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"What, If Anything, Can the Federal Government Do About Crime?"

Presentation by

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Politically, Washington must pretend it can do a lot about crime. Practically, it can do very little. The president is not a police chief, a warden, or a probation officer, and he can issue few commands to anyone who is. The size of the FBI has grown, but it is, at best, only one-fortieth the size of local law enforcement in the country. By contrast, the Home Office in England has a great deal of influence over policing because it provides half or more of the budgets of local constables. Here, of course, Congress also spends money on crime, but the federal government amount is but a small fraction of what local government, communities, states, and private agencies spend. We sometimes think that however small the federal proportion is, it can influence the rest of the system; but in my view—and the view of many others—this small tail will not wag this very large dog. Ideas and local political pressures drive local law enforcement in this country. The role of the federal government is, at best, to try to shape the direction in which those movements occur. The vast majority of all offenders are tried before state-appointed judges, sent to state-run prisons, and released into the custody of state-directed parole officers.

The gap between what is possible and what is politically desirable has not prevented Washington from trying to do a lot. It has made over 3,000 offenses into federal crimes, even though most of the important offenses have been state crimes for decades. The slow movement toward the federalization of law enforcement is worrisome to many Americans for reasons I fully share. If we have 3,000 federal criminal charges and if this is more than purely symbolic politics, then a federal officer must investigate their violation.

Federal investigations play a very important part with respect to some matters. But for the most part, having this many federal crimes means that we ought to have a federal—that is, a thoroughly national—police force. No one devoted to our Constitution could embrace such a prospect cheerfully, and I do not. Even creating the FBI many decades ago—an organization which soon became a small elite unit—was greeted with skepticism when it first occurred. The passage of the Mann Act in 1910 was a profoundly contentious issue, because it, for the first time, set up a federal criminal standard. It deeply divided Congress. On what grounds, people argued, should prostitution become a federal crime? The answer given, of course, was that it could become one if prostitution affected interstate commerce. And so was created an odd

federal task—assigning a few FBI agents, mostly rookies, to the task of trying to follow suspected prostitutes across state lines. In short order, the federal courts, including the Supreme Court, began to brood over the vague language embodied by Congress in this statute, containing words like "debauchery" or "other immoral purposes," undefined in the Act. So the courts began to expand the Mann Act so it would now be a federal offense for a woman voluntarily to cross a state line to have sex whether paid or not, or to move to a location where debauchery *might* occur, or to accompany a vacationing Mormon family who happened to be polygamous.[1] When a state court gets carried away in this respect, one can do something about it—if only by moving to a different a state. When Washington does it, the only alternative is Canada.

Federal criminal laws now imply the creation of a federal police force. No one wants to do it, of course, but we have a way of drifting into situations that no one intends. Even if we hold back from a drift in that direction, the effort at federally managing the crime problem cannot, so far as I can tell, help us solve many of our real problems. Despite federal involvement, crimes are getting harder, not easier, to solve. Clearance rates are not going up, and many are going down. Most offenders commit crimes in or near their own back yards, creating local neighborhood, and not national, problems. An increasing proportion of serious juvenile offenders are heavily armed and contemptuous of the juvenile court system. Many neighborhoods have critical problems even in cities that have modest or declining crime rates.

An alternative to creating a federal police force is to improve the strength of local ones. I think that is what the program to place 100,000 officers on our city streets has in mind. Though I am devoted to policing, and though I am convinced that good cops well-deployed make a difference, I am struck by the absolute inability of Washington to send these officers to the places where they are needed. The problem is very simple. There are 435 congressional districts and 50 states in this Union, and each and every one wants its share of the 100,000 officers. Half the officers, by law, must go to smaller cities. Our 14 largest cities have only 12 percent of the nation's population but account for 36 percent of all homicides and nearly half of all robberies. These places could use all 100,000 officers *by themselves*. Yet, many of the officers go to small towns like Midvale, Texas.

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[1] Edward H. Levi, *An Introduction to Legal Reasoning* (Chicago: University of Chicago Press, 1949).

In Los Angeles during 1960, there were three violent crimes reported to the police for every uniformed officer. By 1990, there were ten violent offenses for every uniformed officer. Using this rough, admittedly simplistic measure, Los Angeles needs a police force of 25,000 today instead of the 8,000 or so it has. My city, in short, might be able to catch up with where it was 30 years ago, if it had one-sixth of the 100,000 new officers—and if we could persuade our local constituents to pay for their retention when the six years has expired.

Naturally, Washington has an important duty to investigate real interstate crimes, both blue collar and white collar, all crimes involving interstate conspiracies, and all international crimes that touch our borders. And there are federal reservations and buildings it must guard. But it seems to me its key role ought to be to do the one thing local authorities cannot and will not do on their own. That is to design and test new crime control strategies. Cities and states will not do this, not simply because it costs money—money that they, by and large, do not think they have—but because they would be providing a free good to other cities and states. Good demonstration projects are expensive and take a lot of time. How does a mayor or governor justify spending that money and taking that time when one or the other of two bad things will happen: Either the new program won't work, thus embarrassing the city or the state and the mayor or the governor; or it will work but the benefits will go without charge to every other city and state in the country?

The federal government has a unique opportunity to be the research and development arm for law enforcement. It is a task that no city or state will undertake in any meaningful way; and it is also one that, with a few exceptions, private foundations will not support. I have spent many years trying to raise money for this cause from private sources, including foundations for police and criminal justice research. I have had, on occasion, some good allies, but generally to no avail. Foundations support *causes* not evaluations, at least in this area.

When I speak of a federal R&D effort, I trust everyone here understands that I am not talking about pure or academic research. There is a need for that, too; but it often does get funded by federal assistance through entities such as the National Science Foundation, the National Academy of Sciences, and the various National Institutes of Health. I am speaking of the real-world testing of new ideas, especially those developed by practitioners in the field—

ideas that cannot, I am sorry to say, be tested by the practitioner who developed it. No good idea will be seriously evaluated by anyone who has a patent on it. A test requires objectivity, technical skills, and a long time-horizon. A practitioner is subjective (he or she must struggle to get the idea launched in an often hostile environment), is skilled at creating ideas but not necessarily at testing them, and has a time-horizon shaped by tomorrow's newspaper story or next month's budget hearing, not by the two or three years that an adequate testing in the field involves.

Happily, there have long been a few people in Washington who have understood this view, such as James "Chips" Stewart in the Reagan administration and Jeremy Travis in the Clinton administration. Of late, largely as a result of the 1994 Crime Act, the Department of Justice has said, I hope with congressional support, that it will spend a significant fraction of its new crime-control money on demonstration projects. I would think it would be even better if Congress, in reauthorizing this agency, placed in that reauthorization a mandate that set aside for research a fixed percentage of the money that Congress would later appropriate for law enforcement. While I am committed to a federal demonstration role, I am well aware of how hard it will be to get meaningful results.

People sometimes compare the low level of funding for crime or violence research with the high level of such funding for cancer, stroke, or AIDS. This difference is very large—indeed it is vast; but this is not simply the result of unequal interest groups besieging Congress. Doctors, in fact, tend to do better work than criminologists. And for good reason: The doctors are more likely to learn useful things that their own profession can put into practice than the criminal justice researchers. There is both a demand problem—what should the federal government ask for? And there is a supply problem: What are competent social scientists willing to produce?

Health research may lead down many blind allies, but treatments and even cures often emerge; and when they emerge, they enter into a well-organized market of eager producers and consumers. Compare that record with the history—a long and generally sad one—of much criminal justice research. These are ideas that have had their brief place in the sun. I think we can all remember random preventive patrol? Claims made on behalf of "scared straight?"

Remember the arguments used for boot camps? And shock incarceration? And intensive probation? And remedial education? And job-training and supported work projects? And making police response time faster? To be sure, some of these things, done by a few gifted people, may have made a difference, but by and large, the research has failed to provide adequate support for their general applicability.

We now are committed to a new wave of good ideas, of which community-oriented policing leads the list. I am a believer in it; I support it, but I have to confess that my belief rests at present more on faith than on fact. We hear of many cities engaging in promising starts, and then retreats, cut-backs, and hostility. For every San Diego or New Haven, where it seems to have been a success, we recall a Cincinnati or a Houston where it fell apart. For every patrol officer who fell in love with community policing there is a lieutenant that thinks it is just the fad of the day. The famous 100,000 police officers to be paid for by the federal government are supposed to support community policing, but that is like saying they are supposed to walk to Europe. A good idea, maybe, but we lack a clear road; and, in any event, there aren't enough to make a difference even if they get there.

Despite all of these reservations, I think the federal R&D role is the right one. Go back to community policing for a moment. Why did it begin to command our attention? It began to command our attention because the National Institute of Justice supported a project in Newark, New Jersey, to test the efficacy of foot patrol. Most police chiefs at the time believed that foot patrol would not have an effect on the crime rate. The NIJ study found out that they were exactly right: it did not have an effect on the crime rate. It just made the people in Newark feel better. Out of the contrast between a crime rate that was stable and an improving public morale came an insight. How people feel about their city may be as important as what the city in fact does. If people feel better about their city, they will be encouraged to use public spaces in ways which, in the long run may actually drive down the crime rate, but in the mean time allows them to enjoy what is in fact the right of every citizen: to walk peacefully, with some degree of comfort and confidence, around the streets of their own cities.

We have, after all, learned about a lot of things that don't work, and we wouldn't have done that if somebody had not been doing an evaluation. We used to think that random

preventive patrol deterred crimes and that quick police responses prevented crime. We now know those ideas are not correct. As a result, the police have been encouraged to look in new directions. Good police around the country are using specialized preventive patrol, undercover operations, and dealing with police responses more by evoking from the community a definition of problems to be resolved rather than waiting for them to dial 911.

To me, the critical issues are two: If you think as I do that R&D is the central role the federal government should play in this area, nearly to the exclusion of many other things it now tries to do, how should this work be financed and directed? And, what should it study? I do not think this study should be directed from the U.S. Department of Justice. There are many people in this room from the Department of Justice, but I don't think the work should be directed from that agency. I admit that today, we have an excellent NIJ director. There have been a few good ones before him; but counting on that continuing is like expecting flowers to bloom through asphalt pavement. Occasionally it happens, but it is not the best way to grow a garden. DOJ is an organization of lawyers and lawyers do what lawyers are supposed to do: they investigate, sue, and prosecute. If anyone doubts the gap that exists between empirical science and legal research, he has never set foot on a university campus. I have served on the campuses of three great universities and in each and every case, the gap between law school research and empirical social sciences was a vast and unbridgeable divide. The best social scientists—there are a few good ones—operate on campus in almost compete isolation from law schools; and the best law professors—and there are many of them—return the compliment. And if you think universities are an odd exception to a general pattern of compatibility, you have not understood how most judges treat empirical science when it is introduced into in their court rooms. Scientific nonsense acquires evidentiary standing in ways that satisfy nobody but the appeals court judges who later rule on the matter.

NIJ ought to be part of a federally supported larger whole which is generally committed to scientific alliances and the maintenance of rigorous analysis. I leave it to Washington insiders to select that spot, but I do not think the Justice Department is that spot. As to the second question: It is a very difficult problem to prescribe in advance what the research agenda should be. There are many important issues—for example, can anyone show that community policing,

somehow defined, really works? Can anyone show that if it works it can be made to continue to work? That research area will persist for years. There are other important technological areas that are being researched for the first time in recent years.

But one issue especially concerns me, and I would like to raise it to the top of the agenda if I can. That is the problem of juvenile criminals. Criminal justice and social science know about adult offenders. Adult crime rates, including adult homicide rates, seem to have declined in the 1980s, and we have tried to study why. But the rate at which juveniles commit crimes, especially homicide, went up; and we are not sure why. The rate of offenses is higher, on the average, for young people than it is for older people. Many people we are sending to prison for perfectly good reasons, are being sent at a time when their own crime rate is beginning to decline. The crime rate peaks in every society of mankind in the teenage years among males. We send the people to prison 10 years later.

There is a gap there and something is not working. We know that today juveniles have become a smaller fraction of the whole population. We expected that their crime rate would go down as the adult rate generally went down; but it didn't. That has become for many years the most worrisome feature of local society. Most of what we know about the effects of punishment on offenders, whether in terms of deterring them or incapacitating them, we know only about adults. We have interviewed them constantly. Our sense of adult behavior has been elaborated by everything from general discussion to sophisticated quantitative models. We don't know anything of the sort about juveniles. Some people think that juveniles are immune to the criminal justice system because they are so impulsive as to give no thought to the consequences of their actions and so reckless as not to care what society or the larger community thinks of them. There are scholars who argue that imprisoning a juvenile only makes matters worse because he becomes indoctrinated to gang activity or criminal lifestyle.

We actually know next to nothing about whether any of these arguments are true. We have interviewed adult prison inmates but not, to the same degree, juvenile ones. We can construct the criminal careers of thousands of adult offenders but of far fewer juvenile ones. One of the very few efforts to find out what difference incarceration made on juvenile offenders was done in Chicago in the 1970s. The authors followed the careers of a few hundred serious

delinquents and found that the more serious the penalty imposed by the court system, the lower the rate of their subsequent offending. This finding was strikingly similar to that of two other studies done in the preceding decade, using very different institutional treatments in quite different communities.[2] Questions can be raised about such findings: Why did their crime rate go down? Did they just get smarter? Did they evade police detection or adopt forms of crime that were harder to detect? As near as I can tell, in the intervening 20 years, virtually nothing has been done to try to answer these questions.

We know that states and counties differ in how they handle juveniles, but we have almost no idea as to whether those differences in treatment make a difference in crime rates. The Chief of the Family Court Division of the New York City Law Department has recently published a troubling and unhappy account of how that city handles juveniles.[3] The family courts have faced an exploding case load since the late 1980s, but the penalties imposed on even some of the most vicious hoodlums rarely have exceeded 18 months. That is because New York state law limits penalties for persons under the age of 16 to 18 months. The law governing investigations is even more restrictive. The police cannot ordinarily search a home occupied by a young offender without either a warrant or the parents' consent, but the Family Court cannot issue warrants. When a youngster turns 16, a different set of rules apply. They can be tried as adults; but the courts can, and often do, make these persons into Youthful Offenders, a status that keeps the potential sentence very low.

Now contrast this with what the *Los Angeles Times* has reported about juvenile offenders in the state of California. They surveyed young inmates of the California Youth Authority and came to the conclusion that juveniles were actually serving longer terms than adults sent to prison for similar offenses. Juveniles, for example, served 60 months in California for homicide, while adults served only 41.[4] Let us assume that New York and California do in fact differ that dramatically. Does this difference *make* a difference? Will one system produce more crime or

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[2] Charles A. Murray and Louis A. Cox, Jr., *Beyond Probation* (Beverly Hills, Calif.: Sage Publications, 1979). The other two studies were Lamar T. Empey and Steven G. Lubeck, *The Silverlake Experiment* (Chicago: Aldine, 1971) and Empey and Maynard L. Erickson, *The Provo Experiment* (Lexington, Mass.: : D. C. Heath, 1972).

[3] Peter Reinharz, "Why Teen Thugs Get Away with Murder," *City Journal* (Autumn 1996), pp. 43-49.

[4] Data as reported in Peter W. Greenwood, "Juvenile Crime and Juvenile Justice," in *Crime*, ed. James Q. Wilson and Joan Petersilia (San Francisco: ICS Press, 1995), p. 104.

less crime than the other system? Are the people in either state safer or more at risk because of what appears to be the great differences in how these systems work? We do not know. As far as I know no one is trying to find out. As the population once again becomes younger—the elementary schools of Los Angeles are filled to capacity with persons eagerly awaiting the junior high school years in which the legendary six percent of them will become hopeless offenders—we know that crime rates are very likely to go up; and we ought to care.

There are many obstacles to doing research of this sort—some are legal, some are technical. These obstacles are serious, but scholars have had to cope with serious matters in the past dealing with adult offenders. I believe, with good will and adequate support and direction they can do the same with juveniles.

There is an equally important evaluative effort needed for the causes of juvenile crime. The causes of juvenile crime are not well understood. Criminological research has blamed almost any defect that a social scientist can find in American society as a cause for juvenile crime. In all societies, juveniles commit more crimes; and in all societies, as near as we can tell, the juvenile crime rate has been going up. Whatever the cause is, it may not be a uniquely American phenomenon.

The new welfare reform bill has created a splendid opportunity to investigate what I suspect is the most serious cause of juvenile crime, and that is the weakness in the family structure. The new welfare reform bill requires under-age, single parent mothers either to live with their own parents or to live in a condition of adequate adult supervision as a condition of receiving federal aid. No one knows what adequate adult supervision means. It must be supposed to mean something other than her own parents. Often, she got herself into the predicament because of the failure of her parent or two parents to supervise her adequately.

There is a wonderful opportunity for cities, counties, and states to provide a variety of new mechanisms as alternative "families" for such persons. Single parent moms would have to live in alternative homes or shelters as a condition of receiving aid. They and their newborn children would experience true adult supervision from caring adults, who worry about the future of that child. Such efforts should be run by private organizations. Various church and synagogue organizations could take on the task of supplying alternative homes if the federal

government were willing to direct its welfare money in that direction. It would then be up to the NIJ and other bodies to find out what works. Can we change things for the child of the young unmarried teenage mom in such a way that we reduce the rate at which these young people grow up on the streets of our mean cities with only guns as their friends?

To me, the hardest task is not to create the agencies, encourage the practitioner links, or design the research. The core problem is to persuade members of Congress and their constituents that they are doing something about crime by spending money on R&D evaluation. People believe they know what should be done about crime, just as they believe they know what plays the Washington Redskins should call. It is very hard to persuade them that, in fact, they don't know and ought to find out. Maybe the only way to do it is to smuggle an evaluation program, written in very small type, into the next bill that increases the number of federal offenses to 6,000, imposes the death penalty on 50 more crimes, closes the border to illegal immigrants, and promises an end to wife abuse.

Question and Answer Session[5]

Patrick Murphy, U.S. Conference of Mayors: I certainly agree that we need to have much more research, and yet the problem is the "non-system" of policing we have—17,000 plus local police departments. I describe this to foreign police administrators; and they say, "but of course they are coordinated by your state police agencies." Federal police are coordinated by the FBI; but that does not occur locally. We are all devoted to our system of local police, but it seems to me that the federal government and the states could do more, in addition to research, to coordinate the work of these agencies for criminal intelligence, support of planning, and better exchange of knowledge. Would you comment on the system problem?

JQW: I certainly would encourage dissemination of intelligence, a real improvement in suspect identification, and dissemination of information. But, I am not encouraged among what I see abroad as "systems." Since 1980, the adult crime rate in the United States has been dropping more or less systematically in all cities across the U.S. During this same period, in countries that have a unified system like England and Sweden, for example, crime rates have been going up

[5] If Mr. Travis mentioned a name when calling on a questioner, it has been placed before the question asked.

dramatically. Today, the robbery rate in England is as high as ours, the auto theft rate is twice as high, the burglary rate in the Netherlands is twice as high. The advantage of a unified system is that you get coordination. The disadvantage of the coordinated system is that you may coordinate it around a bad idea.

To me, the desirable consequence of the American system, messy as it is, is in what we have learned about how to improve the criminal justice system. Rogue police chiefs, backed up by brave or indifferent mayors, have tried new ideas against the advice of other police officers and have made them work. So we have to try to strike a balance between a non-system and risk of bad action if we have a full system. With the American genius for making something out of nothing, in our Constitutional order, we can do that. I would resist, as a matter of principle, converting our non-system into anything that looks like a European system.

Question (not named): Professor Wilson, for the purposes of this question, place yourself on the Supreme Court. Last week you heard arguments on the Brady Act. How would you vote and why?

JQW: As a Justice on the Supreme Court I would try to vote on the basis of what the statute requires and what the Constitution mandates. In Congress, I would have probably voted for the Brady Bill with little hope that it would make a significant difference. Gun control is a serious matter that cannot adequately be handled by Washington policies directing the way in which guns are sold in federally licensed gun stores. The problem is to figure out ways to keep guns out of public places; they are usually stolen in the first place.

With respect to the Supreme Court question and arguments and briefs, I haven't thought of it as a Constitutional matter—I have been too preoccupied with its limitations as a practical matter. I would prefer if you asked me what I would do in Congress rather than what I would do in the Supreme Court.

Roger Conner, American Alliance for Rights and Responsibilities: I was discouraged to hear intensive supervision probation in your list of things that, while useful, have not necessarily reduced or prevented crime. As a way to address juvenile crime, what do you think of more intensive and close supervision of probation to reduce reoffending in this group?

JQW: I think that's a possibility. To me, one of the things that explains juvenile crime is that many of them lack any involvement with a mature adult to give a kind of guidance. What they most need is to have a mature adult inserted into their lives on a continuing basis. One way for that to happen is to be born into a 2-parent family that is reasonably successful. Failing that, and we are increasingly failing that; perhaps we can design and apply an ad hoc parent.

I am open to the possibility of using intensive probation for first-time or early juvenile offenders; this may well avoid their repeated involvement in crime. The experiment in intensive supervision probation that I was referring to, as evaluated by the RAND Corporation, was focused on adults. At that stage, it didn't seem to make much of a difference. A different story might be true if we focused on early juvenile offenders, where there is some reason to expect to alter by the presence of a mature adult in their lives, the prospects of their continuing in offending.

This is being tried in the country. Many things are being tried that I don't know about. I haven't seen an evaluation of it and I would very much like to.

Samuel Dash, Georgetown University Law Center: Professor Wilson, in your address you did not make any mention of the criminal drug problem in the U.S. and its relationship to crime and whether you think that the federal government plays a more effective law enforcement role than the local and state organizations. Since we do have drugs under federal law enforcement, and the federal government claims a greater and greater role in that, do you think they are more effective, at least there, than the local and state officials?

JQW: I do think the federal government has a major role in drug enforcement. I had that in mind when I referred to interstate commerce and trafficking. The federal government's role (whose legality I strenuously defend) has become deeply involved in the drug problem. I think that making better use of federal resources to deal with the drug problem is a critical role. Even so, the critical problem in drug abuse is the demand for the drugs. Demand reduction is fundamentally a local matter.

Who are using drugs? We know from many studies that a very high proportion of the people arrested have been using drugs in the preceding 72 hours, as revealed by the customary

drug tests. Most of these people will be placed on probation or sentenced to confinement and after that possibly given parole. This is a ready made group of people, already under the authority of the criminal justice system, who can be told that their permission to be on probation or parole is contingent upon their subjecting themselves to frequent (meaning several times a week) random drug testing, and that the failure to satisfy these tests would bring them back into the criminal justice system for increasingly longer periods of time. That is a local responsibility—something that local police and probation authorities have to do. They are often financially under equipped to do it, although some promising starts have been made with respect to drug courts.

Although I believe the federal government has a crucial role, and it is largely on the supply side; I think the key to the drug problem is on the demand side. If we can make it extremely difficult for those who are already in the criminal justice system to gain access to drugs, I think the demand will be reduced. People will, I hope, be driven into treatment programs; and the supply of drugs will fall correspondingly.

Question (not named): Dr. Wilson you mentioned the disparity between medical research and crime research; there is a perception in the medical and legislative communities that the research on violent crime is being intimidated or suppressed by certain groups. In your perception, is that the case?

JQW: Yes, if you want to think about the research on violent crime generally, in all aspects, there is a substantial degree of suppression. If you wish to discuss the genetic bases behind crime—which we know to a certainty exist, because males always commit five to twenty times as much violent crime as females (and not as a result of particular childrearing practices)—but mention this fact, especially in this city, and you will discover that you are the object of an intimidating drive, launched by a small number of people, who will either silence you or prevent the federal government from funding you. Most of the research that we have available that bears on genetic, biological, or early childhood effects on crime is from abroad. Even abroad, it is increasingly difficult to do it.

Other aspects of the causes of violence, and there are in fact many aspects to the causes of violence, are encouraged to be research; and therefore there is a kind of imbalance in our body of

knowledge. Politically acceptable causes attract research support; politically unacceptable causes do not attract interest. That is, in my view, gravely unfortunate.

Adrian Curtis, Justice Management Division, U.S. Department of Justice: The Attorney General always says that you should get to the youthful offender before they become a youthful offender. Everyone would prefer not to be mugged or to deal with the consequences afterwards. Crime legislation has provided authorization for funding for prevention. It hasn't been very strongly supported by the Congress, or by the public. Do you think it would be a good move to put more money into prevention efforts? Or for demonstration programs? Or do you think it is a local issue to deal with?

JQW: I think the federal government has a major role to play. I think the problem is with what has been described in the past as a prevention program. It is, of course, a caricature to describe prevention programs as those involving "midnight basketball", but that slogan has caught on because it is not refuted by any evidence that we know of for anything better than that. We have had a lot of efforts at supported work projects, many of them using very rigorous evaluation methods. If you take juvenile offenders and put them in job training and supportive work environments and compare the results after eighteen months to those who did not experience this: no difference.

Remedial education programs: though sometimes there are reports that they have succeeded, the body of the research suggests that remedial education programs don't make a difference. To me, the critical years in a child's life are zero to five. If you have a prevention effort, that's where you have to aim it. The government and the public understand this. Everyone who has been a parent and who has watched their children grow up in such remarkably different ways—begin to express their character and interact with their parents—knows how critical that period is. If we are going to have an effective prevention program, I think we have to say that those are the critical years and we have to focus our imagination on those years. We have to develop, with federal support and evaluation, programs that will provide differing ways of managing that period of life. We don't really know what the best programs are, but there are lots of experiments out there (none of them really being evaluated by anyone). So we have something to build on.

If we focused our prevention efforts around the core issue of the family, and took advantage of the great popular and political support for family issues, we could move the prevention program ahead. But if we just talk about "prevention," people will think we mean supported work projects, remedial education, or midnight basketball, and it won't succeed.

Janie Jeffers, President's Crime Prevention Council: Professor Wilson, through your lens, you paint a bleak picture for juveniles. What you saw as perhaps a glimmer, as a result of the legislation, was the group homes, etc. Where do you see the support for the family, to shore up the family—not to replace the family in what would be, at best, an artificial and short-lived kind of activity? You spoke about prevention related to children between zero and five, but I'd like to hear where you see the family needing support, what interventions you think are appropriate and what kinds of research in those areas should be done to avoid supplanting the purpose and need for families.

JQW: I wish I knew the answer to your question, and I do not know the answer to your question. The growth in single parent families cuts across all the western industrial nations. The rate is highest in the United States, but it is very large in western Europe, England, France, and Japan. It is being driven by profound changes in western culture. It is, in my view, the final working out of the 18th century enlightenment. If you really believe in the emancipation of the individual, there will come a time when men will feel themselves freed from the responsibility of maintaining families. Men are a difficult species. It has taken many years of hectoring, bloodshed, religious indoctrination, cultural pressure, etc., to get them to take care of the women they made pregnant and the children the women have born.

If you really believe in emancipating the individual right down to the grassroots, and we have seen this in western cultures; you will see the removal of the man from this role. The best idea I can come up with is to change the way we raise at-risk children so that they will grow up in an environment during their formative years, in which they value a family experience and see men and women working together to help raise them. As they get that formative experience, it will guide them into a desire to repeat that experience in their adult lives. Whether that will work or not, I don't know. Relative to the pressures that are working against the family, I don't think there are any simple policy remedies. I don't think tax rate changes, or forced financial support,

or even tightening the divorce laws (although there are worthwhile ideas in some of these ideas for change) will make a big difference. They are like small handfuls of sand thrown in the face of a gale wind.

Unless we face the fact that we are dealing with a profound cultural transformation throughout the West and attempt to change the influences on young people so that they will attempt to stand against that force, then I don't think we will succeed.

Ted Gest, U.S. News and World Report: Could you give us some idea of the scale you are talking about when you say "more research?" Everybody in this room thinks we need more research on crime. Are you saying, we need as much research as we have for various diseases, but other people would point out we already are doing more research through the 1994 Crime Bill and the National Science Foundation. Are you recommending a massive increase—a sort of modern day "Manhattan Project" on crime, or are you speaking about targeted modest increases in specific areas?

JQW: My remarks this morning would have had greater force before the passage of the 1994 Crime Act. I think there has been a significant increase in research. The National Institute of Justice now has resources and commitment that it has never enjoyed in the past. That is all good. I'm not confident that we need a dramatic increase in funding. We don't have that many good researchers in this field. The few we have are very busy. More will be recruited, just as in the aftermath of the passage of LEAA. That opened up federal research efforts. The criminological effort was revitalized when operations research, industrial microeconomics, etc., elbowed into this area with a new way of looking at things.

I would like to see Congress make permanent, if nothing else, the present commitment, by authorizing programs that set aside a given fraction of however-much money Congress may choose to appropriate for research and demonstration efforts with respect to any form of aid for significant federal or local programs.

I don't call for a "Manhattan Project." I would be satisfied with the present level of resources, if we could make it permanent so that the next administration, whatever it is, would not find it so easy to change.

Morris Thigpen, National Institute of Corrections: Would you mind commenting on the sentencing practices that we are seeing across the country today? Those in your own state of California, with "three strikes and you're out," and the whole truth in sentencing push that is occurring?

JQW: It's difficult to comment on sentencing policies without taking into account the enormous public frustration with what they take to be our current sentencing policy. In California, the sentencing policies before three-strikes were lamentable. If you kill another human being in the State of California, and you kill that person illegally—not as an accident—from manslaughter to first degree murder, your average time in prison was going to be less than four years. The public may not understand certain details, but they don't like that. So when someone came along with three-strikes legislation, they wanted the legislators to vote for it.

We have had a lot of problems with this three-strikes bill. It focuses heavily on adult offenders. It reserves serious penalties for the second and third strike. It is somewhat unclear as to what prior offenses should count as a strike. Local district attorneys are displaying a considerable amount of (unstudied) variance as to how they interpret what a prior "strike" is and therefore what proportion of people to send to prison.

Our problem is not simply to defeat these measures; it is to come up with something that is better. California hadn't done that. California didn't take the killing of another human being very seriously except in the very high profile cases—freeway strangling, or whatever. If we do that, and many large states in the country do; we have a problem.

I don't know how to put that genie back in the bottle. Rather than modifying the three-strikes bill, I would prefer if something other than it had been passed in the first place. I would strongly prefer for people to mobilize their answers on how we handle juvenile offenders. They are eventually going to turn into those persons who are eligible for three strikes. The only way to do that is to show them that we know enough about the subject so that we can direct their attention effectively.

Misguided in some aspects as these laws are, we have to realize that we didn't give the people any alternative to choose.

Betty Chemers, Office of Juvenile Justice and Delinquency Prevention: The juvenile justice system is clearly under great stress, with more and more juveniles being waived to the adult court; do you think the juvenile court has outlived its usefulness?

JQW: I wish I knew the answer to whether the juvenile court has outlived its usefulness. My sense is that the juvenile court is many different things in many different states. In California, it is in serious trouble. I believe in New York state it is approaching total collapse. In Indiana, as a matter of fact, it is working rather well.

We don't know what juvenile courts are doing. I believe that the essential premise of the juvenile court deserves serious reexamination. The central premise of the juvenile court is that the court would stand in loco parentis. It would replace the parents for children who were runaways, truants, shoplifters, or engaging in activities indicating a failure of parental supervision. It was not invented at a time when 13-year-olds carrying Uzi's were mowing down innocent babies on street corners.

How should it be reshaped, if that is its role. Some of its functions should be split, perhaps, into several parts. It should be a state agency that acts in loco parentis, and it should not limit its attention to youngsters who have already shot, or mugged, or stolen at large. It should turn its attention at the first sign of difficulty to people who begin to experience problems, where parents are doing a poor job. But other functions of the juvenile court should be shifted to a different kind of entity. Not necessarily the court, but a different kind of entity who has the task of identifying early on who the repeat offenders are. Not after their first arrest or conviction, but after a second time or a third time. Once you pass that transition, you pass the third standard deviation; you are very likely to become a chronic serious offender. We need to identify those people as early as possible and to deal with them by increasing the magnitude of penalties they face from at least the second offense on. Every time they do something again, the penalty gets worse.

I don't think the juvenile courts are doing this. I think they waive juveniles out of the system for the first, second, or third serious offense. Then finally, they unload on them and put them in incarceration until they are 25. That's not the way we raise our children. We don't ignore their misdeeds until finally they burn down the house. In our daily lives, we use moderate

rewards and penalties in raising our children so that they become habituated to a life of decency. The juvenile court does not follow the principles of decent family life.

The court was founded on the principle of acting in loco parentis. We need a juvenile court that will be much more heavily funded than the present ones are, that will take very seriously the first signs of repeat offending among juveniles, and will be very serious about the penalties they impose.

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