecution of child abuse cases is extremely complex, involving numerous agencies and dozens of personnel. Children often “fall through the cracks.” This is particularly true in child molestation cases.

What happens to those convicted of child sexual abuse?

- Studies show that 32 to 46 percent of those convicted of child sexual abuse served no jail time, while only 19 percent serve more than one year.
- Pedophiles have among the highest rates of recidivism of any felon. An NIH study found that molesters who prey on boys have an average of 150 victims each, while those who attack girls have an average of 52 victims each.

CHILD VICTIMS

- By getting tough on young criminals we are saving young lives. If a child takes a weapon to school or a party, who do they generally kill? Another child.

Our children are losing their childhoods

- In 1992, one in every 13 children in this country was raped, robbed or assaulted. That compares with one in every 72 adults.
- The 1.55 million rapes, robberies and assaults committed against juveniles in 1992 represented a 23 percent increase of those crimes in only five years. (During that same period, the juvenile population increased by only 1 percent).
- The American Psychological Association's Commission on Youth and Children studied first and second graders—6 and 7 years old—in D.C., and found that 45 percent has seen someone mugged, 31 percent had seen someone shot, and 39 percent had seen dead bodies.
- According to a 1993 survey by Harvard University's School of Public Health, roughly 1 in 10 teens between the age of 10 and 19 has fired a gun or been shot at, and about 2 in 5 say they know someone who had been killed or wounded by violence.
- According to that same survey, 60 percent of teens said they could easily obtain a handgun— $\frac{1}{2}$ said they could get a gun within one hour, while $\frac{1}{3}$ said they could within a day.
- It is estimated that approximately 120,000 youth bring handguns to school every day.

ECONOMIC IMPACT OF CHILD ABUSE AND JUVENILE DELINQUENCY

Child abuse and neglect costs \$9 billion each year

- According to a published study, “National Incidence and Prevalence of Child Abuse and Neglect,” child maltreatment imposes an annual cost of \$9 billion dollars. Included in this total is:
 - (a) \$1,606,919,200 for health care services for abused children, including hospitalization and counseling;
 - (b) \$6,702,156,200 for out-of-home care costs, including the cost of foster care, facilities to house juveniles and in-patient mental health services, and;
 - (c) \$696,500,000 on child protective services, including the costs to investigate child abuse.

Taxpayers pay \$1.7 billion to incarcerate juvenile criminals

- According to the General Accounting Office, taxpayers spend \$1.7 billion each year to incarcerate youth, at an average annual per-resident cost of \$29,600. This does not, of course, include the costs of investigating their crimes, sending those cases to trial, etc.
- According to the Centers for Disease Control, in 1988 gun injuries in the U.S. cost \$16.2 billion to treat. Taxpayers paid for $\frac{3}{4}$ of the tab.
- In 1992, Children's Memorial Medical Center in Chicago handled 34 child abuse cases at an average cost of \$47,000.

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