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A FUTURE OF CHILDREN EVENT

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**Welcome and Moderator**

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**Overview of the Issue**

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Distinguished University Professor  
Laura H. Carnell Professor of Psychology, Temple University

HONORABLE DENTON DARRINGTON  
Idaho State Senator  
Chairman of the Idaho Senate Judiciary Committee

**Panelists:**

SHAY BILCHIK  
Research Professor and Director,  
Juvenile Justice Reform and Systems Integration,  
Georgetown University Public Policy Institute

CHRISTINA CROOKS  
Legislative Assistant,  
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JEFFREY FAGAN  
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## PROCEEDINGS

MR. HASKINS: Has funded this volume, and many, many other things in this general area of juvenile justice, and the transition from youth to adulthood, a very easy transition that all of us go through.

And I also want to recognize Elizabeth Donahue, who is, in effect a quarterback in the future of children. You know the expression about a person that makes the trains run on time, suggesting that they're - they're you know, an administrator? Well, Elizabeth also builds the trains, in addition to making it run on time. So she is really a crucial person in our operation, I'd like to thank her very much for that.

And I'd like to point out, all of you probably already know this, but I specialize in belaboring the obvious. And that is that the Juvenile Justice and Delinquency Prevention Act is due for reauthorization next year. Actually, it was I believe due this year. The Senate actually acted, but the House would not. The House was pretty busy with Higher Education Act and other things. And so both bodies will have to reauthorize next year, so this is perfect timing. I'm sure Larry had that in mind two years ago, when he agreed to edit this journal.

Now our program today has two parts. And the first part Larry Steinberg, who is the Editor of the volume will speak, and then he'll be followed by Senator Denton Darrington from Idaho. And we're very

pleased that both of them could be here. When they're through, I will ask them some interesting questions, then we'll give the audience a chance to ask a few questions, and then we'll have a second panel. That'll be the second part of our presentation.

We have several distinguished people on the second panel, all of whom have a prospective on Juvenile Justice. And they will each make very brief presentations, and then Larry will moderate the panel and ask some questions. And then we'll give the audience a chance to ask questions. And then we'll all go to our respective places of business, inspired by what will develop in the Congress next year, as we all always are by what develops in the Congress, especially recently.

So, let me begin by introducing Larry Steinberg, Laurence Steinberg. He's a Professor; he's a Distinguished Professor of Psychology at Temple University. He's without question, one of the three or four, maybe five great authorities on Juvenile Justice and related issues in the United States and heads a number of committees and other activities having to do with Juvenile Justice. And he was also the magnificent editor of this issue. So, thank you very much Larry, and its — the microphone is all yours.

PROFESSOR STEINBERG: Well, good morning everybody. I'm delighted to be a participant, in what I think will prove to be the most

interesting debate you watch today. And I hope to persuade you that our Juvenile Justice policies are not aligned with the best available social, and behavioral science, about adolescents and crime. That they're counterproductive, that they waste millions of taxpayers dollars every year, and that changing our Juvenile Justice policies and practices will both help to control crime, and to improve the life chances of some of our most vulnerable and disadvantaged young people.

Let me begin by noting, that I don't think the word crime has been uttered by either presidential candidate during this campaign. And this is both good and bad news. The bad news is that any discussion of an economic crisis of the proportion America is facing ought to at least mention the very likely possibility that as the recession deepens, and unemployment grows crime will increase. So a discussion of crime policy ought to be on the table.

The good news though, is that the candidates are quiet on this issue, because periods of crisis are the absolute worst times in which to discuss crime policy. Since it's during these periods that panic trumps prudence, and that policy gets made on the basis of fear, rather than foresight.

Today's Juvenile Justice policies are the legacy of the increasingly harsh reforms that were implemented during the 1990's. And

in response to a dramatic increase in violent crime that took place in the 1980's and early 1990's, every state in the nation toughened its Juvenile Justice policies. Widening the net that sweeps juvenile offenders into the adult system, eroding the discretion of judges in favor of the decision making of Prosecutors and Legislators. And imposing, increasingly harsh, and punitive sentences on juvenile offenders. Including those who are held in the juvenile system. So this is not simply a problem of the transfer of kids into the adult system.

This trend was accompanied by a zero tolerance movement that has criminalized many acts that in the past would have been handled outside the justice system. Through informal disciplinary measures taken by parents, by the system principles, or by local law enforcement. So today we find ourselves in a situation, where many young people have entered into a system that we know has harmful effects on individuals who spend time there.

The true causes of this policy shift, towards increasingly harsh responses to juvenile offending are uncertain. But I think it's possible to hazard a few educated guesses.

First there was an increase in juvenile crime, and in violent crime during the last part of the 20<sup>th</sup> Century. Commentators like William Bennett and John Dilulio fan the flames by warning us about a coming

wave of super predators.

The second, the dramatic media attention given to a small number of multiple school shootings in the last 1990's, helped to fuel public fear, and increase enthusiasm for policies that crime control.

Third, this public fear was then exploited by politicians who ran our tough on crime platform. After all who could oppose policies that ostensibly would protect our communities, and keep our schools safe.

And finally, dare I say that the changing demography of the American youth population made it easier for legislators to propose, and pass laws that would bring the hammer down, on kids who were perceived by the larger public, as somebody else's children.

So that's the scenario that got us into this situation we're in today, but let's do a little reality check. As I said before, there is no doubt that the juvenile crime rate rose during the 1980's, and early 1990's. But the coming wave of super predators never washed ashore. Indeed, long before the period of policies I referred to earlier, were implemented on a large scale, juvenile crime was already on its way down.

Now the get-tough reformers will take credit, for the drop in crime that took place in the late 1990's. But most systematic analysis show that the crime rate is far less responsive to crime policy, than most people think. Indeed, I would venture that few of these same get-tough

reformers are willing to take credit for the increase in crime that has taken place in the last several years, despite the fact that the punitive policies they endorsed, have not been dismantled.

Moreover, the media's coverage of the widely publicized school shootings of the 1990's was grossly out of proportion with the real and potential threat of these events.

In the late 1990's, when pundits were wringing their hands over the epidemic of school violence, the number of American school aged children, who died from homicide, averaged about 20 children a year.

Now let's think about this epidemic a bit. There are approximately 90,000 schools in the United States, and about 50 million schoolchildren. And on average 20 children are murdered by other students at school each year. In other words, chances of a child being killed at school, is approximately one in 2 ½ million, which is four times lower, than an adolescents chances of being struck by lightening.

When -- I'm sorry. It's -- yes that's right. As public policy goes, putting into place zero tolerance policies in schools, as a means of reducing school shootings, was an idea whose time should never have come. But nevertheless in response to this hype, during the past 15 years, Legislatures across the country implemented a wide range of get-



tough on crime policies. And these policies have been a failure in many ways. Moral panics make for bad public policy. So again, let's look at the data.

As Elizabeth Scott and I explained, in our recent book *Rethinking Juvenile Justice*. One of the fundamental arguments put forth by those in favor of getting tough on kids, is that doing so will deter juveniles from committing crime, but research on recidivism shows that this simply is not true. Juveniles exiting the adult criminal system are more likely, not less likely, to re-offend, than juveniles who committed the same crimes, and had comparable criminal histories. And those coming out of the adult system re-offend sooner, and more seriously.

Juveniles sent to boot camps are more likely, not less likely, to re-offend, than offenders with the same background and criminal records, but who were referred to other less punitive placements. In fact, the more punitive the response, the more juvenile offenders re-offend. But how can this be? Why don't punitive policies deter juveniles from crime?

The answer inheres in what we know about adolescent development. The same factors that lead adolescents to commit crimes in the first place make them less likely to be deterred by punitive sanctions. My colleagues and I recently completed a large scaled study of individuals between the ages of 10 and 30, in which we compared individuals of

different ages, on many traits.

And our study shows what I believe every parent knows, that compared to adults, adolescents are impulsive, shortsighted, and easily influenced by others. They don't think ahead, they are unduly influenced by the potential rewards of risky decisions, and are less attentive to the potential costs.

Most crimes committed by juveniles are impulsive, stupid acts that occur when they're with their friends. Not calculated decisions that are well thought through. But to be deterred by the prospect of a long sentence, or incarceration, when transferring to the adult system, an adolescent needs to think like an adult. That's why deterrence doesn't work where juveniles are concerned.

Now there can be no doubt, that locking someone up, prevents him from committing crimes in the community, during the time he's in his cell. But almost all juveniles who are locked up, return to the community, and most of them do so within a short period of time.

We're currently tracking a sample of more than 1300 serious juvenile offenders, in Philadelphia, and Phoenix. And Jeff Fagan, whom you'll hear from later, is my collaborator on that study. All of these young people had been convicted of a felony, when they were teenagers. And the typical sentence or disposition is about a year, one year.

So it behooves us to think about what condition the juveniles are in, when they are returning to our neighborhoods - and the data clearly show that they return as damages goods - more likely to commit crimes, less able to continue their schooling, less likely to make a successful transition into the labor force.

In fact, juvenile offenders returning to the community, have a lower success rate in the transition to adulthood, than any other group of disadvantaged individuals, including those with severe mental illness.

So the bottom line is that our current policy that's presumably supposed to reduce crime actually makes our neighborhoods more dangerous. It's very hard to persuade people that locking juveniles up is not a smart thing to do. Because the media give so much attention to the most extreme offenses, the public's image of the juvenile offender is of the dangerous killer, Bill Bennett's super predator.

But this is an incorrect character. In 2007, according to the FBI, there were more than 1.6 million arrests of adolescents under the age of 18, 1.6 million. Now, guess how many of these were for murder? One thousand. One thousand out of 1.6 million. You know, the 400,000 adolescents under the age of 15 who were arrested that year, how many do you think were arrested for murder? About 100. And the statistics for robbery tell a similar story. About 1 percent of the arrested individuals

under 18 are for robbery.

So clearly we should not have juvenile justice policy dictated, by a fear of juvenile killers or robbers. But that's the problem; a very small tail has been wagging a very large dog. Many of the juveniles in this country, who are tried as adults, have never committed a violent crime.

Now I am assuredly in favor of holding juvenile offenders accountable for their crimes. But we should do so in a way that protects the community, and facilitates their transition into productive adulthood. So are there effective alternatives to the harsh punishments that have dominated the landscape of American juvenile justice policy, for the past 15 years? You betcha!

For many years, it was assumed that when it comes to treating juvenile offenders, and that was as easy as shooting a wolf from a helicopter. And it's been assumed that when it comes to treating juvenile offenders, nothing works. But today we have solid evidence on the impact of different types of interventions. And these studies tell us what works, and what doesn't. And here unfortunately, we have another good news/bad news story.

The good news is that according to several comprehensive reviews of an array of delinquency prevention and treatment programs, there clearly are programs that produce positive results, and that are cost

effective. For youth in the community, family based programs such as, functional family therapy, multi systemic therapy, or multi dimensional treatment foster care, have been shown to be effective, in reducing re-offending, and promoting educational, and vocational success. Therefore, youth in institutional settings, treatments that followed basic principles of cognitive behavioral therapy have been proven effective.

In contrast, incarceration is an expensive proposition that yields little benefit, other than a short-term effect of incapacitation. That is, incarceration has no lasting deterrent effect, once a juvenile is released back into the community, and it actually may make things worse.

So the good news is that we know what works. The bad news is that the use of evidence-based practices is the exception, rather than the rule. Based on our recent review by Peter Greenwood at RAND, we estimate that only about 5 percent of youth are eligible to enroll in an evidence based treatment program, receive treatment that has an empirically proven track record.

And because agencies rarely invest in developing data systems that permit them to monitor which programs are working, and which are not. Most states juvenile justice systems have no idea that they are spending their money wisely.

So one impediment to effective juvenile justice policy is that

policy makers are often unaware of research evidence on programs and policies that are not only effective, but also cost effective. And this is something that we can fix.

Locking adolescents up may have short-term benefits to the community, but it's reasonable to ask whether the short-term effects of incapacitation are worth what it costs. The cost of locking up someone for a year varies from state to state. But in many places it cost between \$50,000.00 and \$100,000.00 per juvenile, per year. That's a lot of money. In contrast, there are community-based programs, which have been systematically evaluated, and shown to work, and that cost about one-fifth of the price of incarceration.

Reducing the number of juveniles we incarcerate, will free up resources that can be invested in education, now health services for young people, and family services that can improve the context in which children grow up. This policy might not satisfy misinformed constituents, or play well in evening news sound bites, but in the long run, this is better crime control policy, and a better way to help young people get their life back on track. Thank you very much.

(Applause)

MR. HASKINS: Larry inadvertently left off his list of things we could do with that money. We could pay back the Chinese. Many of

whom are in town today, right? They have a big contention of Justice's here in Washington.

So next we have Senator Denton Darrington, who comes all the way from Idaho. Thank you so much for making that long trip. He chairs the Judiciary and Rules Committee, in the Idaho State Senate, and he also is a past chairman of the National Conference of State Legislatures, National Criminal Justice Committee. There's biographical information about all of the speakers in today's program, in your – in your materials, so we try to specialize in short introductions, so we can mostly hear from the speakers. So Senator Darrington, thank you.

SENATOR DARRINGTON: Oh, don't clap to start with. That's -- that might be something you might not want to do later on.

Mr. Haskins, thank you for the invitation to Brookings. Professor Steinberg, and Professor Donahue, congratulations on your good work, much of which I embrace.

I want you to know that a school kid came up to me one day as a teacher, and he said Mr. Darrington, we like it when you wear a gray suit. Notice I didn't today. I said, "How is that?" He says, "It matches your personality." Another kid came up on another day, and he said, "Mr. Darrington, you're the least boring of all my teachers, and you're real boring."

Hopefully I can prove on my reputation, from those days as a teacher in the public schools. I taught 14 year olds for 33 years. And I like to say that I'm an expert on 14 year olds, about which I know nothing. But I do know something, and let me tell you what I know.

I know that almost every kid I ever taught in 33 years knows right from wrong. Every one of them knows, they're not supposed to beat up old people, break into stores or businesses. They're not supposed to steal cars; they're not supposed to do drugs and alcohol. They know they're not supposed to get in trouble with the law. They know they're not supposed to do sexual crimes, and sometimes they make those choices anyway. And I never excuse them, because they come from dysfunctional families, because I had many, many students, who have been highly successful, who come from dysfunctional families. No matter where they came from, they knew right from wrong. I want to emphasize that.

Now I fully understand the research, indicating that children's development, and their decision-making capacity, and the things that -- that Professor Steinberg writes about, and emphasizes is true about juveniles. They may not have the same ability as adults, sometimes when I see the things some of these adults do, to get into the adult correction system, I'm not so sure, but I understand that.

I understand it fully. I still don't excuse their criminal activity.



Sometimes our youth, always they must pay for their criminal activity, and occasionally they have to pay dearly.

Let me give you another observation of teaching 14 year olds. All through the years, before I was ever in the State Senate, and that was they weren't afraid of the system. They had no fear in Idaho of the system. They knew that if they got in a bunch of trouble, not much was going to happen to them. And that was my observation, and I noticed their attitudes about that. And I vowed, when I got into the State Senate to make some changes, with regard to that, because it wasn't right. And by the way, I didn't know when I did all of these things in the 90's, and I am tough on crime, that I was part of a national movement.

I did what I did, because of what I knew, and what I saw had happened with my own students, and in Idaho. Our juveniles were handled by the Department of Health and Welfare, and in Idaho that's our Social Service Agency. Now, those were good people. They were skilled, and they were sincere. But they weren't dealing with young violators, in a very affirmative way.

So the kids had no fear, and I recognized early on that we needed to empower judges, in black robes, and give them a lot of options, and that's what we did in Idaho. We gave the judges a lot of options. I went to the Senate in 1982, not as long as some of you may think. And I

became Chair of Judicial and Rules Committee in '88. And as such, I have privy in all of the Public Safety agencies. Corrections, juvenile corrections, State Appellate Public Defenders Office, which I created by law. All of your police agencies, I deal with the Prosecutors, and the Sheriffs, and the Public Defenders, and on and on. That's what I do. Before I was Chair of Judiciary and Rules, I was Chair of the Health and Welfare Committee. So, I guess I was in a pretty good position to see the system, and to affect positive change.

As a result of statewide hearings, conducted by myself, and my counterpart in 1995, after much discussion the years before that. We wrote, and I co-authored the Juvenile Corrections Act in Idaho, which was passed into law, and became effective 1996. I was in a good position I felt, to put things into the law that I care about, and I will have to tell you that I was the one coming out on the punishment side. But I listened to a lot of good people, who I trusted and respected. That said we have to do more than punish. I was raised in a home, where I didn't want the principal to call my dad; I'd sooner have the principal deal with me. I understood that pretty well.

Let me tell you about our act in Idaho. It creates the balanced approach, and it is, if you noticed on the little handout, the triangle. It's a triangle like this. This isn't exactly the one. And it has three

parts. It has accountability, community protection, and competency development. And any one of those can be on any of the three sides, they are all equally important. And it includes in the act parental accountability, and parents are brought in by the judge, and made a party to what happens.

Our act in Idaho was not precipitated by one high profile event, though there was one, while we were going through this process. A kid killed a policeman, in a parking lot at night, Fruitland High School. But it — nothing would have changed in the act, with or without the occurrence of that one act, even though I've seen some who've written in Idaho, our act came about because of that occasion. It did not.

When the Juvenile Corrections Act was passed, we had 600 people in State custody, who were juveniles. A year later we were down to 460. The Karen Chin Report indicated that in Idaho, by the year 2006, we should have 650 perhaps approaching 700 in state custody. Today we have 435. As this indicates, that you perhaps have from the back table, 94 percent of our youth in Idaho are taken care of in the communities. And only a very, very small percent are committed to the state, under what we call Rule 19, which is the committing rule, that the judges use, and it has the usual things. If the crime is serious enough, and if they're repeat performers, and things like that, that would be in that kind of an Act.

Our Juvenile corrections agency is a stand-alone agency. We moved it out of Health and Welfare, which is Title 39 Idaho Code into Title 20, which is corrections. But it is not an appendage, or any part of the Department of Adult Corrections that was not contemplated by me, or those of us who worked on this.

Adult Corrections doesn't — they don't know what to do with juveniles for the most part. And we do wave a few in through the adult system, and they earned it. I have no problem with that. We don't wave very many in Idaho, but we wave a few. And the ones that we do are very, very serious, and that's where they end up. And I could tell you lots of little antidotes, with regard to that.

I think in Idaho we're doing something right. Our numbers are down on state commitments, below projections along the way. We have already adopted in the '90's, many of the principles advocated by Professor Steinberg. And we are tough on crime, and today juveniles do not like to go in front of the juvenile judge. That's not a pleasant experience anymore. He has control over their lives. That was a goal that I had. It's not as good to go in front of a judge today, as it used to be. The trend in the hearings that we heard in 1995, was that the kids in trouble, are a little younger, a little tougher, crimes a little more serious, and that trend continues until today. That's the same thing I hear from the

department today, and I'll have a report on it tomorrow, and a board meeting in Northern Idaho.

We also heard in hearings as we created the act that we had many, many juveniles running the streets, with numerous felonies, and they simply weren't being dealt with. Thus the Juvenile Corrections Act in Idaho in 1996.

Now when I speak to youth groups, and I do frequently. I always tell them something that's real corny. You are the leaders of tomorrow. When I was 14 and 16, so many adults stood in front of our groups, our church groups, or our school groups, our youth groups and said, you are the leaders of tomorrow. It is corny, but I always add something to that. If not you, then who? We need all of our youth to be successful, I tell them, I say, "you are the mayors, you are the Senators, you are the teachers, you are the principals, you are the policeman, and the Governors, and the highway district board members, and so forth." If not you, then who? And I really mean that.

Let me tell you a little story. It was a cold, January day in Declo, Idaho. The wind was blowing, not unusual. There was snow in the air; it was dark, because it was after basketball practice in our little high school gym. I was a sophomore in high school, basketball was ever so important in my life. I wanted to succeed. My shooting was off. My good

friend and teammate, who by the way later became Speaker of the House of Representatives in the State of Idaho, father always set in the stands, watching practice, and went to every game and every practice. He'd sit up in the top of the stands. He was a friend of the coach, and he'd just sit up there and watch.

And this cold, dreary January day after practice, he caught me just outside the gym, as I was leaving to get into my open air Jeep, to drive home. And he said that Denton, I have a little package for you. The package was about this big. He said, you take that package home and open it, and I did, and it was the book *The Power of Positive Thinking for Young People* by Norman Vincent Peale.

I have read that book, or read in that book every year since so many years ago. We must instill in all of our young people that they must have something positive in their life. They must have hope, because hope transcends depression. It transcends despair, and hopelessness. Every one of them must have something to look forward to. You must have something to look forward to. We all must. It is my sincere hope that as we strive to improve our system in Idaho, and improve we must. That we will be able to instill the power of positive thinking in the hearts, and minds of our young people, and our old people give them hope, and that we will be successful.

Congratulations to Brookings, and congratulations to you Professor, on your good work. I am tough on crime, for which I make no apologies. But I want to do the right thing.

(Applause)

MR. HASKINS: So Larry, okay. When are you going to use harsh punishment? Can you describe for us, when you would lock them up?

PROF. STEINBERG: Sure. I think that there are -- that the system has to have the capacity to lock up individuals who are dangerous, and dangerous to their communities. Some of them I believe even should be in the adult system, that's how dangerous they are. And they would be dangerous to other juveniles, if they were left in juvenile facilities.

I think this group is very small, and I think that it should be limited to violent recidivists, who are 15 and older. But I don't think that we should lock up, non-violent juveniles. I don't think that we should lock up, first time offenders, and I don't think that we should lock up individuals, who are younger than 15.

And so I think that we need harsh punishments for some kids. What we really need though, is -- is certain responses to all kids. In other words, I agree with the Senator, that we ought to hold juveniles accountable, for what they do. That we agree on many things. The

question really is in what way do we really hold them accountable? And how do we punish them, in a way that's going to both serve the public interest in the short-term, by protecting the community. But serve it in the long-term, by helping these individuals become productive, and successful adults.

MR. HASKINS: What do you find in that to disagree with?

SENATOR DARRINGTON: I don't find much at all to disagree with it. I probably would lock up a handful more than he would. We just had a case in a community, not far from where I live, and I'm in a rather rural area, the largest town in my district's 8500 people. But a city of 30,000 a few miles away, two 16 year olds, methodically, methodically butchered their popular, girl classmate, because they wanted to see somebody die.

They're -- they're --

MR. HASKINS: I have a feeling Larry would lock those guys up.

SENATOR DARRINGTON: They're at life without parole, as they should be. They made the choice to throw their life away. They made that choice, and that's exactly what they did.

MR. HASKINS: Well, let me -- let me --

SENATOR DARRINGTON: I'm sorry for them. And they



come from good families, and it just tore the community up, it's so terrible, but nevertheless.

MR. HASKINS: Okay. But here's the issue. Larry says he would lock some people up, and as you said, my feeling is based on your talk, and previous conversations, and knowing a little bit about your background. That you would lock up some more. So the question is, what are the ones that you would lock up that he wouldn't? Can you help us develop, especially as a legislator? What words can you put in there, what crimes, what -- how would you make the distinction?

SENATOR DARRINGTON: Okay. What's a violent crime? Example: If a 16 year old is out there peddling drugs to all the young kids in the neighborhood, is that a violent crime? It's going to cost somebody their life. Yet -- you can go like that. Can't you? So I guess the judge, in every case, is going to have to decide, how much repetitiveness is in there in the criminal activity, how serious the crime's committed, what's the history? And go from there. And I would leave much discretion with the judge. Under Rule 19 in the Idaho Court Rules, under the parameters laid out, in the Juvenile Corrections Act, and under the Waiver Act.

MR. HASKINS: So -- and Larry this has been a huge issue, as you know with adults. That in the '80's, primarily because of crack cocaine, and I went back and looked at the votes in the House especially,

because I used to be on Staff in the House. And I was amazed by how many people, who are widely known as serious Liberals, who voted for mandatory sentencing laws, in the Federal Law.

So was that a mistake? Do you agree judges should have more discretion? What's the line between what the Legislative body can do, and what the judges can do in the --- the Judicial Branch?

PROFESSOR STEINBERG: Well, the -- the way in which Senator's characterize what business -- how business is done in Idaho, I think is very good. In the sense that we need judges to have more discretion, then they presently have. So I don't agree with mandatory sentencing for drug crimes, especially mandatory sentencing that puts -- that locks people up, when they don't need to be locked up.

I -- one of the problems, I think, is that the -- our juvenile justice system, when it was originated at the beginning of the 20<sup>th</sup> Century was founded on certain principles that include among them, the need for individualized responses to kids based on their circumstances, their history, and not simply on the basis of the current offence that's before the court.

And when we -- when we create juvenile justice policy that is -- that legislates mandatory responses to kids, solely on the basis of the crime they've committed. We've taken that -- we've pulled the rug out from

under, I think sensible juvenile justice policy.

SENATOR DARRINGTON: Yes, I agree.

MR. HASKINS: You do? You're against mandatory sentences?

SENATOR DARRINGTON: In Idaho, in the adult system, the adult laws. We have -- I had a run out made of 35 pages of felonies that we have in Idaho, with an average of about nine or ten per page. So that's about 350 felonies. We have 11 mandatory minimums in Idaho, that's not very many.

MR. HASKINS: But --

SENATOR DARRINGTON: About half of them are DUI deals, fight with Matt if you want to, I don't want to. And also, about half of them are the heavy-duty dope dealers, and then a couple of miscellaneous ones. We don't have many mandatory minimums in Idaho, very, very few.

I read in the paper sometimes, where the reasons our prisons are full in Idaho; you've got all these mandatory minimums. Most judges exceed the mandatory minimum anyway.

MR. HASKINS: The state of Washington has a policy analysis group, and they recently a couple of years ago, published a very interesting study, in which they tried to capture almost all of the study's

that have been made, of programs for children and youth, and on the basis of the benefit costs. And they reported that juvenile -- programs for juvenile delinquents, and juvenile kids who've been adjudicated was the single most effective use of public money. They -- they said the ratio was something like \$7.00 in benefits for every \$1.00 invested.

Do you believe that number?

PROFESSOR STEINBERG: You know it's -- it's -- it's hard to know how much credence to place in any absolute figures, because so much of these computations depend on what you throw into the equation. And I've read the report, but I haven't read the 700-page appendix that describes what was put into the model.

MR. HASKINS: That's shameful Larry, I --

PROFESSOR STEINBERG: Sorry. That said, the Washington State Report, which is available on the web, and I encourage those of you who aren't familiar with it, take a look at it. Also breaks down different juvenile justice programs, and policies. And talks about the benefit cost ration for each of them, and what they find is that the kinds of programs I mentioned in my talk, functioning family therapy, multi systemic therapy, multi-dimensional treatment foster care, are the programs where you get the best bang for your buck. And they are much more cost effective, then incarceration, and certainly then transferring to the adult

system.

SENATOR DARRINGTON: We are moving into functional family therapy and using it in Idaho. We're using juvenile drug courts; we've just opened a new mental health facility for juveniles, a secure facility. Actually, for co-occurring disorders, but mental health is the emphasis. And money is always the limiting factor, as we try to develop new programs in Idaho.

MR. HASKINS: But the issue here is that the whole logic of benefit cost studies is that you know, pay me now, or pay me later. That if you want to make these investments, in these types of programs, and then you'll actually save money in the long run. You won't necessarily be legislative money. It won't necessarily be money that's reflected in the state programs, but in the economy, and in local police, and all kinds of other areas, that the total amount saved, the social value, will exceed the investment.

Are arguments like that effective, when you have debates on juvenile justice in Idaho?

SENATOR DARRINGTON: Yes, and there's all kind of studies on cost benefit ratios like that. The limitation is always that you have to appropriate the money now.

MR. HASKINS: Right.

SENATOR DARRINGTON: Out of this year's budget.

MR. HASKINS: Right.

SENATOR DARRINGTON: That's the limitation.

MR. HASKINS: Right. But do you think that policy makers are sometimes persuaded, and they would vote yes, and actually appropriate that money this year, rather than wait? By the benefit cost studies, do you find -- do you think it's an important part of the debate?

SENATOR DARRINGTON: It is important, and they are helpful. It's not all -- I'm trying to think of the word. Encompassing, with regard to compelling the legislatures to vote, but it is important, it is a part of it.

MR. HASKINS: Good. Okay. Let's have a few questions from the audience. Let me caution you, as I always do at this time. That most of --

SENATOR DARRINGTON: Be kind, be kind right?

MR. HASKINS: Well, no. You don't have to be kind. No, no, no. Be as mean as you want to, but most of the people in this audience, came to listen to the folks up here on the stage, so let's have brief questions. Not necessarily theories of justice or anything like that. If you go over 30 seconds, you're on -- you're on thin ice. So, with those -- with that restriction, who dares to ask a question? Right there behind you.

MS. GRUTTADARO: I have a question, do you collect --

MR. HASKINS: Wait, wait. Tell us your name and your position.

MS. GRUTTADARO: Sure. I'm Darci Gruttadaro; I'm with the National Alliance on Mental Illness. My interests have to do with JJ and Mental Health Reform. I have a question, do you collect data in Idaho, on recidivism, and what are your recidivism rates there?

SENATOR DARRINGTON: Yes, we do. And I'm -- I'm hesitant to say a rate, because you know as well as I, if not better than I. How difficult it is to collect numbers on recidivism. The one I happen to just see in the last day or two was about 6.7 percent, or about 7 percent of our juveniles, who go through our juvenile system, committed to the state and of the adult system. But there's all kinds of numbers, according to whether you use 12 months, re-offending, and all kinds of things. It's like trying to figure out the dropout rate at school, it's almost impossible to do.

And yes, we did watch that real close. And we think we're doing a reasonably good job. We know that in our adult system, our parole board is a very high parole state. We issue about 65 percent of those who seek parole, parole. I'm always alarmed by that. I say that, because I always like to put out that word. But we only have about 30 percent in the adult system that re-offend. So we're about 70 --

65 percent parole, about 30 percent recidivism. It's a little easier to figure in the adult system than it is in the juvenile system. Juveniles who are 18, become 21, we lose track of them; we don't know what happens to them every so often. But yes, we do try to keep track of it, as best we can.

MR. HASKINS: Larry, the recent Center for Disease Control study, do you know this study?

PROFESSOR STEINBERG: The xxxphonetic spelling Men Analysis?

MR. HASKINS: Well, yes, yes. It's -- I think they examined six, what they considered to be high quality studies that met their criteria.

PROFESSOR STEINBERG: Right.

MR. HASKINS: And they concluded -- the question was, for kids who have had harsh treatments, or not harsh treatments. What was -- what happened in the long run? And they determined that four of the six studies had significant evidence that kids, who had harsh treatment, were more likely to -- more likely to be recidivists. I may have the details here slightly wrong, but that's the essence of it. And they concluded therefore, that we should use more programs like the one's you're recommending. Do you agree with that study? Do you think it's flawed? Do you think as a general rule that recidivism would be reduced, if we used these community programs and family programs, rather than



incarcerated.-

PROFESSOR STEINBERG: Well, you know I'm a Social Scientist. So I -- I like to look at the data and go from there. And the studies are good. They're not perfect. But they're good, and they're the best that we can do. Ideally, you'd like to see if you can get a jurisdiction to randomly assign people to harsh punishment or not, and then see what would happen. But we can't do that, so we have to do it non-experimentally.

Although, actually I think we could. I live in a city where it is random assignment, in terms of what happens to kids, when they commit crimes. But -- but I think the studies are as good as we can do, you know, given the limits of the problem, and the data are consistent. No study, you know, four of the six find that -- that transferring kids to the adult system increases recidivism. No study has ever found that it decreases recidivism. Either the other two find that there's no difference, I think. So you know, I think if, and I think this is where we agree. We're all interested in having safer neighborhoods, and communities. Right? That -- that -- I mean everybody in this room wants that. So the -- the difference is what -- how are we going to get there. And I think that the studies say that those kinds of policies make our neighborhoods more dangerous, not less so.

MR. HASKINS: Next question.

SENATOR DARRINGTON: May I -- may I comment?

MR. HASKINS: Yeah, sure.

SENTATOR DARRINGTON: I never argue with good research. But let me tell you the point that's missing in that always. And that is, we have some pretty tough kids. Excuse me -- come into our system. And they were tough when they got there, and they're tough when they leave.

MS. POWELL: My name is xxxphonetic spelling Lynn Powell, and I'm a graduate student at Johns Hopkins, and part of my thesis is that juvenile delinquency is a derivative of mental illness. And I would like to know --

MR. HASKINS: A derivative of what?

MS. POWELL: A derivative of mental illness, and I wanted to know -- you were responding to Dr. Steinberg, if that in fact there's some research on that? And how much they're focusing on mental illness as a cause?

PROF. STEINBERG: Well, as I'm sure many of you know, the rates of mental illness in the juvenile population are much higher than they are in the general population. Probably three or four times higher, and that's not just on mental illness's that are -- that we automatically associate by conduct problems, but also on depression, PTSD, and

substance abuse and so forth. For some kids in the juvenile justice system, I believe that mental illness is the underlying cause of their behavioral problem, but not for all of them. For other's, their involvement in the juvenile justice system might have caused them to become mentally ill. And that's why we see such high rates. And -- but for the vast majority, they may have two sets of problems that just go hand in hand, without necessarily causing each other. And in the future of children -- can I make a shameless quote here?

SENATOR DARRINGTON: Oh, yeah. Absolutely.

PROFESSOR STEINBERG: In the future -- in the future --

MR. HASKINS: That's why we're here.

PROFESSOR STEINBERG: There is a really terrific chapter on this question by Tom Grisso, who's the nations leading expert on the comorbidity of mental illness, and juvenile offending. I encourage you to read that, it'll be helpful for your graduate work.

MR. HASKINS: Next question.

SENATOR DARRINGTON: Mental illness is really coming up in attention that we're giving it, in Idaho. Since 2001, I've chaired the Idaho's Council of Mental Health, which that council went away last month, because it was folded over into the mental health-planning group. But we have got to increase services to children, who need mental illness

assistance, before they commit criminal activity. And we're doing a better job within the system, after they've committed it too.

MR. HASKINS: Speaking of mental health, and legislative bodies, I'm reminded of a hearing that we had in the Ways and Means Committee, about Supplemental Security Income. And the General Accounting Office issue was that there were too many kids that were being admitted to SSI, and they weren't really qualified. They didn't have any serious disabilities. And the General Accounting Office, as it was then called, testified that basically kids, who behave in age inappropriate ways, were qualified for SSI. Whereupon Clay Shaw, the Chairman at the news said, oh my God! Half the members of Congress are qualified for SSI. Next question.

SENATOR DARRINGTON: I'm glad that wasn't the Legislature they said that about.

MR. HASKINS: Lady in the back.

MS. CHIMMERS: My name is Betty Chimmers, and I'm with the National Academies. We could have had a similar discussion about five years ago, although there has been more data, and more research done in that period. And I guess, what I would like to know is, and this is really directed to Mr. Darrington. What will it take, to convince policymakers that the policies of the last 10 years, 15 years, are simply not

an effective approach? I mean, our evidence is getting better, and essentially it is, as Dr. Steinberg pointed out, a dead issue.

MR. HASKINS: Senator Darrington?

SENATOR DARRINGTON: Are you suggesting, that our balanced approach in Idaho, with the three legs on it, it not effective? Because, I'm Idaho, and that's what we have.

MS. CHIMMERS: No, I'm asking you as a Legislature, what will it take to convince other Legislature's okay, other policymakers

SENATOR DARRINGTON: Who are —

MS. CHIMMERS: Who are not — who are not as well informed as you.

SENATOR DARRINGTON: I've probably been as slow as anybody in Idaho Legislature to come on board with evidence based practices, and I firmly believe in it. And that's what we're trying to move more and more into, is evidence-based practices. Professor Steinberg has written about evidence based practices. So, I don't know what it's going to take in that state, or that state, but in Idaho, we care about evidence-based practices.

Now, you've got to remember something about we Legislators, and I told this to these gentlemen this morning. At least I think I told it to the Professor. There's only one requirement served, and that is

to be able to get elected. Now guess what? My Constituents elected me. Nevertheless, I can pursue alternative community based treatment, FFT, mental health treatment, evidence-based practices, and get along just fine.

MR. HASKINS: Larry, would you say looking at the nation as a whole, add both federal laws, and laws in all 50 states or 51 if you count D.C. Do you detect that there's been any movement, toward less mandatory sentencing, more reasonable treatment of juveniles?

PROF. STEINBERG: I guess my -- my read of it, is that there has been a slight shift in attitudes toward that, but that it hasn't resulted in a great deal of legislation yet. There are -- there are some places that have changed. Connecticut's probably the best example, it's a state that had set the age boundary between the juvenile and adult system at 16, and they're legislature recently raised that to 18, which is where I believe it should be everywhere.

And there are other states that are looking at a similar change. If you look -- and there are some states that put more money, into community-based services for kids. There are more places that are leaning in that direction, but when we looked at -- we did an analysis of this, and there are lots of bills that don't get passed. That are in this way, so I'd say there's been a shift in attitude, but it hasn't resulted in a lot of

concrete change.

MR. HASKINS: Good, thank you. Okay. Thus concludes the first panel. Now, without — please don't get up. We're going to bring the second panel up here in lightening time. And begin again right away. Thank you very much; you've been a find audience.

(Applause)

PROF. STEINBERG: So, let me introduce our panelists. And let me introduce all of them now, in the order in which they're going to speak. And you have their biographical information, I believe in your packets.

Our first speaker will be Shay Bilchik, who is at the Georgetown Public Policy Institute. He'll be followed by, Christina Crooks who works for Representative Castle, on the Hill. Then Jeffrey Fagan from Columbia Law School followed by Kristin Henning at Georgetown Law School, and Bart Lubow from the Annie E. Casey Foundation.

So we're going to begin with Shay Bilchik.

MR. BILCHIK: Thanks Larry, and congratulations to both you and Ron for the policy brief, the overall work by Brookings, and Princeton on the book. And thanks for the opportunity to be part of this response.

I have several comments that I'd like to make, in response to

both the presentation, but also, more directly the policy brief. And the first one deals with issues around jurisdiction and transfer. And how I think the policy brief, and much of the material that supports it, really makes the case for why we have a juvenile justice system in this country.

That there needs to be that kind of proportional response, recognizing that these are young people, that their maturation levels, their developmental process is different than adults. And I think the work makes a strong case for that. Reiterates that case that we've lived in this country for 110 years, since the first juvenile court in Cook County.

I think how that juvenile justice system responds to juvenile crime needs to make sure as a representative Senator Darrington mentioned, doesn't take away hope from our young people. That there response needs to be proportionate in a way that doesn't take away their hope for the future.

In only in the very, very small minority of cases, where there clearly is a danger presented, should we be abandoning a juvenile justice approach, in how we respond to crime, as opposed to moving kids into the adult system.

As a prosecutor for 16 years in Florida, I transferred a lot of kids into the criminal court. That was through motion to the judge, it was through indictment, it was through our prosecutorial discretion to transfer.



We were frustrated that -- this is going back to 1979, 1980. We were frustrated with the juvenile justice system, because we believed the kids were not being placed enough, kept long enough in programs. That, that system wasn't able to protect the public.

Our knee jerk simplistic reaction was, well then what we can do is transfer them into the criminal court. At least that system will incapacitate them. I only wish we had the research then, that we have now. And it was really elaborated upon in the paper Larry, because it clearly establishes that, that was wrongheaded in terms of what was good criminal justice, public safety policy.

That transferring those kids into the criminal courts, based upon the Center for Disease Control work, that met analysis, the work that OJJDP has documented now, established that those kids, who are transferred into the criminal court are more likely to recidivate, more quickly recidivate, and recidivate for more serious offenses.

So I think one of my strongest reactions is, that you've made a wonderful, strong case for making sure we don't transfer as many kids into the criminal courts as possible. I agree with you Larry that we need to save that option for the very small minority of cases that are the antidotal cases. That too often people, who argue for transfer, cite to as a reason why we need transfer.

The vast majority of kids, who are transferred into criminal courts in this country, are not those most serious violent offenders. So we really need to pull back on that practice. Corresponding with that, we need to revisit, as was mentioned on the first panel, the age range for who is treated in the juvenile court versus the adult court. Consistent with this proportional response, we need to make sure that kids, who are under the age of 18, across this country, are treated presumptively, initially in the juvenile court. And if a decision to transfer is made, it's made by a judge. The neutral, independent presence in the courtroom, as to whether that's the most appropriate decision in that case. There are a number of states. Maybe as much as 11 that allows prosecutorial discretion. Remember I lived that system in Florida for a number of years. I don't think that's the best option for us, in determining which kids are appropriate for juvenile or criminal court.

I have a number of other responses, and I want to focus on several things that I think are important, in relation to this -- this work. One is that now that we have this knowledge, of evidence-based programs and practices. And it has to be both, it's not just the programs, but it's the practices that correspond to them.

We need to make sure that as communities adopt them, they adopt them as a continuum; that there are a range of options available to

the court, to the attorneys in the court to recommend for disposition. Too often we hear from staff within our courts that they are opting for institutional placement, because there isn't another option in the community that reflects those evidence-based programs.

So we need a full continuum of these, as we look at instituting. It's not good enough to say, I've got these three models in my community, as much as what are the range of things the kids need in our community? And how do we provide that full continuum for them?

The second one is around work force. We can have all the best evidence-based programs in the world, but if we don't have a high quality work force to implement them, and sustain them. They will not be effective. Many of our studies are done looking at our program models in a laboratory. We have the right caseloads, the right workloads, the right training, the right supervision. And then we roll them out into multiple sites; we haven't been disciplined in maintaining the integrity of the design.

And the last point that I think is made in the overall work Larry, is around the juvenile justice system alone, cannot carry out this work. It must be joined together with child welfare, with education, with behavioral health, and a number of other social service entities in the community, if we are going to be successful in creating this stronger

juvenile justice system, which is really the main point I want to come back to. We made transfer decisions in Florida, at the time I was there, based upon our frustration with the juvenile justice system. Even as that system existed then, in its weakened condition, it was doing a better job than the criminal court. We cannot rest however, until we strengthen the juvenile justice system, and get even better results for our young people. Thank you.

PROF. STEINBERG: Thank you Shay. Christina?

MS. CROOKS: Okay. There's an ongoing debate going on in Congress, about being tough on crime, versus being smart on crime. And more and more studies and reports, including the report for Senate for today, have shown a shift towards the latter. This shift has been particularly salient in the area of trying youth as adults. In the past several years, the Center for Disease Control and the Office of Juvenile Justice and Delinquency Prevention, have issued recommendations against policies of trying youth as adults.

When public opinion shifts, you tend to have more members of Congress backing up these shifts -- these trends in research with shifts in policies as well. Essentially the time is right for reform. And one particular vehicle that is a great opportunity for these reforms is the Juvenile Justice and Delinquency Prevention Act. For the past 30 years, since 1974,

JJDPA has provided states and localities with standards and grants, to help improve juvenile justice systems, and prevent juvenile delinquency.

My boss Congressman Castle is the original co-sponsor of the last JJDPA reauthorization, which was included in the 2002 fiscal year Justice Appropriations Bill. JJDPA is due for a reauthorization this year, it has been since FY 2007, and it continues to be appropriated anyway. In the House, JJDPA falls under the House Education and Labor Committee. In the Senate it falls under the Judiciary Committee. Although attempts were made to get JJDPA reauthorized, this Congress in the House Education Labor Committee, high ride reauthorization, and No Child Left Behind negotiations kind of bogged down the committee and -- so they were not able to consider JJDPA.

However, it is my expectation that the 111<sup>th</sup> Congress, the Educational Labor Committee will consider JJDPA reauthorization, and I believe if the Senate is any indication, this will be the case, because the Senate committee on the Judiciary did consider JJDPA reauthorization in the form of S3155, which passed committee on June 18<sup>th</sup>. Their version strengthens the core requirements of JJDPA, by for the first time extending the jail removal, and sight and sound protections to youth awaiting trial in criminal court, under certain circumstances.

Currently, these protections apply only to youth involved in

the juvenile justice system. This is a good step in reflecting what studies have shown. That youth confined to adult jails, have higher recidivism rates, higher rates of suicide, and face high risk of assault.

Secondly, S3155 allows youth convicted in adult court to serve their sentence in juvenile facilities, until they reach the states age of extended juvenile jurisdiction. This basically allows states to choose to hold these youth in juvenile facilities without jeopardizing funding. Different from current law, our states can actually be penalized for this practice.

Also, within three years, S3155 would eliminate the use of the valid court order, which currently allows judges to issue detention orders, often resulting in non-delinquent status offenders being held in juvenile lockups, instead of more spent -- or effective responses like counseling.

Finally, S3155 would strengthen the disproportionate minority contact requirement, by setting forth concrete steps for states to take to reduce racial and ethnic disparities. The center version also makes changes to the juvenile justice system. Specifically, this bill would for the first time adjust conditions of confinement in juvenile facilities, by having states report annually on data, regarding the use of isolation or restraints in juvenile detention, and requiring states to develop policies to limit any

unreasonable use of these practices.

Finally, S3155 would promote community-based alternatives to detention, and provide assessments and treatments for mental health and substance abuse. And provide for case planning for youth re-entering communities from juvenile correctional facilities.

In conclusion, the Senate version considered a committee certainly takes steps -- makes significant steps forward, by including positive juvenile justice reforms, and their reauthorization. Yet I believe the House will want to build on the Senate's framework. In a bi-partisan manner, and work toward implementing evidence-based policies that will substantially improve our current juvenile justice system.

PROF. STEINBERG: Thank you. Jeff.

MR. FAGAN: Thanks Larry, I'd congratulate you, but I was part of the volume too, so I'll just congratulate myself along with everybody else.

We've lost sight of what the juvenile court is, and ought to be doing. And I think the comments here today, suggested that there's some serious and very sincere and earnest rethinking going on about the juvenile court. But I think it's helpful to think about where -- how we go about that redesign project, by getting a sense of what -- has been over the last 30 years or so, about what has gone on to let us to this position.

The early juvenile court, as Shay mentioned, had a presumption that all kids belonged there. And there was very little tinkering about the margins, about who was in and who was out. It was very clear about -- that everybody was in, except under fairly specific circumstances. And oddly enough by the way, the kids who were waived out of the juvenile court, early on, were not the violent kids, nor the murderers. Turns out that they were the kids who were chronically involved in theft, or who basically didn't do what the judge told them to do.

But over the last three decades, we've increasingly defined who belongs in the juvenile court, not affirmatively, but simply by defining who doesn't belong in the juvenile court. And by keeping that focus about who we're worried about kicking out, we've lost sight of what a juvenile court is, and ought to be, because we're obsessed with the exclusions. And it's in a sense -- it's helped us lose sight of what the theory is, and certainly lose sight of the ideal.

So if you think back to the late 1970's. We've increasingly defined this -- the court by whose not in, and in part because of what I would call, and I think we did in the chapter, the promiscuous use of transfer. And we've done it through multiple channels, from removing kids to criminal court, both discretionary removals, and also just simply statutory exclusions, as carving out entire populations of kids who don't



go. Who belong now, out.

And this is about — it adds up to about 250,000 kids a year, somewhere between 190,000 and 210,000 of them are statutorily excluded, the rest are excluded by the election of judges, the prosecutors that Shay mentioned.

We know there's an enormous racial skew to these—to these patterns. And we also know that there's enormous geographical disparities in these patterns. So what we have is a massive social experiment. This is an experiment that's been going on for decades. We haven't evaluated fully. Only recently have the studies started bubble up and been condensed into reusable form, and I tried doing the chapter, and talk about the CDC project came up today. But there's probably not enough of this research, given how large it is, the reach of these practices, and the severity of the consequences in — of transfer.

What — I don't want to go into the details of the studies; there are more than six. The six were cited in the Future of Children Chapter, in the CDC report. I went into several more in the chapter. What makes these studies — about 14 of them overall? Some of them look at kids; some of them look at overall at systems.

And as Larry accurately says, none of them show there's a positive effect, except for one. And the one has some pretty interesting

artifacts; we can talk about in detail at some other time. But oddly show either no effect or perverse effects, bad effects. What makes the consensus so remarkable about this, and this is something that's very, very rare in social science, is that these studies were done with very, very different, diverse research strategies. In very diverse settings, very diverse time periods, although all of them were condensed within maybe a 15 year period.

For the most part they take both points of time before the crack epidemic, and the surge in juvenile violence, during the period of time, and then for some periods after that rise in juvenile crime, and then into the subsequent decline.

All of these studies show there's no marginal deterrent effect, and it's hard to argue, given advocate studies that look at juvenile crime rates, whether there's actually even an incapacitation effect. We have new study that's going on. Larry mentioned our longitudinal study. We're -- we have a paper coming out that says that, even within the juvenile system, longer lengths of stay don't buy us increased security. And they certainly don't reduce public safety.

So what do we do next with this information? How do we begin the project, of what I call institutional reform? What are the moving parts of the story? Larry touched on some of the dynamics, and some of

the issues that came out on all the -- so far. What happened in the 1990's, and actually in the '80's and perhaps in the late '70's, was nothing less than an attack on the juvenile court as an institution.

Judges were branded as weak, they were disempowered, interventions were branded as weak, and ineffective. This was -- the juvenile court wasn't the only victim of this process. It happened in the criminal courts, it gave rise to federal sentencing guidelines and the like. And so, unless we address both the perceptual problems of the juvenile court and its structural integrity then all of the knowledge that we've gained so far, and all of the principles we've developed about where we ought to be going, are not going to be put into practice, unless we take it to the next step. And the next step in this case is what I would call an institutional reform strategy.

So what does that mean? We need to draw lessons from the Connecticut reform. Larry and I both have been looking at this reform. It involves statutory structure, a restructuring of the laws. First of all, even before we get to the principles of it, there -- there are very fundamental bedrock ideas that drive the reform.

One is the notion of development that we've talked about, and we've talked about in length in the Picture of Children Volume. Two is a commitment and a dedication that recognizing that these -- that our

policies can do harm, and have done harm. It's a commitment to mitigate that harm and also to minimize that harm and is built into the design of the institution, the design of the policy, and the design of the statutes.

So what would institutional reform look like? Well, there's a lot of things we might do piecemeal. Redesign the statutes, redesign incarceration programs, redesign therapeutic programs. Have them be driven by demand as to what kids need, rather than what the market can support, or not support. Adequate and competent staffing, autonomy of juvenile court judges, as we have in Idaho to let them do what's necessary to help kids. Building concrete linkages to mental health, substance abuse, other services, and continual review of what the system is – is doing and how it's doing, and what it needs to be doing.

So these aren't terribly new ideas, but putting them in one package, is the new idea. And it's the commitment to the linkages that makes — what's going on in Connecticut very, very different, then what's going on anywhere else.

PROF. STEINBERG: Thank you. Kristin.

MS. HENNING: Okay. I wanted to address one aspect of this debate that has been mentioned, but I think needs greater elaboration. And that is specifically the severe and far reaching collateral consequences, of an adult conviction. Not just on individual ex-offenders,

but also on entire wholesale communities. And I think most of us in this room can easily call to mind a number of the collateral consequences that affect individual offenders.

It's already been mentioned that you know, that an adult conviction creates a public record. That is used to prevent ex-offenders from finding meaningful self-sustaining employment. Extended years of incarceration prevent ex offenders from finding affordable housing, a safe, and affordable housing for their families, once they return to the communities. In light of the new laws that -- that deny but allow homeowners and public housing authorities to deny public housing for those who have criminal conviction. And exclude, not only the ex-offender, him or herself, but the entire family.

We've got ex-offenders who are returning to the communities with -- without basic literacy skills, because educational opportunities and vocational opportunities have been repeatedly scaled back within -- within the prisons. College Pell Grants are completely gone from the prison system, and then once ex-offenders return to the community, they're being denied in many places, financial aid.

They're also being returned to communities. I know this question about mental health has been raised. They're being returned to communities, with untreated mental health issues, that were often the root

causes of the criminal conduct in the first place. But also coming out with new mental health conditions, Post Traumatic Stress Disorder, and the like from punitive incarceration.

And they're being denied other basic benefits. Medicaid, food stamps on and on. Coming out with untreated drug -- untreated drug addictions and alcohol addictions. And I really have to not, particularly in this political climate, what kind of psychological -- tremendous psychological impact it has on ex-offenders who come out, and are not allowed to vote. It's more than just a deprivation of the right to vote, it's a deprivation of dignity. And it has an impact on the long term psychological, self -- well being, and self-esteem of these ex-offenders.

But I really wanted to elaborate by, at least mentioning the collateral consequences that accrue to the communities that these offenders are coming from. These young people who are being incarcerated as adults, are coming out and returning to communities as adults. And has already been mentioned, this -- the impact is most profound in the black, Latino, and other minority communities. You just cannot -- we can't have a conversation about this, without talking about that. If we just look at the African-American community, youth make up only 17 percent of the entire youth population, but yet some studies have shown they make up 62 percent of the youth who are being tried as

adults.

So what is that doing to these communities? It means that yes, for a temporary period of time, these folks are being removed from the community, being incapacitated, and can't commit additional offenses. However, they're returning to the communities as adults. And what we're seeing is that policies like this are destroying black, Latino, and other minority communities, by stripping males entirely from the population. Leaving black and Latino children, in particular, without successful male role models. Requiring women in those communities to suffer -- to shoulder a much greater burden in those communities. They're leaving children in greater risk of poverty, in one-income households, and as I mentioned with regard to public housing, sometimes the ex-offenders are returning to the communities, and finding that their families have been uplifted, completely. They've lost their housing altogether, because they were excluded from the public housing, or have been ordered not to allow the -- anyone in with a felony conviction.

So yes, it is true as the Senator said earlier, that yes, children from rough communities can succeed. However, we're asking these children to succeed -- to return to communities as adults, and succeed against tremendous odds. You know, I must say that I actually still am a practicing juvenile defense attorney. Yes, I teach at

Georgetown, so I teach and I research, and I publish in juvenile justice issues. But where -- my passion for this work, and my views about this work come from my day to day representation of young people, in the District of Columbia, who are -- who are -- who are just facing tremendous odds. You know, depression, lack of mentors, lack of resources, lack of hope, lack of vision.

Unfortunately, and you know, as the Senator talked about, everyone should have something to look forward to, and what I'm seeing is communities full of young people, who have seen their fathers removed. Who have seen their economic opportunities, virtually nonexistent. Who have limited opportunities in school, on and on, and the challenge to help these kids succeed is really tremendous. I think it can be done, having been practicing in the juvenile justice arena for the last 11 years. Even in 11 years, I have seen changes. The multi systemic therapy that Professor Steinberg talked about is working. There are programs that are working, and I can -- if you know if we had more time for questions and answers, certainly would be happy to talk about concrete examples of cases, in which it worked.

So I agree, with Professor Fagan, that we've got to revamp the juvenile justice system, by adding additional resources. But we need to take advantage of the structure and the framework and the recourses



that do exist in the juvenile justice system.

PROF. STEINBERG: Bart.

MR. LUBOW: Well, I guess I get the final word. First of all Larry and Ron, and everyone involved in the production of this volume, deserve great kudos and we're really pleased to have been asked to join in these comments about such an important work.

I work at the Annie Casey Foundation. We're the nation's largest foundation devoted exclusively to issues having to do with improving the life chances of disadvantaged kids. And that mission has resulted in several decade long interest in the juvenile justice system, and in juvenile justice reform. Indeed our flagship initiative, The Juvenile Detention Alternatives Initiative, is now active in more than 100 jurisdiction nationally, and half the states and here in the District of Columbia.

And I mention it not to wave a Casey flag, but to in fact offer some reasons for optimism, since in many of the overwhelming majority of those jurisdictions. Those juvenile justice systems have found that they can in fact radically reduce the number of kids they lock up, improve their public safety results, save taxpayer dollars, reduce racial disparities in their system, and introduce the kinds of policies and practices that are reflected in this volume, and that are represented in some of the things that other people have mentioned this morning.

This year, based upon this several decade long experience in juvenile justice reform, as well as the emerging body of research that's so effectively summarized, in *The Future of Children* Volume, the Casey Foundation published its most complete statement about the juvenile justice system to date, with part of our annual Kids Count data book. And I'm pleased to say, that by in large, the description of the system, the analysis of its ills, and the recommendations for its improvement, in many ways reflects the kinds of things that Larry described in his opening comments this morning, and that are reflected in the volume over all.

Including a very strong call to raise the age of majority, in those states that are now prosecuting youth as young as 16 and 17, routinely in the court. And to roll back the punitive laws that resulted in what Professor Fagan so aptly described as the criminalization of delinquency.

And my hope is that it's not simply coincidence that our essay and the conclusions that it reaches, and the documentation analysis in *The Future of Children* Volume, coincide simply -- so strongly simply because of coincidence, but in fact they reflect both our growing knowledge, and an emerging consensus about the urgent need to change the system.

And I think Ron asked me here this morning, in part because

he expected a little bit of stridency. So let me conclude my comments, by sort of sharpening the edge around what I think is the basic theme, in our essay, which is what we know about what kids and public safety demand, and what we do in the course of practice in juvenile and adult system, are largely disconnected.

And I'll give three examples. Just to make that point a little bit more clearly. The first is, we can talk about the negative effects of incarceration, but we generally are understating what's going on in our juvenile institutions.

First of all, let's be clear. Nobody in this room is disagreeing that 16 year olds, who brutally kill a classmate, deserve to be incarcerated. Two-thirds of the kids in detention centers, and in juvenile correction facilities, as we sit here are kids who are charged with relatively minor offenses. The kinds of misbehavior that frustrates, or angers adults not the kind of behavior that sets the hair on the back of your neck standing up.

Okay. In those facilities, it's not just that they produce rotten recidivism rates at huge costs to the public. Kids are brutalized in those facilities. Kids are held under unconstitutional conditions, in states all across this country. Indeed the history of the use of confinement in the juvenile justice system is such that it begs the question, whether in fact we

can figure out how to operate safe and humane facilities. Much less ones, that would actually alter the trajectory of a juvenile delinquents life, so that they would in fact become successful.

Second point, our disregard of families in the juvenile justice system is absolutely a disconnection that defies any sort -- any sort of logic. And as a former probation administrator, let me say. I do not understand, and I will never understand, what it is that is the underlying theory of probation supervision with juveniles. That seems to believe that a 10 minute office visit, twice a month has a greater impact than somehow altering the family context in ways where the people who have the greatest influence and persuasion with kids could in fact, play their role as parents better.

And the third thing, and I think this is the thing that has been most under discussed this morning, if there is something about our juvenile justice system that is shameful, and there are many things. Nothing is more shameful then the racially dispirit results that kids of color experience, in juvenile justice. And one has to ask the question whether all the kinds of policies that are questioned in The Future of Our Children, or in the Kids Count Essay. The criminalization of delinquency, the imposition of sentences like life without parole, the prosecution of minor offenses in the system, holding kids in facilities that we would never allow

our own children to be in. We have to ask the question whether that litany of criticism would be allowed to persist, if in fact we were not talking about a voiceless, powerless, minority that people are too ready to write off, and to write off their futures. Thank you.

PROF. STEINBERG: Thank you Bart. I have a question for the panel. I do want to acknowledge that Phil Mendelson the City Councilman from the District of Columbia, I guess is here in the audience today. And perhaps, if you will in a couple of minutes, if you would I'd like you to maybe say a few words about the bill that you've been working on, because I think it goes to the question that I'm about to ask the panel.

First, and it -- it's kind of a follow up to Betty Chimmers questions before, which is, if in fact there is this consensus and we have people up here, who have had experience in prosecution, in probation, in defense and if there is this consensus about what we need to do, about what works and what doesn't work. What kinds of changes should we be making, and who's going to pay for it? If it is going to cost more money, then what we're spending right now. And I want to focus this discussion, not on the issue of transfer, because as Jeff pointed out, it's about 250,000 kids a year, who are prosecuted as adults in this country. But the vast majority of them aren't there because they've been transferred by a prosecutor or by a judge. They're there, because they happen to live in

states, in which the boundary between juvenile and criminal court is lower than 18.

Many, many more kids are in the juvenile justice system. And so I'd like us to talk for a bit, about what kinds of changes needed to be made in the juvenile justice system that would be to the benefit of our communities, and to our young people. And I'll open it up to anybody who wants to take the first shot at that.

MR. FAGAN: I'll take a little bit. We have CDC Center at Columbia, and I'm involved in a study in aftercare, and these are kids who are coming back to the community, in Washington Heights, which is Northern Manhattan, and also in Harlem, from OSFS lockups, which are as you know the juvenile correction system in New York State.

And I mean -- it's a little bit complicated. I also live in New York City, and study selective enforcement by the NYPD, and for the City Council xxxphonetic spelling Ospis. So they stop like 600,000 people a year, the last two years, they're running about 600,000 maybe 500,550 unique then we -- but if you look at the data, none of them are juveniles. If you look at the discreet of ages, it starts at 16. Now that's not -- obviously not true. But the point that I'm getting at, when we talked to the kids in the aftercare study, they tell us about their experiences, in the community with the police, who are pretty rough with them. And this

happens in — all under the radar. But then they tell us about their probation work, and this is something that Bart raised.

We have a hard time, when you read the transcript, and you don't know who they're talking about, distinguishing between what the probation officers do, and what the police officers do. So what I'm getting at I guess, is a long backwards pathway into talking about — and this is what's part of what's going on in Connecticut. Is the reform of juvenile probation, away from in effect a quasi law enforcement, not even quasi, law enforcement model, and back towards the principles, under which probation was created. Which was to both supervise and facilitate, etcetera etcetera.

So if there's a focal point, and I had a dollar to spend, I think about \$.90 of it, maybe \$.85 would be on the probation function. Because that's where the first step is, after a kid gets to court. I might spend the other dime out of that money, on the police, but that's a different conversation.

SPEAKER: Bart, I guess where I would disagree, slightly with Jeff in this regard, is that I'm not sure that we need to think about it. I'm not sure that we don't need to think about this, outside of the current structures of the institution that we consider the juvenile justice system. So for example, I've been having this debate with the Secretary of

Juvenile Services, in the state of Maryland, which is where—which is where I live. Who is a validly strong, supporter of evidence-based programs? And my argument with him is, if you're such a strong supporter, of evidence-based programs, why don't you take half of the money that now goes to probation officers, in your system and retrain all those positions, as functional family therapists, multi systemic therapists, and people who do multi dimensional treatment foster care.

Why and Larry raises this persuasively in some of his writings, the scale of evidence-based programming is miniscule, relative to what it ought to be. Why don't we instead of saying -- try to reconvert the model, why aren't we talking about in fact, converting it to things that we know work, and produce better results?

SPEAKER: Larry, I just want to add briefly. I think there's two conversations here. One is what would that reinvented system look like? Where would we put our priorities? But I think that the equally important part is, as we travel down that path. How do we bring – like Senator Darrington, when you talked about your role with NCSL. How do we bring the conversation to NCSL? To the National Association of Counties, to the National Governance Association. How do we create a federal, state and local partnership, that is infused by that knowledge, and is one then that helps construct that system, and invest in that system?



And as that system is more productive, and gets better outcomes, allows the cost savings, which I think would be realized, to be reinvested in that system. To plow money into that system at the front end, for more prevention efforts, which are also parts of those evidence-based practices. So that we would really see the kind of net — of positive outcomes for kids, and further reductions in crime that are inevitable if we do this right.

PROF. STEINBERG: Yes.

MS. HENNING: Let me just add — I want to add a point about how do we get grassroots communities to be in agreement with these changes in policy. Because the question was asked, how do you get the policymakers along? Well, to get the policymakers to change, you've got to get your constituents to change, and support. So there's a way to do grassroots, community organizing around evidence-based practices, in a way, in a language, in a format that's accessible to the communities. Then you're going to — you're going to have constituents who are going to go to City Council, and are going to lobby for these changes. So, I think it's got to start on the grassroots level as well.

MS. CROOKS: And just to jump off that, you mentioned cost before. How are you going to convince policymakers to go along with these changes, in a cost effective manner? And I think after this election

and our current economy right now, and everything that's happened in Congress, I think next year, all the bills that come up, are going to -- that's going to be a major focus, is how can we be more fiscally responsible? More cost effective? So when considering these reforms, that's -- that needs to be a priority. And it will definitively affect JJDPA.

SPEAKER: So Councilmen Mendelson perhaps you can talk about your experience here in the district?

COUNCILMAN MENDELSON: Good morning. I'm Phil Mendelson. I'm chair of the committee on Public Safety and the Judiciary for the D.C. Council.

And for the Senator, we -- the City Council here has state functions with our criminal law. And there are a couple of bills that are pending in the D.C. council, we're having a hearing next Monday morning at 9:30 a.m.

One of the bills has to do with; I call the Speedy Trial Act. In which we really haven't been talking here about, but the Speedy Trial Act right now are laws that a juvenile who is held in secured confinement pending trial, has to have a trial within I think it's 30 or 45 days. But if a juvenile is not held in a secured confinement -- confinement, then there isn't such a time restriction. Well this bill would extend it to all juveniles, the idea being to have the -- assuming that there is a finding of

delinquency that the penalty is more proximate to the -- to the act. So we have that bill that's coming up, and I don't think there's very much controversy about it. We've been able to implement it on a temporary basis.

The other bill, which I introduced -- co-introduced with Council member Tommy Wells, is much more controversial. It's called the Juvenile Justice Improvement Act, and it does several things. First of all, I think this is very reasonable, it says that juveniles can't be confined at our D.C. jail. If a juvenile is being tried as an adult, therefore is being held -- is being held at the D.C. jail, well they've separated one wing of one floor, for the juveniles. It makes no sense to me -- my understanding is that the juveniles are allowed a couple of hours a day from their cell. I mean there are a whole host of issues. They are segregated from the adults, but there are issues about how much they can be out of their cell, and protecting them, and it's just not a good place. So that's part of the bill.

There also is what I call a reverse waiver, which is that the court would be able to, I guess on its own motion or from a petition by the defense attorney, the court could look at whether the U.S. Attorney's decision to prosecute as an adult, should be reconsidered and that the child should instead be prosecuted in the juvenile or family court.

A third provision is that the family court would continue to

have jurisdiction over the child. Because as I understand it right now, a juvenile once prosecuted as an adult, is forevermore in the adult system. And this would say no, a juvenile court could still have jurisdiction over the individual.

We are different than other states, in that all of our adult crimes, except misdemeanors are prosecuted by the U.S. Attorney. And the U.S. Attorney jealously guards its right to transfer kids to the adult court, and I expect at next weeks hearing we will see them coming out with guns blazing to protect that right. So it will be an interesting hearing.

PROF. STEINBERG: Thank you. Let's see if there are questions from the audience for the panel. I have other things I can ask, but I see someone with their hand up back there in the back row?

SPEAKER: Hi, good morning. My name's Jessica Ramacus, I work at the Department of Education. I was hoping you could be a little more specific about the overwhelming majority of these crimes, that are apparently not the crimes that we hear about. Sixty percent, ninety percent of these juveniles, who are in the system. I think that we hear these dramatic stories that are the minority, and you're right about that. But we're not hearing any dramatic stories about you know, the kids who's incarcerated, who barely did anything wrong for example, which is kind of the picture that I'm hearing now. So I was hoping you could be

specific about the particular types of crimes that these incarcerated juveniles have committed that you think they should not be incarcerated for?

SPEAKER: I can give you an immediate response. In a conversation I had with a leader in the juvenile justice system in Florida. And he was talking about the reforms they were trying to institute, and I think this is typical of many states. Where he sided that 40 percent of the institutionalized juvenile population in juvenile justice in that state were for misdemeanors.

They were young people, who may have been chronic misdemeanants, and they finally were committed into an institutional setting. So and I look at the report that the Campaign for Youth Justice had done, around the transfer issue, that the majority of kids being transferred — and this respectfully may disagree with Senator Darrington, but are not for violent offenses, in the purest sense of violent offenses. Robbery, rape, murder, but instead of for property crimes, drug offenses, or lesser offenses.

So it's hard to answer the question with specificity. We have 50 states in the District of Columbia, but in the vast majority of the states, the kids transferred, the kids institutionalized are not the most serious violent offenders.

MS. HENNING: And if I could add one other aspect to it. When we think about the most serious offenders, it's not just the immediate offense for which they charge, but also their history of prior contacts. And there are a number of jurisdictions in which people are being — young people are being held in adult jails, with no prior record at all. For example, a recent study showed in the District of Columbia that 40 percent of youth at D.C. jail have no prior record. So that's one thing to think about. You're thinking about serious repeat violent offenders, and that's not being shown to be true.

In addition to that, there's this question about whether or not you incarcerate youth, pending adjudication or pending conviction. So the other piece of the population is that you've got young people being held in adult facilities, who are then found not guilty or exonerated in some other way, and these youth have then spend a month, six months, a year pending trial, in adult facilities, with adult offenders. So that's another aspect of this question that's worth addressing.

PROF. STEINBERG: Yes, sir.

SPEAKER: Yes, I'm Walter Redman, Professor at University of District of Columbia. And I think the attorney touched on it, but how do we prepare the community to receive these youngsters back into the community. Because I know in working with — looking at

education and incarcerated institutions, the one you may be familiar with, up in Baltimore I visit. The xxxphonetic spelling Hickey School. And they were preparing youngsters to come back to the schools and the community. But what they were finding of course many of them didn't want them to come back. The principles didn't want them back in schools, and even some of the people didn't want them back into the communities. How do we prepare the community for these youngsters to come back?

PROF. STEINBERG: This is a question about aftercare, because aftercare I think is not just about preparing the juvenile to come back, it's preparing the community to receive the juvenile back. And I wonder if anybody on the panel has examples of how this is done well in some parts of the country? Or is it not done well anywhere?

MS. HENNING: I mean I just speak from experience about multi systemic therapy. I said I could offer concrete example -- the District of Columbia has started using multi systemic therapy, and what it does it attempts to engage the child in each of the systems, in which they have contact. And each of the systems in which they will return. So for example, one of our vendors here in the district, in youth villages, meets with the child, and the child's family on their own turf. So I've had examples in which at its height, meaning when 24 hour wrap around services are needed to reengage and restabalize the family, you've got

workers who are going out into the homes, spending time with the family, actually sitting at school, in classrooms with the child, getting to know teachers, so that the kid can reengage.

Now this isn't meant to be as a very expensive endeavor, so it's not meant to go on forever and ever. But the idea is how do I sit with the child and reengage the child and teach the child, and the child's family how to be an advocate in his or her own community. How to speak up for him or herself, how to let community member know what he or she needs in a safe environment.

So I guess I'm saying is that the services have to start, while the child is on probation or you know, even if temporarily in a facility, so that when the child comes back, we're not dumping the child back on a blank slate. But it's already engaged before the child returns.

SPEAKER: Jeff?

MR. FAGAN: I think that first and maybe the most difficult question is what school do you send them back to? Do you send them back to the same school he came from, or do you send him back to a different school?

In Philadelphia, the State of Pennsylvania actually passed a law, which is unique to Philadelphia, the City of Philadelphia, which allows the city to exclude kids coming back from correctional placement, to go



back into their original schools. And they're sent to special schools, where they are -- quite literally.

Now, you know, you don't have to be a -- the sociological genius to figure out if you put all of the kids who come back with a variety of damages done to them, some good, some kids come out well, but a lot of kids don't. You put them all in the same school, given that they've had difficulties in school, before they went off. You can predict what will happen. Now, you can't dismiss the concerns of the people in the public school. They certainly want the kids who didn't do anything, and didn't go away to a correctional institution, their educational experience will be changed somewhat, by having a bunch of kids come back, who have been incarcerated.

How do you deal with that problem? That's one of these issues about institutional reform, which is really quite critical that I was trying to get at. There needs to be a very serious difficult conversation between educational authorities, teachers, parents, juvenile corrections people, and juvenile court. About how do you structure education, so you avoid stigma, and you avoid ghettoisation. But on the other hand you keep a pretty productive and safe learning environment. That's a tough challenge, and that's when you know, if we're going to take this to the next step, that's really -- this is one of these issues that is going to take, as --

take a lot of rolling up of a lot of sleeves, and a lot of hard work.

SPEAKER: I want to add just briefly to those two comments, and it's related on just the educational issue alone. Because we've isolated that as one piece of this, but we also need to take note of the fact that the way we've approached the zero tolerance policies in this country, around schools. And the way we have implemented the No Child Left Behind that punish schools that don't get good outcomes with their kids, is driving a lot of schools to suspend and expel kids, put them out on the street, and not want them back.

So we've kind of turned 180 degrees on the role of education in schools, in terms of how they partner, to help kids find that right pathway towards an adult future. When too many schools are accelerating their flow rate into the juvenile justice system, instead of partnering with juvenile justice and social services, and figuring out how to best work with these kids.

SPEAKER: The gentleman in the third row.

SPEAKER: Yes, my name is William Stokes, I represent an organization called Afro-American's Concerned About Reaching Everyone. But I'm also a product of the D.C. juvenile justice system, and adult criminal justice system.

One of the things that I'm noticing in working with, in trying to

get things in shape for myself and everyone else is that hopelessness in the '60's also exist today for minorities and for poor persons. The quest for normalcy is the objective -- is the whole scenario centered around crime, and those who commit crimes. And the system needs to primarily facilitate persons in there, moving into -- of normalcy. And this is almost an impossibility, simply because normalcy means that you need to have a livable wage job, you need to be -- you know there's just not enough livable wage jobs to give to American citizens here. At the same time in saying this, the system has not changed since the '60's to a greater or lesser degree. It's still moving in the wrong direction.

How do -- I mean how do -- you know in other words, in moving in the wrong direction for example, the costs for straightening out the system, is far less than what the government is clearing for wars, and bailing out the Wall Street, and so forth and so on. And basically, what's needed is comprehensive integrated services for an entire poor family, not just the person that's in the system. What is also needed is a rehabilitative of system, within the criminal justice system.

I've got both -- I've got my GED, B.A. Degree, Master's Degree, out of the criminal justice system, and I'm currently working on a Doctorate in the area of inequality in a democracy. And so -- I'm just saying that until we recognize the overall -- the flaws in the system itself,

we can't really deal with this issue, credibly where we would actually make an impact. And I'd like to know how you feel about that, because I know that you have to face that being professionals, and practitioners in the field. And you have to realize that to a greater or lesser degree, I mean whatever we do, we can only -- the system can only help maybe about 10 percent, if that much.

SPEAKER: Bart?

MR. LUBOW: I certainly wouldn't want to take issue with your basic analysis of our overall social ills, in this country. But I would take issue with the notion that we have to be paralyzed by them and can't in fact not only hope for, but actually achieve improvements in the quality of justice, even while resolving larger problems that have been with us perhaps for centuries.

And I think there's evidence of that, and I don't think that we should be anything but impatient about insisting on following that evidence, even while we continue to have income inequality, racial prejudice and a variety of other large, and very important social forces that influence this stuff.

PROF. STEINBERG: I think unfortunately, we're out of time.

Ron, do you want to say goodbye?

MR. HASKINS: Goodbye, thank you all for coming, I greatly

appreciate it, and thank the audience for coming, and we'll be following up with an event on the Hill next after the first of the year. Thank you very much.

(Applause)

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