DOCUMENT RESUME

ED 389 784 UD 030 703

TITLE	Maine Kids at Risk: Juvenile Violence and Crime. Hearing on Strategies To Combat Juvenile Violence and Crime in the State of Maine before the Subcommittee on Juvenile Justice of the Committee on the Judiciary. United States Senate, One Hundred Third Congress, Second Session (Portland, ME, April 8, 1994).
INSTITUTION	Congress of the U.S., Washington, DC. Senate Subcommittee on Juvenile Justice.
REPORT NO	ISBN-0-16-047666-6; Senate-Hrg-103-1055
PUB DATE	95
NOTE	64p.; Serial No. J-103-54.
AVAILABLE FROM	U.S. Government Printing Office, Superintendent of Documents, Congressional Sales Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	*At Risk Persons; Child Abuse; *Delinquency; Drug Abuse; *Government Role; Intervention; *Juvenile Gangs; Prevention; *Resource Allocation; Social Services; *Violence; Youth Programs
IDENTIFIERS	Congress 103rd; *Maine

ABSTRACT

Evidence was gathered from those involved with at-risk children and juvenile offenders in Maine on how the Federal Government can best help states and communities battle juvenile crime. The kinds of prevention and intervention programs that work were considered, with the allocation of public resources an underlying concern. Panels of educators, social service providers, youth workers, community representatives, and young people in the process of turning their lives around made it clear that simply holding youthful offenders accountable for crimes is not enough. Governments need to work to eliminate domestic violence, child abuse and neglect, and drug abuse. Programs must improve the self-esteem of young participants. Mothers and fathers must be held accountable for their children's well-being, and when they ask for help, they should receive it. Although the overall incidence of youth crime in Maine has remained relatively stable when compared to other parts of the country, there is widespread agreement that there has been a proliferation of juvenile crime. Lessons taught by the citizens of Maine have national implications. (SLD)

S. HRG. 103-1055

MAINE KIDS AT RISK: JUVENILE VIOLENCE AND CRIME

HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

A HEARING TO DETERMINE STRATEGIES TO COMBAT JUVENILE VIOLENCE AND CRIME IN THE STATE OF MAINE

PORTLAND, ME

APRIL 8, 1994

Serial No. J-103-54

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
93-766cc WASHINGTON : 1995

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-047666-6

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MAINE KIDS AT RISK: JUVENILE VIOLENCE AND CRIME

FRIDAY, APRIL 8, 1994

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Portland, ME.

The committee met, pursuant to notice at 9 a.m., in the City Council Chamber, Portland City Hall, Portland, ME, Hon. William S. Cohen presiding.

OPENING STATEMENT OF HON. WILLIAM S. COHEN, A U.S. SENATOR FROM THE STATE OF MAINE

Senator COHEN. The meeting will come to order. Ladies and gentlemen, welcome to the hearing on juvenile justice. The subcommittee on the Senate Judiciary Committee itself has authorized the holding of this meeting.

Let me begin by saying in 1992, a young man named Henry James was released from a juvenile detention facility for Washington, DC's serious youth offenders. Less than 1 month later, he callously told his friends he felt like killing someone, and then he shot a woman while he was driving on the Anacostia Freeway. During his sentencing, which was a life sentence, he clapped in front of the court audience.

That same year, in Indiana, 18-year-old Mary Tackett participated in the kidnaping of 12-year-old Shanda Sharer. The little girl was driven to a field where she was burned alive. On the way to the field, the killer stopped to do some errands.

Mary Tackett's cold blooded brutality and Henry James' total lack of remorse illustrate a basic fear of the American public about juvenile crime—that increasing numbers of our youth either do not know or do not care about the distinction between right and wrong.

Victims of violence don't care whether their attacker is a juvenile or an adult. They don't care whether their attackers have been properly socialized or had troubled childhoods. Understandably, they only care that they have been victimized. Nationally, more than 100,000 people were victimized by violent juvenile crime in 1992.

Like every State in the Nation, Maine has kids who commit brutal and vicious crimes. For example, the 14-year-old girl from Old Orchard who in 1992 stabbed her great aunt more than 100 times and the 15-year-old Saco boy who killed a man by hitting him with a baseball bat, and more recently, the Auburn boy who stabbed another boy following a food fight at the Walton School.

Fortunately, the overall incidence of youth crime in Maine has remained relatively stable when compared to the national statistics. Yet as in other parts of the country, there is widespread agreement that children in Maine have become more violent and are committing more serious violent offenses at younger ages than ever before.

Another aspect of juvenile crime that has begun to infiltrate Maine is the problem of juvenile gangs. While the public and the media focus on gangs has been largely confined to our larger urban areas, the reality is the gangs have moved into a number of smaller cities and rural communities. Our State's largest city, Portland, and its surrounding communities have experienced home invasions from Asian gangs, the hate and brutality of white supremacist gangs, and the threats and intimidation of Street gangs.

Maine's criminal justice system, like that of the Nation, is at a dangerous crossroads—the intersection between an explosion in violent crime and a generation of young people, too many of whom have grown up without significant moral purpose or parental guidance. The good news is that in States such as Maine, we have a window of opportunity to act quickly to prevent juvenile crime from reaching proportions of New York, Los Angeles, or Washington, DC, or the hundreds of other cities struggling to deal with an epidemic of youth violence.

In preventing and controlling juvenile crime, we are confronted with two critical tasks. The first is the immediate need to make our streets, schools and communities safer. Increasingly, both the victims and the perpetrators of violence are our children. Imposing tough and certain punishments on youthful offenders whose violent behavior poses a serious threat to other children and to the community is absolutely essential.

We have to impress upon them and others that this behavior is not going to be tolerated by society. It also requires that before we allow serious offenders to return to their communities, we enable them to make positive choices so they won't feel compelled to continue to commit crimes.

Treatment the same time, we have to recognize that kids who must be incarcerated because their behavior poses a serious threat to the community represent a small minority of juvenile delinquents. Nationally, the experts estimate that about—less actually than 10 percent of youthful offenders are responsible for the most serious and violent juvenile crimes. In Maine, that figure is even more traumatic. In 1992, for example, less than 2 percent of those children arrested were accused of the most serious crimes of murder, rape, robbery and aggravated assault.

These statistics highlight the second critical task of the juvenile justice system which is to effectively respond to the needs of the remaining 90 percent of the country's delinquent youth and other at-risk children. This involves successfully preventing at-risk children from becoming tomorrow's generation of career felons and intervening early in the lives of those who have committed minor offenses so they don't go on to commit more serious crimes. Early intervention and preventative services, such as counseling, vocational training and drug treatment, in the lives of troubled kids are

critically important. A youth should not have to become a violent or chronic offender before society takes action.

The juvenile justice system, unlike the adult system, is not designed and driven solely to determine guilt or innocence. Assessing and responding to a child's needs are just as important to the mission of juvenile justice as is determining culpability. Similarly, when a juvenile has admitted responsibility for a crime, the outcome is not intended to be a simple choice between prison and parole. Ideally, I say ideally, a juvenile justice system should provide a wide array of alternatives for dealing with youthful offenders.

Reality is something quite different however. States and communities don't always provide the juvenile courts and correctional staffs with a broad range of program and sentencing options such as drug counseling or vocational training or victim-offender mediation services. In fact, the courts, too often, have only two practical options: Commit these young people to training schools like the Maine Youth Center or a meaningless slap on the wrist.

One purpose of this hearing is to gather evidence from those involved with at-risk children and juvenile offenders on a daily basis as to how the Federal Government can best help States and communities combat juvenile crime. We need to learn what kinds of enforcement and correction programs work well, what kinds of prevention and intervention programs have been successful, and where sources ought to be allocated. We can't afford to allow another generation of serious chronic and violent offenders drain the economic resources and the spiritual energy of this country.

But I might point out it's not enough to simply hold youthful offenders accountable for their serious crimes, we have to do that. It's not enough to support tough measures aimed at protecting the communities from violent crime, we have to do that as well. We also have to eliminate domestic violence, child abuse and neglect. We have to help our children not to abuse drugs and alcohol. We have to support programs designed to improve our young people's self-esteem. We must demand that mothers and fathers do right by their children, and when parents ask for help, their communities should be there to help them before the problem becomes a crisis.

Given the budget constraints requiring the wise allocation of limited Federal dollars and the disastrous long-term consequences for our children and society if we fail, we have to make informed, intelligent decisions on who we target and what programs we fund. As a society, we simply can't afford to give up on these children. Many of the juveniles can be saved from a life of crime, from a life of drugs, from a life of violence. They can and they should be helped. And today's witnesses, I hope, are going to provide some insight into these issues which will help me and the other Members of the Senate become more informed when devising policies that affect our juvenile justice system.

Before I begin with the introduction of our witnesses in the first panel, I want to welcome John Atwood, the commissioner of the Maine Department of Public Safety who will not be testifying this morning, but I want to indicate to all of you who are here that he has been very, very helpful to me. He testified on the hearing we held on violence against women and he also testified on the permanent subcommittee investigations hearing that Senator Nunn and

I conducted here in this chamber back in 1990 on drugs and violence that is spreading throughout our country. So I want to welcome you, John, and thank you for all that you've done for us in the past.

Now our first panel of witnesses is comprised of several remarkable young people who have managed to turn themselves from youthful offenders into responsible and productive young men and women. They have some compelling stories to tell. These stories about how three troubled teens transferred themselves from Maine's liabilities into Maine's assets.

Our first panelist is Jill Polley of Lewiston. Jill has a long history of involvement in the juvenile justice system starting at the age of 12 when she was arrested for arson, sentenced to the Maine Youth Center. She has turned her life around. She will graduate high school this year and is a certified nurse assistant. She's also been appointed by the Governor to serve as a member of Maine's Juvenile Justice Advisory Group. So we welcome you, Jill.

David McDermott, the director of the Day One Program at the Maine Youth Center is also accompanying Jill. The Day One Program provided substance abuse treatment and counseling to Jill at the youth center. Ms. Polley, Mr. McDermott, I thank both of you again for agreeing to testify here this morning.

Ken Sargent is a resident of my hometown of Bangor. He has a long history of serious criminal behavior starting as early as the age of 12. It was not until the age of 16, however, that he was first arrested and committed to the Maine Youth Center. Less than 2 years later, I think he is happy and doing pretty well in school. Next year, he is going to be attending college. Ken is accompanied by Dan Boisot, director of the Hayden unit at the Maine Youth Center. For the past 1½ years, Mr. Boisot has worked with Ken to help him turn his life around as well. Mr. Sargent, Mr. Boisot, I thank you for coming.

And also joining us are Fred Rolfe III, and his father, Fred Rolfe, Jr., both of whom live in Otisfield. When Fred was 16, he left home after his parents confronted him about substance abuse problems. Without parental supervision, under the destructive influence of drugs, he wound up at the Maine Youth Center. Fred's story at the youth center is one of personal success. I think he ought to be very proud of his accomplishments. And his story is also compelling because in his case, the juvenile justice system helped to reunite a family. I thank both of you for coming forward, you and Mr. Rolfe, Jr., who will be testifying in a moment.

I would suggest we begin with you, Jill. Perhaps you could tell the committee—tell me serving as the committee exactly what has taken place with your life.

PANEL CONSISTING OF JILL POLLEY, LEWISTON, ME; DAVID McDERMOTT, DIRECTOR OF THE DAY ONE PROGRAM, MAINE YOUTH CENTER; KENNETH SARGENT, BANGOR, ME; L. DANIEL BOISOT, DIRECTOR, HAYDEN TREATMENT UNIT, MAINE YOUTH CENTER; FRED E. ROLFE III, OTISFIELD, ME; FRED E. ROLFE, JR., OTISFIELD, ME

STATEMENT OF JILL POLLEY

Ms. POLLEY. OK; when I was 12 years old, I was committed to the Maine Youth Center for arson.

Senator COHEN. You want to speak right into the microphone. These—we want to hear you.

Ms. POLLEY. And I bounced in and out of there for 6 years for stealing and fighting and skipping school. Every time I would leave, I would have nothing, I would come out—I would still be a drug addict and I was still a criminal. I had learned more crimes. So I would just come out and go right back in.

I feel there was a lack of services in the youth center. I was committed there for arson which is a very serious crime and never once in my 6 years did I talk to one person about that. After about 4 years, I started getting drug therapy, dealing with counselors for my drug abuse. I was addicted to crack.

I didn't learn anything. It was like if I was in there, I had to follow the rules and I can leave. I didn't get rehabilitated whatsoever. I went to four rehabs, drug rehabs, the last one worked. I think that if there could be something like an alternative to the Maine Youth Center for young children, 10, 11, 12 years old, then that should be in the community, something helping them, I guess.

There's an after—when I was released 2 years ago from the youth center, I entered the Day One Aftercare Program and that helped me a lot, but I kind of think it's too bad that it took all of my teenage years to become involved in this and get my life back on track. I mean I grew up there, that was my home. I had a good family, I just got involved in the wrong things.

I think there really needs to be more community based services for children that become involved. Like petty theft or something, I think there should be something for them, like some kind of program rather than just sending them to the youth center.

Because in the youth center, I learned how to be a criminal, I learned how to rob a house and not get caught, I learned how to steal a car and not get caught. You know, you have prostitutes in there, I learned how people prostitute. I learned a lot. I learned about drugs. When I got out, I used what I learned and I committed more crimes repeatedly.

I don't know, I think there should be alternatives to the youth center. If someone commits a serious crime, then we need to pay—we need to be held responsible, but we also are the future, and if you are just throwing us in jail, we are not going to amount to anything. It's very hard.

Once you are involved, it is so hard to get out. And I think there should be stuff to help us because we are young and we can be saved. And I know that I'm doing fine now and it was because of help, but it took me 6 years to get that help.

Senator COHEN. I'm going to have a series of questions to ask the entire panel, but I will include—is that the end of your statement?

Ms. POLLEY. Yes.

Senator COHEN. OK; I will move on, Jill, and go next to Ken Sargent, and then I will come back and ask a series of questions, Ken.

STATEMENT OF KENNETH SARGENT

Mr. SARGENT. Good morning, ladies and gentlemen. My name is Kenneth Sargent. I'm 18 years old.

Senator COHEN. Ken, you want to speak right into that mic?

Mr. SARGENT. Yes; I was born in Coleen, TX, in 1975. I moved to Maine in 1976. My mother died in April, 1977, in a car accident traveling between Blue Hill and Ellsworth. After the car accident, I moved in with my grandparents and I was bounced back and forth between my grandparents and my aunt. My father got remarried. My stepmother wanted to come over and pick me up, but he didn't want to. They fought about it for awhile and they came and got me.

They divorced off and on, and in 1978, my sister was born. Both my sister and I grew up with family violence. The violence occurred between my father and my stepmother. In 1980, my stepmother and father divorced again. My father went to jail because he had problems. We went to visit him off and on. We actually had no feelings about it because we didn't know how to feel, we were too young. We thought if there was no violence in the house, if our father was not in the house, then he was the main source of the problem.

I first got into trouble with stealing when I was 8 years old and living in Ellsworth. I went to the corner store with my stepmother and put a candy bar in my pocket. When we reached the vehicle, I pulled it out of my pocket and she made me go back and apologize to the owner.

When I was 11 and attending Bryant E. Moore School in Ellsworth, my sixth-grade year, I went over to Snow's Market across the street from the school to buy junk food and my lunch. While I was there, I put a soda underneath my sweatshirt and got caught for it. The person who was working there at the time called my parents and he called the police. The owner of the store took me to court for the theft of a soda. I received 6 months probation. Two to three weeks after, I went to court with my mother and sister and I moved to York Beach, ME. I never saw my probation officer after that.

While I was in York, ME, during my seventh grade year, I went through school getting into fights and also getting suspended. Then in my 8th grade year, at the beginning, I got into a major fight. This person called my sister and mother a whore. I then said, let's go, I pushed him and started in. Ten to twenty minutes went by, then my friends showed up and pulled me off him and told me that if I were to keep hitting him for another 5 minutes, then I would have killed him. The kid then took it to school and brought it up to the principal. Then they took precaution and watched me.

That afternoon, a friend and I started wrestling by throwing one another up against the fence by the tennis courts. The teacher came and grabbed both of us by the throats. I then drew back and

punched him. I did that because I couldn't breathe very well at all. After the incident, I was expelled and could not attend the middle school anymore. My stepmother waited until Christmas to have me move over to my father's in Bangor.

When I moved to my father's on Christmas morning, I was 13 years old. When I lived in Bangor, the first 4 to 6 months, we got along fine. During my eighth grade year, I beat up one of my friends. Back then, I didn't treat him as a friend, and when I look back onto that, I regret it. He never did anything to me, he was just there when I was angry.

Also, when I was living with my father, I started attending Fifth Street Middle School. I was walking home and I got into a fight with a kid from Garland Street Middle School. During the spring, while attending Fifth Street, a few friends and I went down to the warehouse under the highway in Bangor to hang out. Ten to twenty guys dressed in blue showed up and ripped our red shirts off our back and said do you want in, we said yes, and then ever since then, I've been part of a gang.

When I was 17 years old, I got together with a cousin and he taught me a few things about stealing cars and how to leave without a trace. I learned quite fast. After 1 or 2 weeks, one of my cousin's friends came over looking for me when I was across the street doing drugs with a few of my friends. He came over and asked me to come and steal cars with him. I told him to wait until tonight midnight. Both of us left our friend's house and stole a car and drove around until 6 or 6:30 a.m.

Then after that, I drove a car—the car into a huge set of bushes. I drove it all week. Then Saturday, August 25, 1992, both my friend and I went to Argyl to visit his parents. As we were out there, his friend told us if—his father—excuse me—told us if we would go to Old Town and steal as many tools as we can and return, we would get his truck.

As we were in Old Town, I was checking out this new 1992 Chevy pickup truck and the keys were in it. We pushed it out of the driveway and I drove the truck and he drove the car. As we were going back to his father's house, a State trooper was behind us and we went and turned around so we would have the long way if he was going to try to pull us over.

We reached the 7-mile stretch to his father's house and we switched vehicles so that I was driving the car. We wanted to race all the way to his father's house. We got to the second corner going at least 80 miles an hour, my friend lost control and totaled the truck and he lost his life. I went into the hospital for almost a week, then I went home.

A few weeks later, I went and stole another car. I went down Main Street toward Bucksport to kill myself. I then stopped at a parking lot in Bangor to calm down because I was very nervous. I then looked up and 8 to 10 police cars showed up, the officers pulled their guns and pointed them at me. I got arrested, went to the police station, did the proper procedures. I had an in-house arrest and waited for my court date. I went to court and pleaded guilty to four thefts of a motor vehicle and four burglaries to a motor vehicle. They dropped the four thefts.

After that, the courts put me into a juvenile jail diversion home. While I was there, I smoked cigarettes and lit matches and put them on my arm. After a few weeks of school, I punched a brick wall and sprained my hand. When the foster family took me to the hospital, the police were waiting for me. I went to the county jail waiting for court, then went to the Maine Youth Center to start my sentence.

While I was in the youth center, I was trying to commit suicide by swallowing a strip of metal that came from the—the wrist brace. After staying a long time in the youth center intensive care unit, I went into a program in the Hayden Unit. I was in the Hayden Program for about 6 to 7 months. In the beginning, I didn't care about myself or what happened to me. I was feeling like I was waiting for someone to push my buttons, and when they did, I would use it against them and try to hurt them.

After awhile of doing what I should have been doing, I got used to the program and did the program. At the beginning of the summer, I was introduced to this program, Community-Based Corrections. I was very excited to be out of the youth center. I came into this program which is a branch between the Department of Corrections and the Department of Human Services. I have had two problems which were minor and I have loved being here in this program ever since.

Here are my concerns and feelings about a couple of issues: The court system, I feel that if the courts were to give a juvenile in-house arrests or jail diversion, then all they're asking for is trouble. The juveniles will turn right around after someone has turned their backs on him or her, then they will break the rules or break the law. I honestly think that the courts should hold the juvenile until their later court date or have a more structural home to allow these kids to have a safe and healthy environment.

The program and what it means to me: This program has changed my ways of thinking towards others. It has also changed the way—how I used to act towards others around me. This program made me face reality and face my fears and dislikes in the face. I bet if I were to take the worst person off the streets and away from criminality and put him or her through this program, then he or she would not be the same or think the same. They would have learned better values than the ones they have learned from their parents.

I honestly think that this program, Community-Based Corrections, should go nationwide in order to help keep kids off the streets and away from criminal life which was based on the values from their parents and family members around them. I would like to say the people who have helped me to the point I am now is Dan Boisot, Phil and Lynn Merletti and James Erwin. I thank you once again.

Senator COHEN. OK; Mr. Sargent. Fred Rolfe III.

STATEMENT OF FRED E. ROLFE III

Mr. ROLFE. I would like to say thanks for allowing me this opportunity to come and give my opinions. Let's see, January, 1993, last year, I moved away from my home. I got into drugs. I was in and out of drugs my whole high school—while I was in high school. My

father come home one night and he found some—he went through my room and he found alcohol and cigarettes and a bunch of other stuff in my room.

And at the time, I had been kind of doing a little bit of partying and I kind of wanted to move out of my house to kind of explore, I guess, that avenue. I used that as an excuse and I left home. Between that and April, I was—I wasn't really going to school too much, I was doing more partying than anything. I got expelled from school in April 1993 for selling drugs in school.

I went to a rehab for a week and then I kind of got out of that and it didn't do me really any good. From there, I moved to New Hampshire and I thought I might be able to start over, stay clean from drugs. I thought at the time I was off from drugs for 2 weeks while I was in New Hampshire and I started right back on drugs.

In July 1993, I came back to Maine, I guess I was a little homesick. I was still doing drugs. I wasn't doing anything really like hard or anything, but I was using daily. I hadn't really done many crimes at this time. I came back to Maine and I went and got a job from a—I was friends with a school teacher at the time and he used to kind of condone things that I would do, like he always dropped little hints for me to kind of—he wanted me to move away from home and he condoned me doing drugs and alcohol.

He was a substitute school teacher. He used to buy alcohol for some of us and, I don't know, he was kind of a role model for me at the time. I pictured him as a role model. He got me an apartment, he helped me get an apartment. I got a job working for him. Right when I came back into Maine in July, I instantly started hanging out with the totally wrong crowd, it was drug addicts, people who did crimes, kids who did crimes.

I got heavier into drugs. The apartment that I was in was just a total party scene. It was pretty disgusting, I guess. We got kicked out of there. And I got a car. I started living out of a car and I was just—I don't know, I was getting heavier into drugs. At this time, I started——

Senator COHEN. How did you get the car?

Mr. ROLFE. Substitute teacher. This substitute teacher used to give me quite a bit of money. He bought me a car. I never had my license, I actually owned two cars in this amount of time, both of which he bought.

All right. I was getting heavier into drugs, and at this time, I started doing crimes, mostly burglaries, along that lines, started going to Grateful Dead concerts, stuff like that. I was enjoying it, I guess. Then on November 29, I think, I got caught burglarizing a home. I got caught in the middle of the burglary and I was sent to the Maine Youth Center.

Senator COHEN. Were you alone at the time?

Mr. ROLFE. No, I was with another friend of mine and the substitute teacher. He was bringing me—he brought me up to this place in Franklin County and rented me a hotel room for the night. He knew what we were doing. And then he went back home. He made plans to come pick us back up the next night after we burglarized the home.

And—and then I was sent to the Maine Youth Center. When I first got in the Maine Youth Center, I was in Cottage 1. And while

I was in Cottage 1, it wasn't really—it didn't help me at all. I still had the same views on life. I was planning on getting back out and getting right back into the drugs and I was all mad because I was sent to the youth center. I didn't think I was going to get committed.

Cottage 1 has no program at all. You just kind of sit around and do nothing. And I don't really think that's very good on the—on the part of—I think there should be a program in Cottage 1 because a lot of kids, they go into Cottage 1, then they get released, a lot of them ain't committed. And I think that there ought to be some kind of program in Cottage 1 that just kind of lets kids know what's going on, you know.

I got committed January 6, when I went to court. I didn't think I was going to get committed. I went to Cottage 3, it's a drug rehab clinic—well, cottage. When I first went in, I was a little—I really didn't know what I was doing. Cottage 3 has a Day One Program. And I went into the cottage and I really admitted, you know, after 1 or 2 weeks, you know, I admitted that I had a problem and I went up and I started doing a lot of counseling with the one-to-one counselors. They helped me out a lot.

I think I was rather fortunate being put in Cottage 3 because it actually has, you know, a fairly structured program and not all the cottages have programs. And I think—I know that the State is cutting back on a lot of programs just because they ain't got enough money. And I think maybe if more—if somehow the State could not—could cut back on other things, that a lot of us kids aren't very well educated, you know, at what drugs do to us, sometimes they say we are, but I think that's more short term.

I got into—when I got into drugs, I didn't really think about the long-term effects it would have on me. I thought about, geez, this is great, I'm getting high, and it got to the point where I was using everyday. And I think drugs—I think drugs is what caused me—I know it's what caused me to do all my crimes. Having the chemicals in me everyday, I just—I didn't really care about anyone, I didn't care about my parents, I just didn't care about anyone.

So I guess drugs was my main problem and I'm fortunate for the Day One Program, they helped me out a lot. I went in and I faced up to my issues and then I started learning how to deal with them. It took family counseling with Steve Farrell at the Maine Youth Center, he is also in the Day One Program, so that when I went back home, my family—we could reunite the family.

And now I'm released and I'm doing good and I got back into school. And I just—I got one other thing. I know that the—also in the adult system, they're cutting back on a lot of programs in the adult system. Just before I got released last Thursday—I just got released from the Maine Youth Center last Thursday—I had to go to court the Monday before. And I was talking with an officer in the Oxford County Jail and he said they don't have any programs up in the county jail anymore.

And I got a couple kids that I used—most of the kids I used to hang out with are now in jail and a couple of them are up there. And I know that some of them are going to get out soon, and when they get out, they're going to fall right back into the same trap that we were in at the time.

And it's because they ain't got no help, you know, they ain't getting no guidance, they're going up to jail and they're serving their time. And if they don't have any—you know, if they don't have people trying to help them out, educate them, tell them what to do, just because they're serving jail time doesn't mean it's going to rehabilitate them. I mean—I don't know, I just think that the State should cut back maybe on other things, if they could, I don't know. But that's what I have to say and I would like to thank you once again.

Senator COHEN. Thank you, Mr. Rolfe. Mr. Rolfe, Jr.

STATEMENT OF FRED E. ROLFE, JR.

Mr. ROLFE, JR. Senator Cohen, the verbal statement that I'm going to present to you today is in essence a synopsis of the written statement that I provided you. The statement is indicative of my experience with the juvenile justice system. I hope it helps. In preparing for this, I had no idea how to start, so I went to the dictionary and I looked up juvenile, I looked up justice, and tried to come up with what the juvenile justice system really should be all about.

In going to the dictionary, I learned that the administration of law, the use of authority to uphold what is just, fair or right as it pertains to young persons is what the juvenile justice system—excuse me—system really should be. And I feel that the administration of law begins in the home. It begins in teaching children respect for authority and respect for the rights of others.

If children are not taught that respect, then the first step is taken toward juvenile delinquency, which is antisocial behavior, it's illegal activity, and it's that activity in regards to minors when we are talking about the juveniles. That stuff starts to happen before they even step out the front door if they are not taught that respect.

The liberal media and the liberal side of society today have taken the first step in undermining the respect for authority and others' rights that children are taught in the home by promoting the insistence of having it your way. They infringe upon others' rights. They are being taught by the liberal media my rights come first, I'm number one irregardless of whether I hurt you or I hurt others. And I think that that's wrong.

Then when a child does leave the house or the home to go to school or whatever, if he or she should run into an authority figure who is running amuck of respectful in-home teaching, the youth is easily swayed to go the wrong way because they have first been taught by most parents to respect authority and then have been taught by the media and liberal society to do their own thing. It's a mixed message.

And now here's an authority figure, when they get out there, they get out there, they run into an authority figure who's running amuck, and here's this authority figure that they're supposed to be able to listen to for guidance and follow for leadership. This authority figure is telling them and leading them to behave in an antisocial and many times illegal way. No wonder juvenile delinquency is up.

When parents approach school officials, law enforcement authorities for help in dealing with deviates, it is absolutely imperative

that those officials and authorities have the sense to listen, the training to know or search out, and the resources to deal with deviates and help the youth and parents. No one knows these kids like their parents, absolutely no one. It is vitally important that these people listen to parents. I know my son. I knew my son, I knew he was in trouble, nobody listened.

Juvenile justice must be administered on four levels in my opinion and that is in order for us to enjoy a sane and stable society. It must be administered in the home. We have got to teach the kids respect. We have got to teach them respect for authority, we have to teach them that other people have rights and other people's rights are just as important as their own personal rights.

It has to be carried out in the schools. There has to be fairness and equality in the schools. Students have to be dealt with appropriately when they break the rules. And schools have got to take the time to listen to parents who are concerned, parents who know the kids. Local law enforcement and the judicial system, again, have got to listen to the parents.

In my own particular case, when Fred got in trouble, I talked to some local authorities that actually told me that they told my son, this is no big deal, so you sold drugs, don't worry about it, you won't even go to court on this. That's nuts. If they had scared the pants off this boy way back when he first did those things, he may never have had to go into the Maine Youth Center, he may never have had to cause the taxpayers literally thousands of dollars. I think it could have been stopped.

Juvenile justice has to be administered within the system of incarceration at times. Again, when that's done, I think it's important that those systems, those counselors, the staff members listen to parents. They know the kids. Each of the four levels must support and teach respect for one another, but it's vital that the higher levels of societal authority teach respect and support for the lower levels. They are not doing that.

When there are deviates within the ranks of higher levels of societal authority, they must be weeded out as quickly as possible and dealt with severely. They are adults, they should be held accountable for their actions. They shouldn't be able to look at a 14-, 15-, 16-year-old youth and say he's the problem when they are leading him astray.

Whether they're a school official, staffer, a corrupt police officer, judge, clergy or politician, these people are in positions that allow them to easily sway multitudes of people, particularly multitudes of youth. And I think we need to deal with them. That's in essence my experience with the system.

I would certainly like to see the system first of all recognize that every child out there is at risk. I have read a lot of things that point out that you have to pay particular attention to children who are at risk. Every one of them are at risk, and if we don't give them all our attention and recognize that, the one that you least expect to be involved in crime is going to be there, I know. Thanks very much.

Senator COHEN. Thank you, Mr. Rolfe, very much. Mr. Boisot.

STATEMENT OF L. DANIEL BOISOT

Mr. BOISOT. Thank you, Senator. I too am going to attempt to summarize what I have previously submitted for review. Just for basic informational purposes, the role of the Maine Youth Center is that the Maine Youth Center is the only facility in this State which is designed to hold youths who have been adjudicated for violation of law.

Within the Hayden Treatment Unit which I run, we have programs to deal with the emotionally and psychiatrically disturbed, and in addition, for the past 3 years, through some very significant cooperation between human services and corrections, we also oversee a program that we have entitled the Community-Based Correctional Program, which Ken is a representative of its outcomes.

The children who go in this program have been at the youth center, have been through the Hayden Treatment Unit, and have shown growth and development sufficiently enough to allow them to return to the community. This program is of specific import to the taxpayer in this State because the kind of children we placed traditionally, the State has sent out of State at the sums of between $200,000 and $400,000 per year. These children's treatment out of State is extremely expensive, and lacking that, remaining in the State, they, of course, remain a severe danger to themselves and to the community at large.

It should be noted that since the inception of this program, we have placed better than a dozen children. No child has committed a new crime. No child has committed a new offense against themselves or others and no child has committed any harm to themselves or others during their time in this program.

The major focus of the program, I believe, that allows us to be successful is our ability to intervene and assist the foster parent family. We are the only system within this State that can, in fact, control and incarcerate against the wishes of the juvenile. We use this particular ability to work with the foster family and the child, and when it is necessary, we have, in fact, gone to the home, brought the child back and reincarcerated the child.

The purpose of this reincarceration, however, is not for punishment. It is not to simply put them back in the slammer. It is the purpose to gain their attention, solve the issues, and within 14 days or less—incidentally, it has never taken more than 6—return the child to the home in order that they can continue.

This is a major factor because in most circumstances, when a child blows out of a foster home, he is out or she's out, then they go on what we laughingly call the shelter shuffle or back to us. The problem with the juvenile system is a simple one: Underfunding, overuse, and frankly, in too many circumstances, an absolute failure of the community of judges, and of courts to hold the child accountable immediately.

It never ceases to amaze me to read a file of a child who has committed literally dozens of felonies before they ever come to us. As Ken said earlier, every extra chance is another explanation to the child there's no consequence, go ahead, son, don't worry about it, we understand you are a victim. That's not healthy.

Second part also with our system is that we do not quickly enough deal with the violent offender. As you mentioned earlier, vi-

olence is severe. This system must become a system whereby the violent assault of a dangerous youth is dealt with on his 1st offense, not his 8th or 10th. These people are destructive to themselves and thoroughly dangerous to the community at large. And we simply defeat ourselves and our system by not handling them immediately.

In addition, it is absolutely clear that the family structure is as guilty as the child. I have never met a child who in some way, shape or form has not had some problem in the home that someone has failed to deal with. Now I by no means State that the parent becomes totally responsible, but sometimes the parent needs to become more responsible and do the turning in themselves, stop it themselves, rather than trying to aid when they have lost their ability to control the child.

It is absolutely necessary that the family in the most part becomes responsible financially. Sadly, I can say that many families—and this may be difficult for some people to believe—are absolutely thrilled when their child gets to the youth center because they don't have to deal with them anymore, they don't have to see the person. They don't come to visit, they don't come down for family work, they're thrilled the child is gone. Then when the child goes back home, once again, nothing has changed.

The Human Services Department has a schedule of funding which they use in divorce matters that determines the ability of a family member to pay child support. I would suggest that that mechanism be applied in the juvenile court so that the family not only participates in treatment, but they participate in the cost. There should be no free lunch and there often is.

The role of the Federal Government in this whole process is financial assistance. The cost of such treatment is enormous and it is necessary for the Federal Government to support these kinds of operations. However, I want to make it absolutely clear that funding should not be done via current ruses being used by State governments by accessing Federal Medicaid funding.

Criminal misconduct is not mental health misconduct. Criminal misconduct is not educational misconduct. These funding streams are being abused daily in terms of the application of those moneys to manage antisocial criminal misconduct. The educational process through special education funding has decimated by those whose behaviors are antisocial and criminal and have absolutely nothing to do with education, but they become identified for the purposes of funding and those that need those fundings then are denied the necessary help.

The mental health system is also severely abused because it is a wonderful way to excuse culpability. Thus, funding streams need to be developed specifically for the juvenile justice system. I would sum up the problems of the system as follows: Lack of accountability and placement of culpability upon the actor. Far too often the criminal is seen as a victim. Our systems have been developed over the past 20 years to deal with this victimization when, in fact, the victims are you and I, the taxpayers and other citizens.

The misuse and abuse of educational funding formulas to manage criminal conduct rather than educational disability is a problem. Misuse of Medicaid. I'm sure you are aware that 2½ years

ago, Medicaid was attempted to be used to replace the youth center.

A short editorial comment to the comment about the problems at the youth center. We are 2½ million dollars shorter than we were 2 years ago, 52 positions less, 3 programs have been closed, and we are running the average daily count 90 above what we were running 2 years ago when we were found to be unnecessary. The absolute abuse of the mental health system must be avoided and wholly inadequate funding for juvenile corrections from the community to the institution and back, needs to be rectified.

Finally, although the American public has been brought to believe over the past 200 and some years that we are invincible, we are infallible, we can fix anything, the fact of the matter is there are those certain individuals in our society who can never be successfully maintained outside of a secure setting. Thus, I believe that the Federal Government must develop long-term humane secure management sites for these types of people in order to protect the rest of the society from their predation.

Thus, on a national regional level, as has been considered for the adult system, juvenile detention facilities should be developed and standards of confinement to maintain these highly antisocial and dangerous youths regardless of age and sex should be developed. Thank you, sir.

Senator COHEN. Thank you very much, Mr. Boisot. Mr. McDermott.

STATEMENT OF DAVID McDERMOTT

Mr. MCDERMOTT. Thank you, Senator. I want to thank you for your interest and the opportunity today. By background, Day One as a nonprofit agency has been providing Substance Abuse Treatment services at the Maine Youth Center for 11 years. In October of 1991, we were awarded a grant—we were awarded a grant from the Federal Center for Substance Abuse treatment to develop a model program for national replication.

Our task is to expand substance abuse treatment services at the Maine Youth Center and to develop case management services for youth when they're released from the Maine Youth Center. We have, in fact, already received national recognition for our efforts in these areas. Studies indicate that between 70 and 95 percent of youth in the juvenile justice system have used alcohol or other drugs. Our assessments indicate that 77 percent of all youth committed to the Maine Youth Center abuse drugs.

Alcohol is the drug of choice for most of these young people, marijuana is a close second. Most of these young people are probably drug abusers. Substance abuse is one of the prime indicators of future criminal activity, in other words, unless substance abuse is treated, young people at risk are more likely to commit additional crimes.

It is very nice to sit up here at the table today with some people who have benefited from some of the programs that exist, but there are many, many people that do not make it through the system, and in fairness to them, I would like to address a few of the weaknesses that I perceive in the system.

First of all, I believe that the juvenile justice system, the goal of it, the objective should be to improve community safety and save tax dollars by preventing offenders from continuing to commit crime and thus reducing the need for incarceration. A minority of those youth, and I think you mentioned this earlier, Senator, that actually enter the juvenile justice system cause a disproportionate number of the crimes. It is important for us to divert the low-risk youth and concentrate treatment services on the high-risk offenders.

In Maine, too many young people are being incarcerated. I believe this is because we have inadequate risk and needs assessments at the point of first contact with the system and we do not have a coordinated system of case management and treatment services to allow for a significant diversion in the community. Too often, young people move through the system based not on their true risk to the community or response to a treatment plan, but instead based on the availability of community resources.

Also in Maine, and I believe this to be a national dilemma, we can't seem to decide if we want to rehabilitate our youth or simply punish them or maybe just save some money. In a recent conference—national conference on crime and drugs, I heard representatives of the Bureau of Justice Assistance say that they would soon have more money for programs that they already know won't work, that is, boot camps.

They suggested applicants be creative in their proposals to include treatment and not just the in your face confrontation that seems to appease the get tough on crime hysteria. They also point out their frustration with the Department of Corrections staff nationwide who refuse to cooperate with treatment programs funded within their own departments. Philosophical differences, I believe, are the problem here. Treatment is seen as soft if you choose to ignore the fact that it actually works with this population.

Current national and international research indicates the treatment when used with appropriate sanctions, and I guess I need to make that clear, no one suggests that we don't hold people accountable, but there are appropriate sanctions short of incarceration, and if you apply treatment, the likelihood of high-risk offenders committing new crimes is reduced. On the other hand, incarceration, punishment, added supervision, and control and insistence demonstrate failure.

On the positive side, I want you to hear the treatment specific attributes of juvenile offenders, that is, substance abuse, family problems. And here again, the family is often perceived as the problem, or in many cases, the family is a solution to the problem if it's worked with properly, and school performance have proven to be effective in improving community safety and saving tax dollars by reducing the likelihood of future crime and the need for incarceration.

Day One will continue to network with other treatment providers, the Department of Corrections, including those at the Maine Youth Center who have been very supportive of our treatment program, the State office of substance abuse, and all of us with an interest in juvenile justice to develop a comprehensive service delivery system to these multineed youth.

Congress should demand accountability of all private and public programs. Clear objectives with measurable outcomes must be required. The center for substance abuse treatment is responding to just such a demand, and as a result, Day One is in the process of an evaluation that will provide outcome data by the end of our grant period. Youthful offenders are indeed a special population with many needs, but they're not a separate species.

As you see before you today, these young people and their parents are real people capable of change. I think we need less study of them and more attention to the system's prejudice and inability to provide meaningful sustained treatment. Thank you.

Senator COHEN. Thank you very much, Mr. McDermott. Ladies and gentlemen, I think you have seen a cross-section of opinion at least by those who are sitting at the table. We have three young people who have gone through some troubled times, but are in essence success stories. But I gathered from the testimony that the great majority of those of your colleagues and such are not success stories. This issue, I think, is of increasing importance to our society.

I just returned—as I was discussing with the panel in private before the hearing began, I was over in Malaysia and Singapore and there's an incident taking place in Singapore today which has reached the national consciousness on all the talk shows and call-in programs. It has to do with a young 18 year old who is about to be caned. And it's interesting to see the reaction of the American public. Apparently, quite a few people feel that that's an appropriate tool of discipline.

I will perhaps go into that in a moment and tell you some of the experiences I had while there, but I have known over the years that other societies have different values. Mr. Rolfe, I want to come back to what you said. In Singapore, for example, they say the highest social good is the common good. In other words, they have a pyramid of values. At the very top of that pyramid lies the social order, the common good, the commonweal, so to speak. The second in importance is the family structure. Third in importance and last is the individual.

We, of course, in this country sort of reverse that. We have placed the individual at the top in terms of individual rights and liberties, family perhaps second, and last seems to be the common good. No one is suggesting that we follow the example of other countries, but perhaps some medium balance has to be struck.

Mr. Rolfe, I was interested in listening to your statement about parents knowing their children. I'm not sure that's the case. I've heard time and time again—excuse me—time and time again, I have heard parents say I don't know my own son, I don't know my own daughter, where did I go wrong. How could you possibly, Mr. Fred Rolfe III, have taken up with drugs, you've got a good family structure, you have a wonderful mother and father, how did you happen to go off and start using drugs and when did your father first know about that? And did you know your son when he first started dealing with alcohol or drugs, Fred—Fred, Jr.? I was going to say Fred, Jr., but I'll say Fred, III, right here.

Mr. ROLFE. Let's see, I dabbled in and out of drugs all through high school. My freshman year, I got caught smoking. I was intoxi-

cated while on school grounds and I got suspended for 5 days for that. I stopped doing that. I stopped—that was my first experience doing drugs.

I stopped doing drugs for a time, then I started back up about almost exactly 1 year later with a different drug, I started doing speed. And I got caught doing that in school the very next year and I got suspended again for 5 days from school. So it was kind of a process, I guess, 1 year, it was this, and the next year, it was this. Then my junior year, I got expelled for selling speed in school. So he knew I was in and out of it all through my high school.

I think why, you know, I first experimented, why I started doing drugs, I think, was I was curious and I wanted to experiment. I wasn't very—I wasn't very—I wasn't educated at all about what drugs would do to me, mostly, I think, long term. I mean I kind of knew what drugs could do to me short term. I don't think—I don't think we are educated at all long term. I think that's something that needs to be worked on.

He didn't—my junior year, he didn't know if I was, you know, into drugs or not, that's why he went through my room. And when he finally did go through my room and he found it, he kind of wanted to bring up the issue, but I guess I blew it all out of proportion and I said, well, I ain't going to go through this again. And I—I wanted—I had been thinking about leaving and I used that as an excuse to leave my home so that I could go out and party.

Senator COHEN. Is it fair to say, Mr. Rolfe, Jr., that you became aware of your son's use of drugs by virtue of his being suspended from school or expelled?

Mr. ROLFE, JR. Initially, that's true. When we confronted him about drug use at the time that he left home, because I know my son, there was no question in my mind he was involved in drugs. I knew it. I didn't have the tangible evidence. But because I knew, I saw changes in his friends, changes in his behavior, I knew I had to snoop around. I did. That really ticked him off. He didn't like me going into his room and searching through his room looking for drug paraphernalia and so on and so forth. The bottom line, it's worked out OK. It was a tough, tough 9 months.

Senator COHEN. You said something important. You said all of our children are at risk, and they are, but some are more at risk than others. Fred, III, happened to come from a solid family, strong father figure. Other of those here did not do that. Mr. Sargent, I take it that one of the problems you had was you didn't have a solid family structure as such.

Mr. SARGENT. Yes.

Senator COHEN. And so he is probably more at risk than the general population, juvenile population. Jill Polley, you didn't talk much about the family structure, but what was the situation with your family?

Ms. POLLEY. Just my mother.

Senator COHEN. Just your mother. Your father was either not alive or just——

Ms. POLLEY. He is remarried and we don't really talk.

Senator COHEN. So we have a situation, I think, in which the family structure is really important, but even with a solid family structure, there is still a risk. Mr. Rolfe again pointed out some-

thing very important. There are other forces in our society which are constantly undermining respect for authority, for discipline, for concern about others.

We are going through areas right now in Washington, the role of TV violence in our society, how do we reconcile our belief in the freedom of expression under the first amendment and yet seek to control what is going over the airways and into the eyes and the minds and into the ears of our young children.

It is a very difficult thing for us to reconcile in a society which treasures the first amendment freedoms. And that's a debate that's going to continue to go on. So we have these outside forces of whether it is Beavis and Butthead or what we have been talking about or gangster rap. I sat on a hearing recently dealing with the subject of gangster rap. What does that mean? What is it doing to our society?

We have a whole community that's promoting violence against women, I mean real ugly violence directed toward women, and it's being plugged into the ears of our sons and daughters day after day and billions are being made over this. And the first thing you hear the moment you raise the issue is wait a minute, we have first amendment here, and you are trespassing upon a valued part of our Constitution.

So we have all of these conflicts in our society which seem to be at war or at least at odds with the need to maintain respect for authority, for discipline, for concern for others, for maintaining one's self-esteem, for understanding the nature of what happens when you get high.

You know, Fred, III, you said you didn't understand that. What we need to have in school is obviously a pretty healthy drug education program from first grade on. We have got to start teaching our young people that they're not immortal, that they cannot do things just because they're young without having long-term consequences.

And it seems, Mr. McDermott and Mr. Boisot, that you probably agree that drugs play a major role in the kind of sociopathic behavior that you've been called upon to deal with.

Mr. BOISOT. I believe we would agree that there's a major role. Philosophically, Mr. McDermott and I might differ slightly, but it is certainly without question a definite factor.

I would like to clarify just a comment relative to the family. The Hayden Treatment Unit is designed and functioned to deal with the children who come from the absolutely most dysfunctional kinds of situations. I rarely if ever get to deal with good solid parents and good solid families, so it's one of the reasons I'm a little pressed on the nature of trying to force the family into services as well. It's very nice to see Mr. Rolfe here, this is the kind of parent who clearly understands and wants to save his child. This is the type of parenting we need.

Senator COHEN. Could I inquire what was done about the part-time or substitute teacher who was a coconspirator with you, Mr. Rolfe, did anything happen to him?

Mr. ROLFE, JR. In the burglary that he was involved in when Fred was finally admitted to the youth center in late November, he was a part of that burglary and he was tried for burglary and theft.

He plea bargained with the district attorney on that charge, got the burglary charge dropped, which was a felony, pleaded guilty to the misdemeanor charge of theft, was given a 120-day jail sentence with all but 10 days suspended, 1 year on probation and fined $500. And that's the extent of his punishment so far.

Senator COHEN. Does he have a teaching certificate in Maine?

Mr. ROLFE, JR. I believe he still has his certificate. Once he was convicted, the school system stopped using him. They were aware of his behavior for 1½ years prior to ceasing to use him.

Senator COHEN. Mr. Rolfe.

Mr. ROLFE. My parents kept the school system informed of what was going on in a lot of illegal things and the school just didn't do anything about it for what reasons remain.

Senator COHEN. Would the three of the young people here at the table agree that there should be swift reaction to the first signs of criminal misconduct, that the system ought to intervene quickly rather than letting it go? Jill, would you agree with that?

Ms. POLLEY. Yeah, I agree with that. I would also like to say something. This Community-Based Corrections Program, I don't—I don't believe that the girls committed to the Maine Youth Center have access to that.

The girls are stuffed into one cottage with—we have a number of different problems why we go there and the boys have like the drug cottage, they have Hayden, they have Cottage 6 for the younger kids, they have 7 for the ones that don't care, they have 9 for the sex offenders. And the girls are all stuffed together and have to deal with what they're given. And I think that is very unfair.

And there's another—well, anyways, there's another program on here that someone, I believe, is going to be on the panel speaking about and that's not available to the girls either.

Senator COHEN. It's fair to say we have a very different scale of treatment available for young women as opposed to young males. Even deficient as it might be for young males, it's nonexistent for all intents and purposes for young women, is that what you are saying?

Ms. POLLEY. Yep, yes.

Mr. BOISOT. Senator, for the record, the Hayden placement is available for girls. I've placed three so far in the last 3 years. One is currently still in the program. Just yesterday, as luck would have it, I received a telephone call from her. She's done a very unusual thing. She has actually earned her way out of the special education behavioral disability classification and the restricted educational program she's been in.

I would fully support Jill's comment, however, as to the absolute lack of resources for females. I know personally that there has been an administrative request for funding over the past 15 years that I've been at the youth center, and every single time, the politicians or executive branch in Augusta has chopped the funding because it is not cost effective because there might be 25 or 30 girls versus 200 males. She's right, she's correct.

The folks—the people in the State of Maine and the politicians funding it frankly should be ashamed of themselves for this.

Senator COHEN. Let me ask you, Mr. Boisot, you talked about swift and certain punishment and I was curious as to how we go about doing this if you had your opportunity to make a recommendation. For example, Mr. Sargent talked about his first incident, his stealing a chocolate bar, then going back and shoplifting a can of soda or whatever. At that point, is he a candidate for the juvenile justice system, and if so, is it a fine, is it community service, is it incarceration?

In other words, right now, the way the system works, I think most people think it's a joke, they can go on committing a series of petty crimes, the petty crimes eventually get to a more major crime, they're brought in under the system, it takes about 6 months, as I recall, under our situation in Maine before any court action is actually taken, during which time they can continue to commit more crimes, and at the end of that 6-month period, it's all lumped into one, so they don't take it very seriously now.

So we go from zero to the Maine Youth Center, but very little in between that's meaningful in the way of pulling them away from a path or a career toward crime. So how would you structure it, what would you do? You said we have got to get their attention right off the bat. When you do something that's against the law, breaking the rules, there is going to be a penalty to be paid. What kind of penalty do you recommend that would be a deterrent to their continuation on a path of crime?

Mr. BOISOT. The candy bar and the soda pop that you described, one could almost say that's virtually normal behavior. I don't know of any children that haven't done that. I remember distinctively myself doing that.

Senator COHEN. The statute of limitations has run out on you.

Mr. BOISOT. Thank you. I'm certainly pleased to know that. At that point, however, as Mr. Rolfe said, the family needs to wake up right then and there and do something. The kids that end up with us, the family usually find great refine over it, great humor, and certainly not only don't discourage it, but pretty much give the children the idea that that's perfectly acceptable, no big deal.

The swift and immediate stuff that I'm speaking of is the very first time a child assaults another child, a child steals significantly, steals a car, is caught in the midst of a home burglary, wields a knife, carries a weapon, the first time a child is caught walking to school with a sidearm or any type of illegal weapon, he should be out of society, stop that at that point and start interventions.

We wholeheartedly agree that simply warehousing is a waste of time, it's a waste of money. We need to do the treatment programs, they are available. In the rest of my written testimony, I talk about treatment.

Senator COHEN. But when you say out of society, what do you mean?

Mr. BOISOT. Incarceration, removal.

Senator COHEN. Where?

Mr. BOISOT. Well, in this State, the youth center is the only spot. Before that is when you use the community interventions. And there are hundreds of them that are successful. There are programs in this county that we're funding through the Community Corrections Act that work very effectively with children.

But once they cross the line where they're willing to do extreme property damage or harm another person or commit a behavior that can result in serious bodily injury, they have crossed the line from their ability to stay in the community or to leave it and they should leave it at that point.

Unfortunately, we are so terribly underfunded, as I stated earlier, that it becomes very difficult to do anything.

Senator COHEN. Mr. Sargent, you were nodding your head. You agree completely with what was being said?

Mr. SARGENT. Yes.

Senator COHEN. Mr. Rolfe, you had your hand up.

Mr. ROLFE. I don't really agree with what he said only because, you know, I think you need to start with like the basic—you need to start with the family structure and you need to work on that, and then you go up to the next—if that's a problem—if that's not a problem or it is a problem, the next structure would be the school system, you know, you need to—you need to redefine how kids should act, what the guidelines in school should be. You need to get the school——

Senator COHEN. Let me ask you something. When you were suspended, did that help, did that get your attention at all, what did you do as a result of being suspended several times before you were expelled?

Mr. ROLFE. At first, it helped me. At first, it did help me. At first. If I had kept up with communicating with my parents, with other people, I don't feel I would have fell back into that trap, I guess, again. But I would do all right and then I would—then I'd screw up again. We all have our problems, so I think that kids should not be just slammed into the—into the youth center.

We all have our problems and I don't think kids should be just slammed into the youth center for maybe—I mean if it's real major, yes, but if it's—if it's something that's not real major, I think that, you know, they should be given a chance in society, put on probation, whatever, as it is, but then, you know, it should be a little more stricter, as in, they should be forced to do some kind of—maybe an outpatient counseling. If they screw up again, maybe they should be sent to the youth center. But maybe that wasn't what he said exactly.

Senator COHEN. I think he indicated if it's serious enough to cause harm to other members of society, be it a break-in, carrying a weapon, something that poses a threat to other people, that that would warrant more severe punishment, but—Ms. Polley.

Ms. POLLEY. I don't—I know I was 12 years old and I set a six-family apartment building on fire and put a lot of people's lives in danger. And exactly what he said, that was dangerous and I was thrown into the youth center, but I didn't—I set that fire for a reason and I myself today still do not know why because I have never dealt with that. But I set that for a reason and I never got help, it never got solved. Nothing ever happened with that because I was just taken out of society and thrown into the youth center.

Now I believe his program is very well and maybe if I would have went into that program—if I was a boy, I probably would have been fortunate enough to, but I'm a female and I wasn't. And I was young, I was naive, I didn't know—as a 12 year old, I should

have been playing with Barbie dolls, I shouldn't have been doing drugs, I shouldn't have been starting fires, but I was.

And if there was something—I believe there needs to be a step—there needs to be something in the community to help first time offenders and try to set people straight. I think the community needs to be more involved. There needs to be alternatives rather than the youth center.

Senator COHEN. Mr. McDermott, you had——

Mr. MCDERMOTT. Yes, my comment that I was going to make earlier is actually an answer to this question of sorts and that is I go back to a youngster's first involvement with the criminal justice system in the broadest sense. We do not do a needs assessment and a risk assessment of that youngster.

Fred might not have ended up at the Maine Youth Center if someone had done a needs assessment and identified the potential for family counseling, the need for substance abuse, and provided that at the community level. There are model programs in this country, task programs which have been around for a long time, treatment alternatives to street crime, drug courts that actually provide swift on the first contact assessment of these case management and treatment services, but it's at the front end of the system. And it saves a whole lot of money in the long run if you start working with kids there rather than after we get them incarcerated.

Senator COHEN. I think you indicated in your written system that about 49 percent of the kids assessed at Day One are chemically dependent.

Mr. MCDERMOTT. That's right, we have an assessment scale that we use. We do an assessment on every youngster that's incarcerated or committed to the Maine Youth Center. And of those, we have three categories of chemical dependency, mild, moderate, and a severe. And 49 percent of the kids would fall into one of those three categories.

Senator COHEN. Mr. Sargent.

Mr. SARGENT. Yes, my thoughts were if you were to give a juvenile who has committed a crime, if you were to give that person too much freedom, then it's just going to build up again and again. You can't just—you know, you just can't go and give somebody a slap on the wrist and think they're going to stop, you know. They should just have it right there and have the structural—structural house and structural program to let this kid know that this stuff is wrong.

I know that if—if something—I agree with Fred—Fred, Jr.—Fred, III, excuse me, a little bit on it, but I think that if like—just as an example, say a kid were to—to be suspended for the same thing and then say that he—it has helped him, then I think that if it was to help him, then he wouldn't have got into trouble, after, for the same thing. I think that if it were to—would have helped him, then he would have stopped right there and would have listened to what the other people had said to try to help him instead of going and getting suspended again and then expelled.

Senator COHEN. Well, let me thank all of you. There's one, I think, consistent theme throughout all of this that I have heard and I believe that actions have consequences and what has been

lacking in our society is a sense of accountability. And that goes all the way through—I think the litany was raised from—from the schools to the police to local politicians to those who serve in higher office like myself all the way to the former Prime Minister of Japan who announced his resignation just last evening that actions have consequences.

And somehow, the message has to get out that when you do something that is considered to be antisocial, against the social order of things, there are penalties to be paid. The real question for us is to assess what kind of penalty fits the particular action. And if it's only incarceration, then that's not going to work. They're going to go in, and as Jill Polley said, they're going to learn other tricks of the trade, so to speak, becoming better criminals and coming back out and committing more and more grievous types of crimes.

And you can see just by the number of people here, we have quite a few younger people who are here, I assume, from some of the schools that you have attended and by the community interest, this is a growing problem certainly throughout Maine, but I suggest throughout the country. People are frightened about what is going on in our society. They see a lot of moral decadence setting in undermining the very pillars of our own system.

That's why when I was in Singapore, I received a lecture from one of the senior ministers about exactly what they see from abroad and they see people who are engaging in dismemberment of individuals being found not guilty, of beating someone's head in with a cement block and being found not guilty, of killing one's parents and being found not guilty. And the whole mindset from which other countries look at us is saying where is the sense of responsibility in the United States, where are the consequences that flow from actions.

So they see a society without—without any restrictions. And I think all of us have to keep this in mind. I have said this many times before, we are a society that prizes liberty. It is of the highest order to us as individuals and as a community, but liberty can descend into license very easily. Liberty can become license sort of like a river. A river is a river as long as it has banks, and when it fails to have banks, it's not a river, it's a flood.

And what we have to be concerned about is are we seeing a flood tide of social misbehavior sweep across the country and how do we contend with it. And it's not simply a question of lock them up, throw the keys away, because they're going to come out at some point and they're going to be more dangerous than ever. And that's why we have to find out ways to deal with this at the very first level. We have a whole generation of people coming up who may pose an even greater threat to our society than currently exists.

One of the things I've been listening to and reading and watching are interview programs, part of the liberal media. Mr. Rolfe has been presenting this as well. But some of the career criminals who are in jail today are absolutely shocked, they're absolutely stunned by the amorality of the individuals coming into the system. One individual I recall seeing, for example, said, look, when I held up somebody, I said give me your money or his life, he gave me his money, I spared his life and walked away. Today they say give me

your money and they kill you anyway with no remorse, absolutely no remorse.

Much of that is due, I suspect, to the drug traffic trade. A lot of the killings are committed while people are high, if not alcohol, marijuana or more likely crack cocaine, but there is absolutely no sense of right and wrong on the part of many young people coming out for the kind of violent behavior they're engaged in. And that is even frightening to career criminals who are still in prison, they're even scared of what's coming in.

So it's a vast social program and it's one that we have got to deal with in a very constructive fashion. And I want to again thank the three young people who have come here to tell us their own stories of the kind of experience they have had, and hopefully, the lessons they have learned, and we can learn from what they have gone through and pass it on to others. And I particularly want to thank you, Mr. Rolfe, Jr., Mr. McDermott, and Mr. Boisot, for coming as well. We are going to take a break.

[Recess.]

Senator COHEN. We're going to commence with our second panel of the morning and I would like to welcome all of our witnesses of the second panel. First, Lt. Mark Dion, the commander of the Portland Police Department's tactical unit is going to be joining us. In February, Lieutenant Dion was scheduled to testify before the subcommittee at a hearing in Washington on the problem of juvenile gangs. Unfortunately, both Boston and Washington airports were blocked in solid ice and he never made it out of Portland. I appreciate your being here today, Mark.

Next, I want to welcome Detective Terry Davis of the Biddeford Police Department. Detective Davis works for the—in the juvenile division of the department. Stephen Dassatti; is that correct?

Mr. DASSATTI. Excellent.

Senator COHEN. Good, assistant district attorney for Cumberland County and the only full-time juvenile prosecutor in the State of Maine, and he's here to share his expertise with us. And finally, I would like to welcome Michael Tarpinian, the executive director of Youth Alternatives, a private nonprofit organization based in Portland that provides services to youths in the juvenile justice system. Lieutenant Dion.

PANEL CONSISTING OF LT. MARK DION, COMMANDER OF THE PORTLAND POLICE DEPARTMENT'S TACTICAL UNIT; DETECTIVE TERRY DAVIS, JUVENILE DIVISION, BIDDEFORD POLICE DEPARTMENT; STEPHEN DASSATTI, ASSISTANT DISTRICT ATTORNEY, CUMBERLAND COUNTY; MICHAEL TARPINIAN, EXECUTIVE DIRECTOR, YOUTH ALTERNATIVE, INC.

STATEMENT OF MARK DION

Mr. DION. That's correct. Thank you, Senator. I appreciate this opportunity to address you on gang related——

Senator COHEN. Why don't you speak directly into that mic because it's——

Mr. DION. OK; technology at its best. I appreciate this opportunity to address you on the issue of gang related activity as it ex-

ists in Maine and its implication for law enforcement. I have provided extensive written testimony, so I will take this limited time to strike key points. Gang is a word, a concept distorted by media representations which would lead many to believe that its existence outside metropolitan centers is at best unlikely. This is unfortunately not the case.

Gangs have not surfaced as sophisticated criminal organizations, but rather as groups of young men exploring the illicit thrill such predatory affiliations promise. The Portland police have encountered loosely in it skinheads such as pash, no mercy crew, and no PS. We witness daily the contagium of vandalism, the graffiti crews such as BSUCK, PIC, HTC, spread throughout the city. We have also confronted the impulsive senseless violence of Time Posse and the FSU.

The wave of refugee and immigrant arrivals to our city has heralded the promise of diversity, yet this new vision of a more pluralistic Portland is tainted by intraethnic violence, young marauders who prey on those isolated by language and culture, Thunder Gang, Asian Streetwalker Boys, Caibang, interstate juvenile outlaws who commute north to wreck the public peace. Gang is a dynamic fluid concept, as much a set of behaviors as a quantitative checklist designed to meet an objective standard.

What we do know is that gangs we encounter share certain characteristics. They have identity and a place. They understand the power of a group to instill fear. For them, intimidation is not only a contest for action, but the end product for their existence. A survey by the Muskie Institute for Public Affairs polled 542 Maine educators, school nurses and police officers regarding violence with youth. This 1993 study revealed that one-fifth of the witnessed acts of violence were committed by gangs or groups.

Our agency has implemented a policing strategy aimed at the supervision, suppression and control of serious habitual juvenile offenders. The program headed by Detective Judith Ridge attempts to manage a pool of delinquent youth destined to become adult career criminals. Of the 24 males in her caseload, 21 have gang involvement, 18 have a history marked by violent crime. All are handicapped with substance abuse. All have displayed chronic absences from school. These young men alone account for 298 arrests.

Gang is therefore a continuum of conduct. At one end, casual anonymous vandals, street corner toughs at its midpoint, violent predatory youth at its zenith. Our historical experience with juvenile criminals reflected offenders who acted alone or with one another. We are now witnessed to an evolving dynamic that's reflected in the emergence of the groups which I have mentioned.

Gang may not be a word we are comfortable with and we should never be, but gang is a reality that we can ill afford to ignore. This problem cannot be solved simply with more police. There is no quick fix. The media has asked if the problem exists, is there someone who has been rehabilitated who can speak to the issue. We are in the words of a Portland educator a Polaroid society, instant problems deserve instant solutions. I'm afraid there is no magic bullet.

Chronic offenders and those youths attracted to engage in gang behavior are the products of long-term missteps, family violence,

masked child abuse, and parental neglect. There is where childhood is cut adrift. The Federal response needs to first acknowledge that juvenile crime is a local issue which necessitates local level strategies. Federal agents are not the answer.

Help strengthen local juvenile justice systems by funding only those proposals which involve initiatives integrating the efforts of these various agencies. Increasing the number of police without similar attention to prosecutorial resources or aftercare services will create bottle necks that will only increase the frustration we now experience. Do something to provide relief to the handful of juvenile probation officers who valiantly try to do much with next to nothing.

These dedicated professionals are the last chance many young people have and we appropriate so few resources to their aid. It is no wonder that many of our juvenile clients become adult offenders. The juvenile justice system is treated often like the young people who frequent its chambers, interview rooms or detention centers. Forgotten by many outside the system, set aside by an almost benign neglect until an incident prompts a flurry of concern, then again silence.

We can no longer afford to ign ore these challenges. Career criminals do not suddenly appear at 18, yet our current system is primarily focused for just such an arrival. The entry of the gang dynamic is without question an alarm sounding to all of us that we need to re-examine our priorities. Thank you.

Senator COHEN. Thank you very much, Lieutenant. Detective Davis.

STATEMENT OF TERRY DAVIS

Mr. DAVIS. Thank you, Senator. Usually at this advantage of going this late in the game is some people already cover your materials, so I'll do my best ad-lib from my statement.

Senator COHEN. Well, Senator Muskie used to say to me, Bill, if you can't improve upon silence, don't, and, of course, Senator Muskie always ignored his own advice and I am frank to tell him that whenever I see him, but please improve upon the silence.

Mr. DAVIS. Again, also, thank you for having me this morning. Incidents of juvenile crime in Biddeford is more than likely similar in nature and trend as that of other comparable cities and towns throughout the State of Maine. The number of juveniles being formally charged with criminal offenses has not significantly changed over the past several years.

Two areas that have shown increase, however, have been assaults and thefts. These were not dramatic increases, however, but appear to be consistent with what police, schools, and parents have recognized as a lack of ability or willingness on the part of the juveniles to resolve conflict without physical confrontation or violence.

Although there is currently no formal gang activity establishing a foothold within our community, we continue to deal with small groups of youths that harass, assault, intimidate, and exhibit a general disrespect for people and their property. This has become an annoyance to and concern of local business owners, managers and employees. A contributing factor to this problem may be one

that has already been discussed throughout our Nation, that is, the breakdown of family and values.

In my experience, there are more homes with single parents who are frustrated at the lack of support or services in dealing with emotionally charged or what used to be called delinquent child. Police are unable to force chronic truants or dropouts back into school. Therefore, many of these same young people are hanging out on the streets of our communities during the hours that they should be in school.

Even a serious attempt at enforcing a curfew within our city is unrealistic given the number of underaged youth that is out on the streets at night. Besides, it is increasingly fruitless to enforce these types of ordinances given the current statutes and scarce resources at both the prosecutorial and the judicial levels.

The challenges facing law enforcement officers today in dealing with juvenile issues are numerous and complex. In many cases, we find ourselves functioning in many roles, the enforcer of laws, mediator of family problems, and counselor to many of these youths who do not have the benefit of parental guidance.

Let us not forget that the typical law enforcement officer is specifically trained as an enforcer of the law. All of these secondary jobs make officers uncomfortable in that they have received no formal training in these other areas. Social trends and pressures such as substance and domestic abuse, financial difficulties within the family, and the lack of recreational programs for the high at-risk youths need to be addressed before any long—excuse me—before any long-term successes can be achieved.

In our community, we are currently working together to at least attempt to identify the problems affiliated with juvenile crime. A task force comprised of educators, business people, social workers, criminal justice professionals, parents, and local citizens are attempting to identify the causes that lead juveniles into criminal or disruptive behavior within our community.

Once some of these causes have been identified, we hope to find solutions and create programs that will hopefully decrease the number of juveniles that are seemingly falling through the cracks in our system. One area within the criminal justice system that needs immediate attention is the time in which it takes a juvenile offender to be adjudicated after an offense has been committed.

In Maine currently, even a juvenile who has been identified as being a high risk will probably not be adjudicated for at least 6 months after he has been formally charged with that offense. This long waiting period allows the juvenile to commit other similar crimes that could have otherwise been discouraged or prevented. These offenders are so system knowledgeable that they're keenly aware that if other crimes are committed during this waiting period, most often, those charges would be compiled usually through the DA's office and treated as one offense at the time of the adjudication.

And I might also add that currently, with the bulk of cases that I have personally been handling, we meet in juvenile court on Tuesdays and the average time right now, let's say this past Tuesday, the juveniles that were there for court hearings, most of their

offenses were committed currently about 8 to 10 months ago, therefore, they're left out.

And as other people on the prior panel have spoke, they have literally committed dozens of crimes between the period, therefore, you are seeing more victims, victimization, and the juvenile doing more harm to himself because of what he is compiling on, especially when you're talking a felony or a serious physical type crime.

Another example of some laws that in my opinion need to be changed, many times, some of the juvenile offenders that I have dealt with in the office find some things comical at some points. In the State of Maine currently, if a juvenile was to enter a motor vehicle and, for example, remove a handful of change or take somebody's pack of cigarettes and so on and take off and get caught, that's a felony. That's motor vehicle burglary. However, if the juvenile takes the entire motor vehicle and goes for a joy ride, he is charged with a misdemeanor, unauthorized use of property. There is something wrong with that law alone.

Senator COHEN. Should we make the stealing of the [illegible] of cigarettes a felony or should we make the stealing of the car——

Mr. DAVIS. That's what I'm stating right now. It is currently a felony to take the cigarettes out of the car and leave the car, but if you take the whole car, it's just a misdemeanor.

Senator COHEN. Which would you change?

Mr. DAVIS. I personally think there needs to be a priority change there. If you're going to take the whole car, I think it should be a little more serious. I understand that the problem not only in Portland, I realize where that law changed as far as the severity, it was because of the major problem with specifically addressing burglaries to motor vehicles. It's a problem not only in Portland, Biddeford, and I'm sure throughout the State, but I don't know if we are talking about reducing that charge or bringing the other one up to par, but I think that's something that probably should need to be looked at.

I also meet with parents on a daily basis who have expressed general frustration with the current laws and the emptiness they feel when reaching out for help. I have had mothers literally crying in front of me saying that they have a child who is out of control and a major disruption to others in the household.

The State Department of Human Services will not usually involve themselves in these cases unless there is signs of physical abuse. Most often, other support services are offered to families only if all parties are willing to help, however, usually, the parent is willing and the child is not. Perhaps this type of family problem solving could be realized through the commitment of all of our community resources. An example would be the creation of a crisis team made up of counselors, educators, clergy, parents from within your own community who can respond to the needs of the family once in crisis and the call has been received for help.

It's also been proven that once a child has been identified as a high risk child, they will fall to negative influences and activities unless there is proper track—excuse me—tracking, followup on the child's day to day and week to week status. And again, for an example, many of the kids that I've worked with that have gone to the youth center based on charges from my office, even those that

would have received the proper help, rehabilitation and everything goes fine during their tenure at the youth center, but one of the problems I see is that way too many times, these kids are released at the completion of their program at the youth center back to the community, and more than often, back to the same environment or home that they were in, and we are right back to square root one, no change.

And this is why I think—and I'm hoping Biddeford is not alone, I don't believe we are, but this is why we are seeing so many of these kids being recommitted back to the youth center because there was no followup. And as one of the other gentlemen, possibly even Mark has stated, it is almost impossible for probation to maintain as much close followup, tracking, whatever, checking in with these kids and so on because their case numbers are just so high, it would be impossible.

Senator COHEN. What's the ratio now, one officer to how many——

Mr. DAVIS. Probation officer for a juvenile, I can only give you a wild guess. I'm guessing the last time I talked with one of the gentlemen in the Biddeford office who was covering something like eight communities in that part of the State, he had easily over 100. And I say easily. I'm sure it is probably higher than that. But it is pretty hard to do with what he has for tools and time, as they say.

Another problem I think that needs to be addressed perhaps on the Federal and State level that we are seeing in our community and that is what I would term flop houses. We have too many young people, whether they're teenaged unwed mothers or just young people that are collecting SSI, whatever, that with either Federal or State moneys, assistance, so on, are taking up residence in many apartment buildings and so on.

And these apartments are becoming flop houses for kids that decide they don't want to abide by their parents' rules and so on and it is more fun to just hang out at this house. Next thing you know, there is drugs, there's alcohol, there has been prostitution, whatever. These people that are providing these places, it seems that there is no deterrent to them from doing this. And I think that's another area that needs to be looked at.

I will try and speed this up and close by saying communities should consider the pooling of available resources with neighboring cities and towns that have similar socioeconomic backgrounds and attitudes. This regionalization concept is nothing new. Some efforts were made back in the early 1970's to that and with Federal grants being awarded for the construction of police, fire complexes, regional radio communications networks, regional polygraph centers and so on.

Some 25 percent—excuse me—some 25 years later in most communities in Maine still operate under the same concept of isolationism and duplication of effort. There is little wonder why the criminal justice efforts fall short in some areas. We at the Biddeford Police Department strongly believe that Federal moneys could well be directed toward the regionalization of crisis intervention units, recreational programs, family counseling, juvenile diversion programs,

programs such as DARE, and the regional juvenile school liaison officers.

This is but a small list of possible programs that could be implemented on a multicommunity basis, but nonetheless necessary for the successful interdiction of juvenile crime. Another area where Federal assistance appears critical is the creation of a separate and distinct family court and or juvenile court to specifically address juvenile issues.

At present, traffic infractions receive greater attention in district court than juvenile cases. In short, Maine desperately needs juvenile prosecutors, juvenile judges, juvenile counseling centers, and greater effort at the rehabilitation of the juvenile offender. The bottom line is whatever happens at the Federal, State, or local level insofar as funding, juvenile program implementation, or problem identification, we need to involve the youth in this process. Too often, adults attempt to solve the juvenile problem without communicating with the youth and soliciting their input and participation in the solution of the problem. Thank you, Senator.

Senator COHEN. Thank you, Mr. Davis. Mr. Dassatti.

STATEMENT OF STEPHEN DASSATTI

Mr. DASSATTI. Thank you, Senator. What I propose to do is give you a synopsis of my written statement.

Senator COHEN. And all your reports will be included in the record in full, so you can summarize, if you would like.

Mr. DASSATTI. Thank you. It will probably be shorter. The first point I made in my written statement, I think a crucial point—and you touched upon it in your opening remarks—is that any solution to the juvenile justice problem has to be a flexible solution because we are dealing with a wide range of conduct. And it ranges in seriousness from petty shoplifting to very serious acts, robberies, sexual offenses, and also attempted murders even.

The flexibility needs also to be imposed in a solution because you are dealing with a wide range of defendants from 12 years olds, sometimes even younger to 10 to as old as 17. And because the Maine Youth Center can have jurisdiction over a juvenile who is technically under 18 until age 21, you even sometimes have to deal with juveniles who are actually young men and women. My statistics that I have provided in my written statement bear out the need for this flexibility.

My caseload—30 percent of my caseload is devoted to shopliftings and petty offenses of that nature, yet my caseload is still a violent caseload since 20 percent of my caseload is devoted to assaults and aggravated assaults. My caseload contains a smattering of serious crimes which also have to be addressed. There are robberies, as I said, and there are sexual offenses, and there are even, as you mentioned in your opening statement, home invasions and some gang activity.

The trend which I'm worried about and which is not revealed in my statistics, but nonetheless is a worry to me is the number of weapons finding their way into the hands of our juveniles, into the schools. The police reports that I read are replete with references to weapons. And technically, only 3 percent of my caseload is made up of what I term weapons offenses, and yet I will see a shoplifting

case where in the report, you will find that the police officer searched a juvenile and found an ever present and popular 9-millimeter Beretta.

I have one other statistic that I haven't provided in my written statement and that is of my 800 caseload in 1 year, I send about 30 juveniles in 1 year out of Portland to the youth center. Every juvenile who comes into juvenile court is not sent and committed to the youth center, about 30 out of 800 are.

My recommendations for improvement of the juvenile justice system are corrections based. They include, I think, the Maine Youth Center should be improved programmatically. They need teachers, counselors, and a revitalization of their vocational program. The physical plant of the Maine Youth Center should be restored. We need additional secure residential placements. I prefer the rural placements, but placements such as the youth alternatives placements are just tremendous.

We need increased adult supervision of juveniles. Tracker programs and supervised condition of release programs are of paramount importance. Electronic monitoring and telephonic monitoring seems almost too good to be true, but we would love to have that in Maine because that means increased adult supervision.

As intermediate sanctions, I would suggest a community service program whereby juveniles who take from the community are required to put back into the community. And we had a good program in Maine, and recently, it stumbled through being underfunded. Finally, we need concern for victims' rights in our juvenile system.

And I guess sometimes I see my role as a prosecutor as the great disappointer. All I seem to do is reduce expectations of victims who come into the system that, well, the juvenile probably wouldn't be able to pay, he doesn't have a job, and there is no way I can order restitution. I termed my recommendations as corrections based that reflects a bias because I'm a prosecutor, but I also believe that you get yet more value for your dollar in this type of situation rather than in an early intervention type of situation.

I'm not saying that those programs aren't very successful and very appropriate. I'm saying with this type of an ailing patient, with the state of the juvenile justice system as it is now, I think what we have to do is really concentrate on corrections.

Finally, what I would like to say in closing is that you heard some comments about the 6-month waiting period in juvenile corrections. And basically, that's because our system in Maine is set up that a case originates with the civilian complainant, it goes to the police, it is screened by probation and parole, it comes to the prosecution office, then it goes to court.

At any step in that process, the case can be taken care of and diverted from the court or from a severe sanction. And the point is that all along the line, juveniles are receiving chances, and when they get to court, they have probably had too many chances already. So what you need is when a juvenile does come to court is you need a corrections system that is equal to the job. And thank you, that's my synopsis.

Senator COHEN. Thank you very much, Mr. Dassatti. Mr. Tarpinian.

STATEMENT OF MICHAEL TARPINIAN

Mr. TARPINIAN. Thank you, Senator Cohen. And I am pleased and honored to be asked to testify here this morning. I have also submitted a detailed statement, so I will also try to summarize. Youth Alternatives was incorporated as a private nonprofit organization in May 1972. Since its inception, Youth alternatives has developed and built a continuum of services for youth and families. All of the individuals we serve are at risk, have suffered abuse or neglect or are in family conflict.

Our purpose is to provide support, care, and treatment to young people and families in order to enable them to lead full and productive lives. We do this by providing services through our group homes, our emergency shelter, foster care homes, family preservation services, Child and Family Mediation Programs, and our Juvenile Intensive Supervision Program, better known as the Tracker Program.

Youth Alternatives became more directly involved with the juvenile justice population in March 1993 when the Tracker Program came online. This program is an outcome of a request for proposal from—that was established by the Department of Corrections in 1992 to create a Community-Based Intensive Supervision Program in Portland, Lewiston, Augusta, and Bangor which serves youth who are released early from the Maine Youth Center to complete their credit obligations in their home community.

The goals of the Tracker Program are to increase prosocial integration into the community, to reduce criminal behavior, and to shorten lengths of stay in a correctional institution. Despite funding cuts that froze 2 of the original 5 positions, we have served over 900 youth and their families in our first year. These youth were returned to homes from Skowhegan to South Portland and as far east as Rockland.

Youth Alternatives Tracker Program succeeds by combining a tight supportive structure with linkages to necessary services and activities. Close monitoring of the youth is accomplished through frequent personal contacts plus daily phone checkings. This creates an atmosphere of personal accountability that is needed to assure public safety and to encourage prosocial decisionmaking. Linkages to resources are achieved through the case management role of the trackers.

They work with the family, youth, and corrections personnel to assess the needs of the entire family. The trackers then provide intimate knowledge of community resources and hook the youth and family up with services that they need to successfully reintegrate. The trackers are then available to help the consumers and providers make these placements work by intervening in conflicts and encouraging regular attendance in programs, at jobs, in schools, and other activities.

The Tracker Program as it currently exists serves youth who are postdisposition, incarcerated at the Maine Youth Center. However, we have had discussions with district and central offices of the Department of Corrections, probation and parole and the juvenile justice advisory group to help establish a system to deliver intensive community supervision and case management to youth who fall

into predisposition, postdisposition, probation and postdisposition incarceration from the Maine Youth Center.

As you know, corrections program—studies of the corrections program have consistently shown two things: First, incarceration alone does not rehabilitate anyone; and second, intensive supervision of offenders in the community may improve the chances of arresting the re-offenders more quickly, but monitoring alone does not equal rehabilitation. Appropriate treatment must be coupled with effective monitoring and consequences for behavior to create change.

From its former status as a showcase juvenile treatment facility, the youth center today stands sadly reduced to a largely detention oriented facility. Similarly, overwhelming caseloads limit the Department of Probations' juvenile caseworkers to an absolutely minimal monitoring function. The evidence is all around us that Maine is long overdue to re-examine and redesign this juvenile justice system.

In the current desperate climate of survival, youth are not provided effective treatment and alternative solutions. What happens is alternative and preventive programs are funded as addons and are therefore the first to be cut during budget crisis. The State is left—is then left with the most expensive and least community orientated option, refining youths to institutions.

In closing, we would like you to encourage from the—from the Federal Government point of view collaboration integration of all of the players in the juvenile justice system to continue the trend of structuring Federal grants that require collaboration building and real cooperation not only among community service providers, but institutions as well.

We would strongly suggest that you continue the function and the funding of the juvenile justice advisory group which plays a key role in the integral part of juvenile justice in Maine and that you would look for, which is I'm sure very difficult, national initiatives to combat the glorification of violence in our culture. As you know, we would like to see some balance brought to the view of youth as the ultimate consumer, role model, and symbol of what our culture values.

What has occurred over the past few years is an escalation of the betrayal of parents and adults as incompetents or lame role models out of touch with reality today and requiring constant instruction by their children. Thank you.

Senator COHEN. Thank you very much, Mr. Tarpinian. Let me, I guess, ask all of you this question. Do you think in our social structure that we have given too much consideration to the individual and not enough to the social order as such? I mentioned this before—I mentioned this before in my remarks that other societies tend to place a higher value on the commonweal as opposed to the individual. They have a different approach to law and order altogether that we would find in all probability intolerable.

I recall getting off the airplane in Singapore, I was handed my immigration forms to fill out, and they had a bright red slip that said possession of any form of drugs results in death by hanging. It got everyone's attention as we paraded off the plane into—into the holding area. But obviously, some other society's rules and

codes are not going to be adopted by the United States, but is this a problem that we are seeing reflected now in the rise of crime at the youngest levels graduating perhaps from stealing a candy bar or a soda pop going on to breaking and entering and then stealing cars and robbing and then perhaps going on to more violent physical assaults? Is it something that we have to do as a society in general in changing our mores.

For example, I think it was either you, Detective Davis, or you, Lieutenant Dion, talked about it's hard to enforce curfews in our society. Number one, manpower, you indicated, in terms of having enough police to do it. Number two, as I recall, we have a different standard today than when I was growing up. There used to be a thing called breach of the peace. I don't think there is such a thing as breach of the peace any longer in terms of people gathering on the street.

I remember if we had 8 or 10 or 20 of us on the street corner, that could be broken up or we could be arrested at that time for a breach of the peace if we were raising cane, yelling, screaming, playing loud music, whatever it was. As I recall, the courts have an entirely different view of breach of the peace today than they had let's say—I won't tell you how many years ago, but a few years ago. Is that a problem in terms of our changing concepts of what is socially tolerable conduct?

We mentioned the liberal press, we mentioned perhaps a failure in our school system, we talked about failure to educate our young people about the dangers of chemical dependency. We haven't talked much about the court system. And, of course, that's what's going on in Washington, this raging debate of should we have a conservative court, and all the more important, now that we have a Senator of Maine about to, I think, be named a Supreme Court Justice, but the debate that takes place, have we gotten so, "soft on crime" that we are, in fact, encouraging the kind of antisocial behavior that is becoming condemning? What's your view on that respectively?

Mr. DASSATTI. I can go first, I guess. I think we all grew up in America, so we are comfortable with the paramount position given to individual rights, but I can only speak from my experience in the court and what I see is the juvenile code in one of the first sections in which it talks about its purpose says—and I'm going to quote it to you because I happened to bring my copy with me:

> To secure for each juvenile subject to these provisions such care and guidance preferably in his own home as will best serve his welfare in the interest of society.

What I see in court is the last clause, the interest of society, the safety of society, and the protection of its citizens from juvenile crime. I see that that is not accentuated. And the whole court system, even the adult system are focused on the defendants. And what we try to do in our office and what all prosecutors try to do is highlight the interest of society, the protection of the people who aren't there in the courtroom, mainly the people who have been victimized and are the people who have suffered from these crimes.

Senator COHEN. Can I ask you perhaps a different question? What about fear on the part of the victims? When you talk about going from 6 months to possibly 8 months delay and many people feel that the ultimate result of that first offense is going to be pro-

bation or, quote, a slap on the wrist, are they afraid to come forward to testify, to become involved, say, look, it's not going anywhere, I have to live in this community, they're going to come back, they have friends.

I say that in a qualitative way because if you live in Washington, DC, many people are frightened, quote, to death to come forward because they know that if they come forward to testify against a young person who may have engaged in a killing of someone, that they will be the next victim. Now we have not—I'm not approaching it at that level yet, but I suspect that people even in the State of Maine where you don't have that level of violence approaching nonetheless are fearful that all of their efforts to bring this juvenile to justice as such are going to be in vein, maybe the first time, maybe the second time. Is that a problem in the State in your opinion?

Mr. DAVIS. Especially in our area, we see a lot of that unfortunately, but that's not the only problem affiliated with that. The intimidation, the fear of physical violence and so on, especially dealing with juvenile cases, especially in the community where most of these kids all know each other or proceeding reputations sometimes speak for themselves.

The other frustrations and problems in attempting to prosecute some of these kids in the juvenile court is a lot of them get very arrogant and cocky believing that because it has taken so long, nothing has happened yet, and then when they eventually do get to court, some things just can't be helped, I suppose, but between continuances by defense attorneys and so on, and if you are talking 8 to 10 months before the hearing takes place, many of the witnesses have moved, you can't contact them anyway, so—and I suspect that's probably why a lot of plea bargaining goes on in juvenile court.

But back to the original question, there is no doubt that we agree that the scale or the level of violence is certainly not like the larger metro areas, but on the smaller scale, it probably doesn't lessen the fear any to the potential victims here in the area, whether it's just assault by hands or whatever, the intimidation is there and we are still seeing that.

Mr. TARPINIAN. Part of that fear, I think, comes from the fact that if you look at the juvenile justice system, it is either nothing or incarceration. And over the past 5 years as the—as the economy of the State has taken a nose dive and cuts have had to be made at the State level, cuts have been made at the institution, but larger cuts have been made at community based services.

So what exacerbates the problem is the fact that there are no interventions that are able to come forward for the youth or—or their families to be tools for these folks on the—on the police side or the—the district attorney's side to be able to give them some options. So repeat offenders keep coming forward and keep coming forward and they're let out on the streets without any supervision, without any intervention. So I think the juvenile justice system needs to be looked at not just from an incarceration point of view, but from a whole continuum of options that need to be available to these folks so that they can do their job better.

Senator COHEN. You mentioned the element of weapons in school. I recall seeing an item last night on the news of a young man over in Auburn who had stabbed another young boy because of a food fight that had taken place. That raised the issue of weapons. Again, this poses a problem for us as a society because we have conflicting values.

In the larger cities, it's not just knives, but they carry 9-millimeter weapons into school. And the moment you are to say, well, why don't we have metal detectors installed in the school, and the first child says wait a minute, metal detectors in our school, isn't this going to the extreme, isn't this an invasion of privacy, so we have to weigh the traditional freedoms that we have cherished against protecting other school children.

I mean I think I would go as far as to say what about having some sort of random check of lockers. Well, if you say that, then it sounds fairly dictatorial, saying what do you mean, you are going to go around and invade the privacy of students by looking in their lockers for guns and knives. So we have yet as a society to reconcile these conflicting values of ours, but it's a problem which we haven't faced at the level that other cities have to date.

And I might point this out in terms of what's going on in Washington. All juvenile offenders, let me say, are not created equal, they are not created equal. The young people who were in many of our cities are much older at the age of 13 than Maine 13 year olds. This became very obvious to me as Senator Carol Moseley-Braun was debating a crime bill, the crime bill that we had on the Senate floor.

As I recall, she offered an amendment that would allow States to treat 13 year olds and 14 year olds as adults if they, in fact, engage in the commission of a capital crime, whether it was as part of a gang or simply the commission of a capital crime. And a lot of us from the rural area said, well, 13 year olds, we were all just out of playing little league baseball at that age, just graduated little league baseball, and now we are talking about treating 13 year olds as adults for criminal justice purposes.

And what's happening, of course, is those who are fighting for their lives in many instances in the major cities are growing up much more rapidly than some of us in more rural areas, and yet that seems to be the trend, trend line at least. We are seeing younger people becoming more violent at ever younger ages and it's something that we have to be concerned about in terms of how do we deal with this. And I certainly don't have the answers.

We all want—if you took a poll of the people here, they say swift and just punishment. What exactly does that mean? If you simply lock them up and we don't do more than that, we are only compounding the problem, but our initial intuitive instinct is we have got to get tough.

And getting tough means what? It means taking those who are really a threat to society off the streets and doing what with them, putting them behind bars as such in a correctional institute, but we have to do more than that, otherwise, we are going to see generation on generation coming back out more skilled and sophisticated in the ways of crime. But that's the purpose of this hearing, to get the benefit of your recommendations.

There's a tendency on our part to get tough on crime when debate comes up on the Senate floor saying how many more Federal crimes can we adopt. So now we have federalized even juvenile offenses if they are committed pursuant to a gang related activity. Now I don't know how that's going to translate at the local level, I doubt it's going to have much impact because we don't have a Federal police force. Most of the job and responsibility of prosecuting these cases and such falls upon you at the local level.

But the tendency is to show how tough we are on crime is by make another Federal crime. We haven't got enough prosecutors to handle all the Federal crimes right now and we certainly don't have enough resources at the local level, so I suspect—I'm answering my own question, I guess—that you would rather see the Federal involvement be for the targeting of resources with some discretion at the local level or most of the discretion at the local level. Is that the general consensus? Mr. Dassatti.

Mr. DASSATTI. Yes, yes.

Senator COHEN. Sex offenses, are we seeing an increase in sex offenses by our young people, and if so, what kind?

Mr. DASSATTI. Speaking from the prosecutorial aspect, you are seeing a certain percentage of the cases and that seems to be fairly constant over my tenure at the office which has been about 3 years. The particular problem with juvenile sexual offenses is that the victims also tend to be very, very young. That's because the perpetrators seek out the weak and the defenseless.

So it is very difficult from a juvenile standpoint to prosecute when oftentimes your victims barely can speak in court. So that's the special characteristic of the offenses that make them difficult. And from a long-term trend standpoint, I'd say you're going to have somewhat—I'm not sure if it's going up or down.

Mr. TARPINIAN. I would say that without question, there is an increase on—on sexual abuse by adults on children and that what that translates into is that either the victim continues to be a victim or the youth becomes a perpetrator, so it's a cyclical aspect, but there is no question that we are seeing much more of kids that we are providing services to, a much greater emphasis that they have come to us because of sexual abuse that's happened to them by adults.

Senator COHEN. Anybody else have a comment on that?

Mr. DAVIS. We have not seen an increase in the juvenile offenders. I agree with the previous statement, we have probably seen an increase with the adult offenders against juveniles, for whatever reason, either the reporting process is different now or whatever.

Senator COHEN. Mr. Dion, you talked a little bit about gangs in Maine and, of course, they don't at all approach what we are talking about in some of our major cities, but there's a controversial issue that's been developing, namely, should we be seeking to work with gangs.

And I'm thinking of a person like Jim Brown who testified before one of our hearings, a former football star and part-time movie actor, I guess, or past-time movie actor, but he is very much involved in trying to deal with gangs and to bring them toward a more peaceful resolution of their conflicts. And that's been criti-

cized by some saying what are you doing, you are legitimizing their very existence.

There was, I think, a peace summit held by a couple of warring gangs and they were held up for praise at a schooling auditorium to which one teacher responded, well, you have more respect for the gangs than you do for teachers. So do we run a risk if we start to deal with gangs in a more constructive fashion, is that something that we need to do, or should we simply try to pull people out of the gang syndrome and break it up to the extent we can?

Mr. DION. I think the emerging gang issue requires a two-tiered response. One, we can't allow them to exist in terms of cells for intimidation. I think the police have a responsibility to public safety to break that up as it presents itself. However, we have to step back for a moment and recognize the harsh fact that these young men have come together for a certain reason, what is it about that attraction and that structure that's attractive to them and what's lacking in their families of origin, their school system, or the community in general that would drive them to that particular association.

To go back to an earlier comment made about the system and fear, working in neighborhoods, it's not fear I hear, it's frustration. It's the assumption that many outside our profession hold that it's a nonsystem that they may plug in at various junctures with very little likelihood of realizing their expectations.

With gangs and with all juvenile offenders, it's a matter of contracting with that neighborhood. When I see young people 6 or 7 years old who have total disregard for property value, littering, I'm not surprised later on, it can grow into other types of behavior. We have gone into one particular neighborhood that's plagued by juvenile crime issues and we set up a storefront. The first thing we did was we swept the street. A lot of young people asked us why we should do such a thing. Today that street only a few months later is swept by other people.

When I grew up, I wasn't afraid of the police, I was afraid of everybody else's mother. There was a linkage there, a network, that assured no matter where I went, she was present. What's lacking in some neighborhoods—I know everybody has those memories—is that community linkage. When we talk about the juvenile justice system, what we need is coordination so all the pieces are talking to each other so there is a sense that we are there. And that's what is lacking today.

So gangs are simply the manifestations of lost community. They've created their own community. And whether or not we want to react to it destructively or engage them and find out why it is they are, then we are just going to go down the road of more crime. That's why when I hear we want to criminalize more behavior, more behavior, it's not going to work.

If you add more crimes and I give more cases to Steve, he will just get plugged up, then he is going to be forced in a situation of plea bargaining to survive and to get the worst through and discard the rest. Then that builds the frustration. We have no aftercare. They come out of the youth center and the first person to recognize it will be the beat officer. And he or she is not sur-

prised that in the first weeks, we are on our way to detention. There has been no aftercare.

So it's a systemic response that's needed. And what we have done in that neighborhood is not create new services, we have not asked for new money, we have simply tried to coordinate all the services that are currently there.

Senator COHEN. Well, I think it's a very valid point. I think it's one thing where everybody seems to be pointing the finger down the line. Well, the family is not taking care of it, the school is deficient, the police don't have adequate manpower, the courts are too lenient. It comes back also to a question of community values. I don't know how you feel about it, but when I see someone smoking a cigarette in a car and chucking the butt out the window, it offends me. If you're going to smoke, why don't you take care of the residue yourself. And what really offends me is to see somebody stop at a stoplight and take the whole—the ashtray full and dump it outside.

I say, well, what's going on and why do we tolerate it. Well, I suspect if you are in Washington, DC, and you blow your horn, you're risking getting shot at with a 9-millimeter, that's one of the problems. But there's not a sense of community responsibility or response, which brings to mind something that Senator Patrick Moynihan wrote in an article, I think it was last year, for one of the intellectual magazines that he contributes to each year, but he wrote an article called Defining Deviancy Down.

And what he was pointing out to is how we have lowered the standards of what is acceptable and unacceptable conduct, pointing back to the days during the St. Valentine's Day massacre which made national, international headlines, which has been accorded footnotes in virtually—the Guiness Book of Records and whatever where I think three people were killed by four others or vice-versa.

Everyday in Washington DC, in the metro section, at least three are killed. And you could replicate that in virtually every major metropolitan area. But we have become so desensitized to it, we say, well, it's kind of average for the night, we only lost 3 last night and maybe 4 over the weekend and sometimes 11 over the weekend and life pretty much goes on because we have allowed unacceptable social behavior to become the norm, the floor has really dropped down to lower and lower levels.

And that is permeating throughout our society. So it really comes down to—we say how do we change this. We have got to change the way we think as a society and changing or perhaps getting back to those fundamental values that we seem to have lost along the way. There is no way in the world we are going to change this system by calling upon more police, more intervention, more courts, more Maine Youth Centers, unless we change the way in which we think as a society.

And it has to do with going back to putting more value upon the community's well-being as opposed to individual liberties to say and do whatever we want. And I think that's what this society of ours is going through right now, trying to sort out where we accord our highest values.

And I think as I listen to people—and I'm not sure, again, if I took a poll here, what people would say about that, I suspect peo-

ple would say give us more and more safety, give us more security, we're losing the ability to walk freely in our streets, to be free from fear in our homes, and we don't think the system works any more, we don't think that action is being taken to either prosecute, incarcerate, rehabilitate, to protect us.

So we are losing the basic freedoms that all of us cherish, we're losing them to others out there that are taking over our streets at night. And that's particularly true in some of the major metropolitan areas, people no longer go out at night, they bar themselves up in their homes and pray they don't get broken into.

So it's really going to come down to a change in society's values. That's why in going to other countries and listening to what they do, we need not go to those extremes, in fact, we would find them quite offensive, but I recall—well, I won't recall some of the things that were said, I will tell you them in private, perhaps some of the more drastic measures they take to apprehend those who would in any way contravene the good social order.

It's quite extraordinary, the lengths to which they would go to make sure that no one breaks the law. So they have more order, they have less freedom. We need to have a little more order and they need to have a little more freedom in my own opinion. But I thank you for your testimony this morning.

I think this will be very helpful to me to bring back. In terms of whatever funding we provide, it ought to be targeted in a way that gives maximum flexibility to those of you who are on the front lines of dealing with this on a day-to-day basis, that those of us who get up and debate crime bills, the pressure is always on, show you're tough on crime. We want to be tough on crime, but we want to be effective. We want to be tough and effective and just putting people away is not going to do it because they're going to come back out bigger and badder than ever.

But anyway, thank you very much for your testimony. We'll take a 1-minute break and then go to the third and final panel.

[Recess.]

Senator COHEN. We are going to begin and conclude with our third panel. On our final panel, I want to welcome Michael Saucier, have I got it right, Mike?

Mr. SAUCIER. Yes, thank you, Senator.

Senator COHEN. The chair of the Maine Juvenile Justice Advisory Group and chairman of the National Coalition for Juvenile Justice. Also joining us is the recently elected Mayor of Lewiston, John Jenkins. I am pleased to introduce Warren Galway.

Mr. GALWAY. Galway, yes.

Senator COHEN. Principal of Biddeford High School. And William Shuttleworth, principal of the Portland Rehabilitation and Educational Program. And finally, Suni Stratton, a resident of Biddeford and a member of the community task force. My staff has been very helpful trying to get this—I'm just going to move down here. Thank goodness that red button is only for the microphones here and not for something more serious.

A resident of Biddeford and a member of the juvenile task force that's been formed to look at juvenile concerns is going to be testifying. I want to thank all of you for coming. Michael, we will begin with you, then we will go down the line.

PANEL CONSISTING OF MICHAEL SAUCIER, CHAIRMAN, MAINE JUVENILE JUSTICE ADVISORY GROUP; JOHN T. JENKINS, MAYOR OF LEWISTON; WARREN GALWAY, PRINCIPAL, BIDDEFORD HIGH SCHOOL; WILLIAM SHUTTLEWORTH, PRINCIPAL, PORTLAND REHABILITATION AND EDUCATION PROGRAM; SUNI STRATTON, COMMUNITY REPRESENTATIVE, EDUCATION TASK FORCE, SUPERINTENDENT'S BLUE RIBBON COMMITTTEE AND PRESIDENT, RESIDENTS' COUNCIL, FOREST GREEN HOUSING DEVELOPMENT, BIDDEFORD, ME

STATEMENT OF MICHAEL SAUCIER

Mr. SAUCIER. Thank you, Senator Cohen, for inviting me to represent the Juvenile Justice Advisory Group or the JJAG as we are known in the State. We have had the opportunity to submit a lengthy written presentation to document for the subcommittee what's been happening in juvenile justice and the State Advisory Group's role or the JJAG's role here.

I wanted to spend a few minutes this morning speaking directly to the issue of the Federal role and you and other members of previous panels have touched on that. As you have mentioned, juvenile crime and delinquency prevention is a uniquely State problem. Ninety-nine percent, I dare say, of juvenile crime is prosecuted in State courts, dealt with by local judges, local prosecutors, and community people, some of whom you have heard today.

The Federal Government does have a role to play and the JJAG is part of that unique partnership between the Federal Government, the State government and localities. What we see lacking are three things primarily, two of which I think you can do something about on the Federal level. I would say I have heard a lot of people suggest quality programming for Federal funds and a quick calculation leads me to believe that the $600,000 that the JJAG receives or I should say hopes to receive in 1994—hopes to receive in 1995 is not going to make a dent in that.

Senator COHEN. Could you speak right into the microphone? People are straining to hear you in the back of the room.

Mr. SAUCIER. Thank you. One of the primary issues in this State that I think you are going a long way to making a difference on is the political dialog. We haven't had that in this State. We have 15 people running for governor at the last time I counted, yet not one of them has spent the kind of time that you have today or issued any substantial statements, issued any written positions on juvenile justice or delinquency prevention. I think you are going to make a difference today and hopefully turn that dialog around, but that's where it starts, in the State—State leadership.

One of them has gone to the point of writing a 132-page book and you will not find in that book the words delinquency prevention, juvenile justice, or even the Maine Youth Center. So I want to emphasize at the outset that the communities can't do it alone, it takes the leadership at the very top to be concerned about these issues.

The two things that I think the Federal Government can do better are coordination and consistency. Coordination of Federal funds that come into this State that are designed in a broad sense to deal with delinquency prevention issues. Congress through the Juvenile

Justice and Delinquency Provision Act does a good job at monitoring Department of Justice expenditures on juvenile justice and delinquency prevention.

We on the JJAG don't see any requirements for coordination of Federal funds that are administered by the Departments of Health and Human Services, by HUD, by the Department of Education, and certainly Mr. Boisot pointed out that there needs to be coordination and that these funds are sometimes in his view misused. But there's one thing that I think that you and members of the Senate, particularly your position on the Government Operations Committee, can require this State and every other to coordinate the funds that come into the State.

There is only one organization in this State that's required to make a delinquency prevention plan and that's the JJAG with the Department of Corrections, yet we see millions of dollars come into this State in other sources that are spent without coordinating on a local level. The Delinquency Prevention Act has put forward a good start by encouraging local community participation in title 5, the Delinquency Prevention Title of the act, but that needs to have a broader scope and involve more agencies than just the Department of Justice funds.

The second, and I touched on this at length in my testimony—in my written testimony, so I won't spend too much time on it is the consistency of Federal policy. We have been hurt in this State in meeting one of the Federal mandates. And I want to say that the Juvenile Justice and Delinquency Prevention Act is a good partnership, it provides funded mandates, not the unpopular unfunded mandates that are typical in other State programs.

One of the things that we have suffered here in Maine is a lack of consistency in following congressional policy on jail removal. Before your entry on the Subcommittee on Juvenile Justice, there was not a lot of attention paid between reauthorizations of the act and the Federal office administering the act. The Office of Juvenile Justice and Delinquency Prevention was permitted to make interpretations that in my view were inconsistent with congressional policy.

And I would like you to see that congressional policy is followed not only at the time the act is reauthorized, and was last reauthorized in 1992 and will be up again, but between the time. And I think holding hearings such as this to see where we are and where we should be going is a good first step in that direction. Thank you for this opportunity.

Senator COHEN. Thank you, Mike. Mayor Jenkins.

STATEMENT OF JOHN T. JENKINS

Mr. JENKINS. Thank you, Senator, for this great opportunity to speak with you on behalf of our young people, not only in Maine, but around the country. Part of my work not only as mayor of Lewiston, but also as a motivational speaker, I travel around the State as well as in Maine talking about building motivational programs in schools and communities and building self-esteem up for folks, especially folks at risk.

I would like to say also that I quite often hear the issue of poverty, although it plays a role in crime in our country, it's not a sentence, I don't think it's a sentence that destines one to a life of

crime. There are a lot of folks that are law abiding, but have lack of resources, so I don't think that's necessarily a sentence towards being a criminal.

I know sometimes the word correctional facility, sometimes in my mind, it sounds like a misnomer because when people do go in, nothing gets corrected in the sense of—in terms of the antisocial behavior, but I would like to see things happen in our correctional facilities to correct those behaviors. Part of that is a societal thing in which, you know, they sometimes come right back to the same community that had the problems that caused them to go in the correctional facility in the first place. Nothing has been corrected in terms of getting them jobs and summer activities, especially talking about young people.

Again, the word correctional again is a misnomer. It's a misnomer like it is like the State of Massachusetts calls itself the Commonwealth State. There's nothing common about the wealth in Massachusetts, it's a misnomer, and so I think wording is important somehow in being kind of true to the word.

As a motivational speaker, I again talk about specific steps that people can take in their lives on a daily basis. And again, I think society comes down to the individual in giving them skills with which to make positive decisions and wiser choices. Part two of the program that I often do is called PEP, P–E–P, Personal Enrichment Program, in which it involves a communitywide effort.

It takes a whole village to raise a child, it takes a whole village or community to raise the children within that community, so it doesn't fall just on the shoulders of parents, it doesn't just fall on the shoulders of clergy and law enforcement. Everyone has to pitch in obviously to be effective in raising our children more effectively. When we step aside and turn a blind eye to the needs of our children, I have often said to many folks, especially to adults, one of the best things we can do for youth is to remember. We can give a lot of programs, but sometimes as adults, we seem to forget what that struggle was like to have a sense of identity and expressing one's self and finding appropriate behavior.

You yourself said earlier what makes a river is the banks that holds it in that makes a river. Without the banks, you have a flood. The banks that hold in the river of this crime, the crime issue that we are concerned with, those banks are made up of the morals and ethical values of society that clearly defines the limits that we will tolerate in a community or in a society. And we have to be very clear and consistent with that.

Not to point fingers, but I think it starts from the top down as well as the bottom up in that I think that if you do the same crime, you do the same time. But sometimes when people—common folk like myself can see folks on a higher echelon of society in terms of legislative level do a crime, but do not do any time, somehow they get a—there is an inconsistency in the laws and the way they're acted out.

In other words, the message is if you have money, power, position, you do the crime and somehow, bargains are made, but when you are on the lower end of the social echelon, you do the crime, boy, you are going to do big time, and somehow, the time that you do doesn't really fit the crime that you may have committed per-

haps, like in other words, you get thrown under the jail, not in the jail, but under it if you are in the lower end of the scale supposedly. And that's the perception that's out there. Maybe the perception is maybe 80 percent of what actually happens in people's minds and in their own sense of reality.

The other thing that I—and I'm going to shut up here in a minute because I get going, I get excited here.

Senator COHEN. I will come back to you.

Mr. JENKINS. You will come back to me. But the other thing that I would like to mention is the role and the responsibility that communities have. As I said, these are all our children. I have met with gang summits in Cleveland and Chicago and spoken with gang members, and knowing my own humble beginnings in Newark, NJ, my pride in becoming the mayor of the great City of Lewiston, I remember my own struggles as a youngster in Newark, NJ, not unlike most youth in many cities.

And what I've told these city administrators because they were really ragging out the gangs, saying, well, you guys are bad, bad, bad, bad, bad, but everytime a gang member got up and described themselves, they talked about themselves in terms of family. They never called themselves gang members.

And when I got to speak, I said hopefully we took note of that because they called themselves family, not gang members. They saw themselves in a situation where what is family. It's where you are loved and accepted and cared for and someone kind of is looking over your shoulder to protect you so to speak. And I said something is wrong when we have a situation where our young people no longer feel a sense of being protected and loved and cared for in what should be their family and have to seek it elsewhere.

But I told them also that here are some young people who have come together, not unlike any other organization, scouts or military or anything else, I mean what's the difference between a gang and an organization that we are willing to support is maybe perhaps their motives and the direction in which they're going. And I think—I told them, I said rather than disband the gang, we should give them better directions and values by which to operate.

And in speaking with the gang members personally, I told them here we are fighting over shoes and shirts and jackets and killing each other over these things and it's for this misnomer of turf. And I said, in fact, you don't own one thing on that block except the clothes on your back.

And I said if you, in fact, want full legal—you know, legal authority to tell someone to move from your abode, if you will, your house or your apartment or whatever, you should buy the building, I said then you have investment in your community, then you have a sense of ownership and you have an investment in this community, then you have turf and you have the legal authority to tell that person to move on, but, in fact, you are fighting over something that you have no ownership in whatsoever. It's a misnomer. You don't have any turf here because you own nothing in that community at all.

So I was encouraging these young people to organize their efforts around ownership and investment in the community, and then when you have a sense of responsibility, you take care of the things

that you are responsible for. You know, they say youngsters will take care of their clothing and their shoes in high order, but again, then when they have a sense of ownership in the community itself, again, I think you will see a big turnaround giving them a sense of belonging in the community itself.

I'm going to wrap it up in a minute, sir.

A lot of people throw a lot of good money behind bad and it's not an issue of more, more, more money. I know I spoke personally—had a chance to meet our President and I got to say I was impressed with the ideas that were being put forth, but again, I was concerned on the other hand that here we are talking about 100,000 more officers on the street and I didn't hear much about provisions or prevention.

The crime situation in our country seems to be like you have a spigot wide open in a tub running full force, water running into the tub, and you are emptying the tub with a teaspoon. In other words, if we have a war on drugs, a war on crime, we should seriously declare a war with a mission and a goal and a purpose and go about the purpose of eliminating a lot of the problems that we are faced with.

I know and I heard one of the staff members say who are in-charge—who was in-charge of disseminating information in the law enforcement for our country from the staff from the White House there said something to the effect of, gee, there are times we feel—many times we feel we are overwhelmed, our hands are tied, we really can't stop crime, we really can't stop the flow of drugs in our country.

And I was a little antsy and I couldn't help but stand up and say here we have the highest level of technology on the planet, and when we were faced with a terrible situation in New York City where the World Trade Center was bombed, because that was important, within a few days, we not only found out who the perpetrators were, but we found out where they had their vehicle, we knew their parents' names, and we knew what they had for lunch 3 days before. So within a few short days, we found out the perpetrators of that crime because, in fact, it was important.

When one of our Olympic athletes got slapped on the knee, terrible situation, but within a few short days, we found the perpetrators of the crime. But if you're going to tell me with all this high technology and surveillance, that we cannot find who is creating crime and bringing drugs into our community, something is wrong with the picture. I think we respond to the things that we call important and I think we need to send a clear message to our young people as well as the community at large that this is important to us.

The fact is again, jobs, if we are going to put money into the situation, I think we cannot overlook the situation where jobs are an issue. The fact is that Bates College just raised their tuition to $26,000. It costs $27,000 to incarcerate somebody. What are you going to get as a result between the two situations? I think we should be putting a lot more money into building schools that allow our people to have a future as opposed to, again, throwing them in jail. So again, I would like to see a little more comprehensive effort. And I will shut up and turn the floor over.

Senator COHEN. You need not shut up. I was just going to point out that once again, you touched upon a point dealing with technology and the use of technology. It runs right into direct conflict with our constitutional values. For example, we have the technology, we could hang a satellite over most of our major areas, low orbit, it could film everything that's taking place, so if you had a crime committed, you could actually zero in and pick up the track of those individuals responsible for the crime.

We can do that, we have the technology to do that. Is that something that our society is willing to take, however, or does it approach Orwellian proportions that now we have big brother in the sky, eyes in the sky monitoring each and every activity on the part of the private citizens? So we have the technology, it's a question of striking a balance between technology and freedom, which is another subject that you and I will debate a little bit later. Let's go on to Mr. Galway.

STATEMENT OF WARREN GALWAY

Mr. GALWAY. Thank you very much, Senator. I have some things I would like to address from two different perspectives. The first would be speaking to you as a former Maine kid at risk and then as a principal of Biddeford High School. And I will do the best I can to keep it as brief as I can. I really need 1 hour 5 minutes.

Senator COHEN. Do you consider yourself a principal at risk now?

Mr. GALWAY. No, not at risk. The biggest problem I have right now, my immediate concern, if there's anyone out there with a quarter in their pocket, I have a 1985 super natural Dodge Omni with 160,000 miles on it and I only put in three quarters in the parking meter, it says tiger pride on it, if you drop a quarter in, I will give you $1.

Senator COHEN. It was last seen being towed away.

Mr. GALWAY. I've got the keys. I'm going to send you the bill. It's amazing that I sit here this morning and I thought back to the beginning of my life and where I began and how I began and how I happened to be sitting here before you speaking beside John who is the mayor of Lewiston in the city that I grew up in and with a similar type background, I guess it was New Jersey, was it, John?

Mr. JENKINS. That's right.

Mr. GALWAY. Yeah, a similar background, we're wearing pretty much the same suits and we are talking pretty much about the same things. But as a former kid at risk, I will just give you a little background so you understand where I'm coming from and how I see what today—how important today is and what it means to kids.

I did grow up in Lewiston. I grew up on the worst street in the City of Lewiston, Knox Street. I'm sure you know that, mayor. The worst street in the City of Lewiston, I grew up in the worst house on the worst street in the City of Lewiston, 29½ Knox Street. It's a five story block with about 12 different apartments. We paid $6 a week rent, cold water flat, we heated it with an—with an oil stove.

I had five younger brothers with three different last names. My mother was one of nine children. She had a third grade education. No one in my family graduated from high school. I was the first

person in my family to graduate from high school. My father was murdered when I was 2 years old. And I know what juvenile delinquency is, I lived it, I walked it, I was part of it. And I just want you to know that, as John said earlier, it isn't a matter of money, it isn't a matter of where you live, and it isn't a matter of your position in life.

I often tell young people that life is like a race. The two most important criteria are how you run the race and where you finish. And really, there is only one criteria and that is how you run the race. If you concentrate on how you do life and how you run the race, you will never have to worry about where you finish. And I'm going to tell you that I'm probably going to be the most positive person here this morning, I think, when I get done. And I'm not embarrassed about that, in fact, I feel pretty good about it.

I know a little bit about your background because I went to Orono. I got my master's degree in administration there. I lived on State Street. I rented an apartment with my brother from a man named Ernest Cory. He talked about you and your parents and the bakery and how hard you guys worked to get through school and everything else.

Senator COHEN. I'm going to be in the bakery at 5 o'clock tomorrow morning as a matter of fact.

Mr. GALWAY. So you understand. I'm here today because I work 80 to 96 hours a week in Lewiston in the mills. It's a blue collar community. And when I got out of high school in March after basketball season, we won a couple of championships, that helped, and I got to be a junior in high school, I had two people, two significant people help me in my life, a teacher, a principal and a coach. Those are two people because the teacher was also a coach.

And when I was a junior in high school, my mother said to me very early in life, she said, Warren, be the first person in our family to graduate from high school. It was a goal. I wanted to be the first person in my family to graduate from high school. And we tied education with money and success, the opportunity to live and to get off of AFDC and $29 a week living.

My junior year in high school, I had a basketball coach, he is still there, he is the athletic director in Lewiston, his name is Mr. Massey. He took me aside. We were shooting foul shots before the State championship game that year, he took me aside and he said—I thought I was in trouble because I had missed a few. He said I need to talk to you about next year, what are we going to do, what are you going to do. I said, well, we are going to win another State championship. He said, no, no, what are you going to do after you graduate from high school.

I said, coach, I'm going in the coast guard, I love the ocean, I would like to go into the coast guard. He said to me, he said, Warren, he said you can go to college, you're a B student, you have taken college courses, you can go to college. You can go to college and I think you will be a great teacher, you're a good leader, you're captain of this basketball team, kids look up to you, and you can play basketball in college, you can play basketball for 4 more years.

Well, I decided I wanted to play basketball for 4 more years at 17, 18 years old, but he planted the seed about being a teacher and a coach, and from that day forward, that's where I went.

Senator COHEN. What happened to the foul shots, how many foul shots did you make?

Mr. GALWAY. I was the twin city foul shooting champion in Lewiston and I shot, 48 out of 50, 1 year and won a trophy, but we lived that life. And I want you to know, Senator Cohen, that I do have five brothers with three different last names. One of them is an assistant principal in Auburn, in the Auburn School System, Steve is at Edward Little. I have got a brother who is an attorney, I have got a brother who is an engineer, I have a brother who is a college administrator, he's a millionaire, he won Megabucks, $946,000. We haven't seen him since. He bought me this tie.

So we have done well. And the reason we have done well is because we were willing to work hard. We had some people, the man's name was Nat Crowley, he was a principal in the ninth grade back in the—and you need to know this because this is part of how I'm going to talk about being a principal here in a second. In the ninth grade, I was shooting baskets in March, mid-March. The playground at Jordan Junior High School was all asphalt. Every afternoon after school, I shot hoops. He was a former coach of a State championship team, a New England team.

It was a Friday afternoon, he was headed for his car at 3:30 in the afternoon. He turned around and he hollered to me, he said, do you mind if I shoot baskets with you. It took 5 minutes of his life, 5 minutes of quality time. It changed my life. He came over, we shot hoops for a few minutes. He said, Warren, next year, you are going to Lewiston High School.

He said—back in the 1960s, Senator, maybe they did this in Bangor, I don't know, but back in the 1960s, we were very well tracked. There was a seventh grade 1, 2, 3, 4, 5, 6, 7, 8, 9 track. If you were in 7–1, 2 or 3, you were going to college. You were gifted Gilbert, you—you were in pretty good shape. If you were in say 7–4 or 8–4 or 9–4 because they had 9–1, 2, 3, 4, 5, 6, 7—I was in 9–4, I was on the edge. If you were in 9–1, 2 or 3, you got a blue card. That meant you took a College Prep Program, you went to college. You had the opportunity for that curriculum to go that way.

In 9–4, 5, 6, 7, you got a white card, if you were a boy, that meant you were taking general courses. You may also get a white card—you might have also got a white card if you were a girl, but you probably got a green card which was a business card which was a secretarial program. No boys got green cards, you wouldn't get off the playground alive. And then there were those students below that who really, they had special needs and they were in courses for remediation.

Mr. Crowley came to me and he said, Warren, he says you have a white card, general courses. I said yes. He said I've changed it, I have given you a blue card, you can go to college, you're—you know, you are a decent student, he said I want you to take this blue card, he said I want you to take college courses, he said you can go to school. He changed my life. Because of that curriculum, because of that opportunity, I had the chance to go to college when I got to high school.

I graduated, went back to Lewiston, taught seventh grade English in the room I was taught seventh grade English in, replaced that teacher, was there 14 years, graduated to assistant principal

at Lewiston High School. was there for 6, went to Greely for 5 years, principal of the National School of Excellence in 1986 and 1987, had an opportunity to go from Knox Street to the White House and meet the President of the United States in the Rose Garden as that high school was selected as one of the top in the country.

In 1990, I wanted to go back to Lewiston where I grew up. I wanted to work with students at risk, all kids. Lewiston was an opportunity for me to give back to my community as I had done earlier. It was a goal to be principal of that high school. I didn't have that opportunity, someone else was doing that job. So I went to Lewiston South. I applied for the Biddeford principalship in 1990. I call it Lewiston South, deux pareil, two of the same, very, very similar community. And it was a match for me. And it gave me a chance to work with the faculty and implement a world case comprehensive 21st century program for kids.

I want to describe for you Lewiston—I want to describe for you Biddeford High School from 1985 to 1989, then I will describe Biddeford High School to you from 1990 to 1994. In 1985 to 1989, Biddeford High School had an 8.7 percent dropout rate, Senator. In 1990 to 1994, we had a 1.26 percent dropout rate. We are recognized by the State Department of Education for our At-Risk Prevention Programs for kids to keep them in school. From 1985 to 1989, our MEA, Maine Educational Assessment Scores in reading, writing, math, science, social studies and humanities ranked among the bottom 20 percent in the State. We were below State average in all of those areas and we were below our bands in all of those areas.

From 1990 to 1994, the students have excelled, they have improved over 500 points, 560 to be exact, and they are within and above their bands in all of those areas, as I speak. Post-secondary education, 1985–1989, let me describe the class of 1989 for you. Fourty-nine percent of the class of 1989 went on to post-secondary programs. Fifty-one percent of our kids were tracked in a general area and they weren't going on to school.

Last year, 1993, 65 percent of our students went on to Post-Secondary Educational Programs. They got a blue card. This year, we are on target, they have over 70 percent of the class of 1994 go on to Post-secondary Educational Programs, 7 out of 10. Blue collar mill community, tough area. And the thing that I'm the proudest of is in 1989, only 65 percent of the graduating class that entered that building in 1985 was still there and graduated in 1989, 4 years later.

And I'm pleased to be able to tell you—what's the date today, John, do you know? I'm nervous.

Mr. JENKINS. It's the eighth.

Mr. GALWAY. Today is the eighth, April 8. April 8, as I speak to you, we have over 90 percent of our students who entered in 1990 still in school and on target to graduate in June. That's the goal for the year 2000 nationally. We can do it this year if they can just pass English.

We have done some positive things, there's no question about it. Dropout rate, I'll tell you—I want to tell you about some positive things. Here's what we have done to reduce the dropout rate. We

have—you think back to school, Senator, in the 1950s and 1960s when you and I were in school, about the same time probably. I didn't have a social worker in my school. We have one at Biddeford High School full-time. I didn't have a substance abuse counselor. We have one at Biddeford High School full-time. We need these people.

We implemented a student assistance team. There were no student assistance teams back in the 1950s and 1960s. That's a group of teachers, administrators, guidance counselors, social worker, school nurse, substance abuse counselor. We identify, monitor kids at risk, Warren Galways of this world. We find them early, we look for them, we identify them, and we have a teacher or a person in our building monitor them from the time they walk in until the time they graduate 4 years later to keep those kids on target, focus them.

We try to meet every need we can within the community and within the school. That student assistance team has made a tremendous difference in our dropout rate. We have an ASAP Program, Senator. The ASAP Program is called A Student Assistance Program. We have—UNE happened to get some money, a grant. They called me in 1990 and said we have a grant, we don't know what to do with the money, do you have any ideas. I said, sure, how about setting up A Student Assistance Program, I want UNE students to mentor Biddeford High School, our most—30 most at risk students of dropping out of high school.

We met with them. We didn't just get UNE students to do that, we got 2nd year medical students at UNE, they had already done 4 years. They lined up with our 30 most at-risk students in 1991, 1992, one on one, once a week at UNE, in the community, at school. All 30 of those students stayed in school, all 30 of them. And you know what I found out, that those people from UNE were just like Warren Galway, they were people who were at risk also, they had a tough time growing up and they wanted to give back.

So we connected people with people. Education is a people profession, it's people helping people. So we had some role models, we had some teachers and we had some coaches working with kids and coaching and helping those kids through. So that was a positive program. So the staff, the student assistance team, the major significant difference in terms of programming is we implemented a Jobs for Maine Graduate Program and an OAP Program.

Those are programs—they're school to work transitional programs. We identify at-risk students in grades 9, 10 and 11 and they're in the OAP Program, and at grade 12, they're in the Jobs for Maine Graduates Program. We have a person on staff who works with those students while they go through school, then for 1 year after school, they work with an employer and this student to help them transition from school to work to make sure that they have marketable skills and the things that they need to get a job and keep a job.

Those are—those are some significant things that we have done. We have restructured our high school. You better believe there is no general track at Biddeford High School. The two biggest lies in education, Senator, are this: Number one, that general education is an appropriate way to do school for kids. It isn't. I learned a

word in Biddeford from the kids, it's a French word, the general track sucks to be honest with you. That's what they say and they're right, OK, and we understand that.

There is no general track at Biddeford High School next year, it's gone, we have a Technical Studies Program and a Liberal Arts Program. Both lead, both lead to post-secondary educational opportunities, the technical studies through engineering and courses like that, and the liberal arts, the traditional way to go. We have done away with the general track.

Our mission is to have every single student graduate from Biddeford High School with nothing less than marketable skills and the opportunity and the aspiration to go on to post-secondary educational programs. It is 1994. These kids are 15, 16, 17, 18, 19 years of age in some cases. They will live the majority of their lives beyond the year 2000, in the next millennium, they will live to 2050, 2060, 2070 and maybe beyond if we do great things with lasers.

And I'm going to tell you, the second biggest lie in education is that a high school diploma is going to be enough to guarantee you those marketable skills in the next century. Kids have to go on to school. They need more schooling, they need more training, they need more opportunity.

The three programs I have for you that we want to put in—and they're in writing, I don't want to take anyone else's time, I feel like I have already done that. We are looking at a home school coordinator. It's all in narrative form for you. We're looking at a Police Liaison Program. And we are looking at a program where we have our young students at the high school do Legal Issue Simulation Programs for younger kids K–8. We use students to work with values and have those values taught through simulation things, opportunities to younger kids in our program.

So I really do thank you for the opportunity to speak here today and I will share this in written form. Thank you very much.

Senator COHEN. Thank you very much, Mr. Galway. Mr. Shuttleworth.

STATEMENT OF WILLIAM SHUTTLEWORTH

Mr. SHUTTLEWORTH. Thank you. I think the only difference between myself and the other members of this panel here is that I have actually never met the President and maybe you in your constituency, we might be able to arrange that. I am the principal of a school here in Portland——

Senator COHEN. Do you jog?

Mr. SHUTTLEWORTH. I do, I do. I took it up just so I could meet him. I run a school here in Portland, a secondary school called Prep. Prep is an alternative high school that exists for kids that did not conveniently make it in the traditional mainstream of our schools. We have about 50 students ranging in age from 12 to 19 with 15 to 16 the average age. Our mission statement speaks dearly to what our school stands for. It reads to restore the heart and spirit to students through individualized experiences and personalized education.

It acknowledges that the kind of students that enter our schools have either victimized themselves or been victims of an educational

program that didn't work for them. It is essential that we acknowledge that the day that they enter. The role of the principal in this school being myself is critical. Not only do I run the administration, I try to be relentlessly available to the students, not only to play basketball, but to serve breakfast and to teach.

I believe that one of the most important things that an educator can do to curb juvenile crime in America is to be visibly present in their school. You watch the Celtics tonight and you will notice always that Chris Ford will be on the bench. He will not be at a workshop learning how to be a better coach. In-service opportunities and administrative meetings of that nature always must occur when students are not in school.

I have identified 10 factors that I wanted to quickly share with you that I feel schools can make an impact on in terms of juvenile justice and juvenile delinquency. The first has to do with early intervention. Without embracing the needs of children at an early age, students are at risk. One-fifth of the students in our State, for instance, enter kindergarten this year without proper inoculations. Another fifth live in poverty. While I agree that poverty is no excuse for crime, certainly families that have no transportation and no running water and no access to adequate diet and food run a higher challenge of making it in this American dream than those of us who have those skills and those services.

The second factor I would like to talk about is truancy. If there's one factor that I have found in my professional career that filters down to an early identification of a student that's going to later have crisis, it is early truancy. We must monitor absenteeism in early grades because it is an absolute hallmark, almost a one-to-one equation of a student that's later going to have difficulty and enter the roles of being a juvenile delinquent.

We need to have the services that we've talked about here at this table, social workers, home school coordinators to make that work. We also need to have public support for enforcing truancy laws so that they actually have some meaning behind them. The third thing is I would like to make sure that every student comes ready to learn, that children are not hungry, that children are not abused. One out of four children perhaps in America lives in poverty and about that same number are—are victims of some level of abuse.

I believe it should be unamerican for children to come to school hungry and certainly for a child to come to school that's abused. And I would highly promote Federal legislation that would vigorously prosecute child molesters far beyond what currently is being done. Fourth, the key to our program is vocational job training. We hired a full-time job coach at our school this year and it's made an enormous difference.

Every student now can earn money and high school credit at the same time by engaging in productive training on the job with a full-time job coach assisting that process and working out all the glitches that it takes to make it work. Fifth, public schools need to develop alternative models. One size does not fit all. Not every student is meant to either go to Deering High School or Portland High School, large, large schools of 1,000 kids. It is very difficult to find your niche and how to fit in.

We need to embrace different models of using the community as a campus, smaller work settings, different aspects that can make that happen. Sixth, I believe that we need to develop continued efforts to reduce dropout rates. Mr. Galway's efforts are unparalleled to my experience and certainly should be seen as a national model for replication.

One of four students in the State of Maine essentially does not graduate. I know of no private enterprise that could ever exist with a failure rate of one out of four of their products failing and still continue to be in business, and certainly, I don't think that we can tolerate that when human beings are our major product.

I would like to also say that the kind of students that we work with have had an enormous at risk potential for dropping out. And last year, out of the 68 students that went through the halls of our school, by the end of the year, 62 of them were still actively engaged in either school or work, so it can be done and at risk is not necessarily seen as an excuse for dropping out.

The seventh factor I would like to talk about is the summer programs and options in addition to the daily school. For instance, I would support programs in the summer such as Outward Bound as an alternative to incarceration. I would support wraparound services where kids can access community services that they need to make their life work. I would support afterschool programs, Saturday morning schools, recreational opportunities where the school remains the center focus of the community for the common good.

The eighth factor I would like to address is the family. We found that the family of at-risk kids care just as much for their children as any family in America, but the fact that they was—was that they were not in a position of being able to provide the level of services that you and I might be able to do for our children. We found, for instance, by doing a detailed survey that our families needed as much service or even more than some of our children.

We implemented a 24-hour telephone line that essentially creates the same hours of our school as L.L. Bean and we think it's a worthwhile model for America's schools. We provide food, agency referrals for shelter, and transportation for parents that need that for essential agency link. I would also support that schools could easily become a one-stop shopping center for essential services that they need.

At-risk families even in a city the size of Portland have an enormous difficulty going from agency to agency, not only just with transportation, but figuring out the complications of each agency's rules and regulations. If our school easily could house on a weekly basis home for nursing care, Department of Human Services, probation and parole, families who are accessing those services could use those on behalf of their children.

I would also like to talk about a drug that surprisingly has not been spoken of at this hearing today. And alcohol is really not the drug of first experience for children, it is tobacco. In the last 12 years of my work in Portland, 80 percent of all the students that I worked with that have been identified w[illegible] are at-risk smoke. It is an early calling card in my estimation [illegible]tudent at risk.

Obviously, smoking does not cause [illegible]al behavior, but that one-to-one correlation or 80 percent co[illegible]lation is a factor that

must be looked at. And we as a society, I believe, cannot endorse a national campaign that continues to provide Federal subsidies for tobacco when it has such a negative impact on the lives of the students at school. It is actually on a day-by-day basis the number one discipline problem that I have to deal with.

Finally, I would like to talk about that our schools remain the great hope for what America was all about for the common good, for the global good. The school is still the most enduring centralized system of services within this community. The family and the school working together on a year-around basis, almost on a 12 to 24-hour day basis can make a productive difference, but schools cost money.

Unfortunately, even within the resources of a city as great as Portland, we're enduring a budget crunch this year that will result in 33 positions lost, positions essential really to the continuation of quality services to kids. And all those services could at some point make a major difference for at-risk kids. And I thank you very much.

Senator COHEN. Thank you, Mr. Shuttleworth. Ms. Stratton.

STATEMENT OF SUNI STRATTON

Ms. STRATTON. Thank you. Good morning, Senator Cohen, and I thank you for inviting me to speak. My name is Suni Stratton and I live in a subsidized housing development in Biddeford called Forest Green. And I'm sorry, Mr. Shuttleworth, but I too have met the President. I have been fortunate enough to have been elected president of the Residents' Council of Forest Green for the past 3 years. And working with my friends and neighbors, several factors have become evident to me that substantiate my opinions regarding juvenile crime. And with my recent association with the education task force, I was able to share and develop a workable idea.

The first thing a new parent learns when dealing with teaching and discipline is that you must be consistent. Everyone knows how children push to the limit testing how far the parent will relent. Consistency defines limits and develops responsibility and respect. Studies have shown that juveniles involved in criminal activities most often showed signs of lack of responsibility and respect early in their school years. There was help offered, but no follow through. There were disciplinary contracts drawn, but no follow through. And there were at least 10 various explanations for the lack of consistency.

The fact is the two most stable influences, positive or negative, during adolescence are the home environment and the education system. When you define an at-risk student, you find cause in one or the other or both of these areas. By definition, this means there were no follow throughs or consistency due to lack of cohesion between the home environment and the educational system.

This point is not made to assign blame, but rather to offer a suggestion, a liaison, a go-between, a co[illegible]stant, located in the schools available to parents and teachers alike to, for example, arrange meetings, explain school policies, dispense information, relate concerns, et cetera. Teachers are all available to parents in theory, but in reality have obvious time restrictions. This is where a liaison would be of great value.

Here is a general example of what I'm talking about. A mother gets a call from a local discount store because her son has been caught shoplifting. She's at work and had thought her son to be in school. She had no idea he had out of school suspension because his in school suspension papers had been signed by an older friend and she couldn't be reached by phone. A week later, she receives a copy of the out of school suspension papers.

A meeting is set up with the school counselor by the press of the mother, something comes up and the meeting is pushed back. The student's behavior escalates. Eventually, other behaviors lead to informal adjustment which is juvenile probation within the legal system. The informal adjustment is held once with a probation officer of the court, and then due to lack of funds and or personnel, is continued with a university student on work study assignment.

This scenario could be repeated in multiple ways. Some parents know their kids are in trouble, but don't care enough to become involved. Some parents feel inadequate to communicate with authority or teachers, so they don't try. Some teachers spend hours with one student to find a parent didn't follow recommendations. Some informal adjustment workers go on vacation or get transferred leaving a 2 week or longer void so that the juvenile becomes lax, unreporting, without any consequence. Again, lack of consistency.

Everyone working with juveniles has the same goals, to prepare the young person to be a responsible law-abiding productive adult, but timing, availability and immediate attention are factors that inhibit parents, educators and law enforcement. A liaison could bridge some of that gap. The liaison could follow through to make sure that everyone involved with the juvenile knows precisely what's going on at the immediate moment. There was a time as a parent when a liaison would have made a big difference in how I handled a juvenile problem.

And I know many juveniles with apathetic attitudes because they haven't known consistency and don't feel the consequences for their actions for months, and by then, it is either too late, or as they would say, no big deal. If appropriations could be made so schools could set up a liaison network, I feel everyone's professional efforts would have a better chance in succeeding to deter juvenile crime, thank you.

Senator COHEN. Thank you very much, Ms. Stratton. Well, the hour is late. I will make a couple of comments. The first thing I would do is recommend that Mayor Jenkins team up with Mr. Galway and perhaps tour the State of Maine, one as an inspirational speaker, karate instructor, and the other a championship basketball player and champion principal as a matter of fact. If we could perhaps replicate what you have done with Biddeford and what you are doing in Lewiston, perhaps we wouldn't have the problem that we do.

During the break, one of the anchors for one of the television channels here in Portland came over to me and he said some of the young people who were sitting upstairs and perhaps in the audience felt, well, we really weren't getting the correct picture here because young people are reluctant to come forward and tell you what they are really thinking, and therefore, we are only getting

a partial portrait up here of some of the nature of the problems that we confront and how we should deal with them.

I don't know that there is any answer to that other than asking the young people to come forward and tell us or tell you or tell someone about what it is they face, why it is they feel that the social structure that we have doesn't measure up to their particular needs. All we can hope to do at a hearing like this is listen to some who have been through the system, who have had troubles of their own and managed to overcome them with help from institutions and from individuals and others who remain silent and perhaps not give us the benefit of their own experience.

There is one thing we haven't touched upon and perhaps it's not as relevant in Maine as it is in other States, but Mr.—Mayor Jenkins touched upon this. A perception of the dual standard of justice, one for those at the higher levels of societies, income levels or power positions, and those at the lower end. There is another problem in our society called racism. And that perhaps applies more to other States than it does to Maine, but I think even we are touched by this.

But you find—I just finished reading a book called Makes Me Want To Holler written by Nathen MacColl who is a Washington Post reporter. And I found it interesting. He was explaining his experiences as a young black man growing up in Washington where he started on a path of criminal misconduct and he ended up shooting—I didn't touch that—he ended up shooting another black person with a pistol, shot him in the chest, I believe. I believe he killed him. And he ended up getting a sentence something in the neighborhood of 3 months. He either wounded him severely or he killed him, but he got a sentence of 3 months.

He went on later on with a smaller gang type of activity, he robbed a McDonald's for which he was sent away for, as I recall, 7 years or 8 years. So immediately in his mind, he saw quite a distinction in terms of how society related to him as an individual. And I suspect that that in a much larger level is permeated on major cities as well. It's not a question of glass ceilings or glass walls, but concrete blocks that prevent people from achieving their own aspirations. Very few are going to break through that concrete ceiling.

So that's another issue that we are not prepared to deal with here today, but I think it also is involved very much in our juvenile justice system nationwide. And when you start looking at gangs in South Central Los Angeles or in Cleveland or Chicago or any of the major cities, you have Hispanic gangs and black gangs and virtually Vietnamese gangs and Asian gangs and everyone turning to a gang, as you said, to find a family.

And we have not experienced that type of activity here yet, but we don't want to either. So it's going to be the efforts of people, Mr. Saucier who is working in the whole Federal State relationship of Juvenile Justice Programs, John Jenkins who has been an inspirational not speaker, but I think leader. And I met him years ago when he and I ran into each other at a restaurant over in Oxford and he was taking a group of young people into the restaurant and I was there shaking hands campaigning for something, but I met

him and found out he really is I would say not only idealized, but idolized by the young people that he has come into contact with.

And obviously, Mr. Galway, you and I are going to have to have a foul shooting contest. I had a different experience. You see, he had a coach—Nat Crowley used to coach John Babbs High School when I was growing up and I know something about foul shooting because one time when I was a young man, I was playing church league basketball and I had a good day, I scored 43 points that day, and I went over to see my father and I said, what did you think, dad, and very seriously, my father looked at me and he said, well, if you hadn't missed those two foul shots, you could have had 45.

And it was a lesson that stayed with me for a lifetime in terms of the pursuit of excellence. There's always somebody in your life saying you have got to do better, don't be satisfied. And so sports provides that for many. When it comes to women, we have had a distinction, you know, over the years. Maybe that's changing now thanks to the Federal law as a matter of fact, but we always treated women quite differently. Basketball, two dribbles and a pass in my day. No running down the court, no jump shooting, just bounce the ball and pass it. Because we didn't think that they were quite up to the male standards. So society's values have changed over a period of time, but we still don't have equal treatment in those circumstances.

Basically, I think that what we are trying to come to grips with is we have a host of problems that young people are confronted with today and we haven't dealt with them adequately. And it's not enough—Mr. Galway, you and I come from essentially the same background. I grew up on Hancock Street in Bangor, basically the same type of building, tenement building, top floor, kind of a semi-red-light district. We had a lot of bars, house of prostitution on the street, people—kids playing in the streets, that was their only recreation. We all kind of made it out of there. We know where the area is.

But it was different then. We didn't have crack to deal with. We had alcohol, but it still wasn't a problem. Very few young people, other than sneaking off with a six-pack in high school, may have been our most daring thing that we did in those days. And that's changed. Also what's changed is the system, that we were afraid if we did something wrong, there was going to be something to follow, something bad was going to happen to us. Either we went home or we had to deal with the local police, school system.

I talked about caning a moment ago. Most of us when we were growing up in school, we were taken to the side room and the knuckles were rapped with a very stiff ruler. And that was sufficient deterrent for most of us then, probably not sufficient today when teachers—when you look at the news, the evening news, and you find out that teachers, a majority of them are fearful, they live in fear of their students for being assaulted by them, that retribution will be taken against them. That's unheard of during our day. So, times have changed and we better start addressing it.

And Mr. Shuttleworth, you've given us a lot of recommendations what we have to do in terms of dealing constructively with this. It's not going to be sufficient, as I've said, simply to say lock them up and take them away. Now there's a notion also that some of the

people that we incarcerate are living better than those who are forced to pay for them. That's not an uncommon complaint. I hear it from sources very close to me in my own family.

We have hard working people who are struggling to make ends meet and they look and they see those who are committing crimes are doing better than they are in the term of—in the ways of social services being made available to them. I have listened to Reverend Jessie Jackson talk about this issue on a national level saying if you arrest a young offender, you put him in prison, for him, it's not a step down, it's a step up. He is eating well, he has got some weights to workout with, he is probably learning karate, he has got a cell where he can leave and get library services. He says that's not punishment to him, that's a step up.

So we have a diversity of problems to confront and I think it's one of the most serious problems we have in this country. And Mr. Saucier, I thank you for your compliments in terms of saying I'm dealing with the issue, but I'm only really dealing with the issue, I happen to be on the Judiciary Committee. I happened to have taken an extra committee that I wasn't supposed to have. We are cutting down the number of committees. I've been expanding mine. I've gone from two to three to four to five and they're getting pretty thin in terms of what I'm able to do in all of these.

But it's not that people don't have the interest in it, it's a question of we have so many things coming at us as a society that you can only deal with a few things at a time. I think largely this issue has been ignored, it has largely been ignored, and now suddenly, we are seeing the fear sweep our streets and we are saying what do we do. So we don't have any choices now, we have got to focus on the young people coming up and start giving them some choices and some chances.

But also coming back to that moral fiber, that all of you, I think, would agree, that's what's been cut, that link has been cut between the values that we once held and those that we currently do. And it takes not only inspiration, it takes programs as well. And I think the hearing has been enormously beneficial to me. We may be deficient in the sense that we haven't heard from enough young people.

We heard from three success stories. They probably are the exception to the rule. I suspect that most of them aren't success stories. Most of them are the general rule and only a few as a percentage have gotten through to come back and say now we have turned our lives around. But unless we make them the general rule rather than the exception, I think our entire society, our social structure is going to be in danger of breaking down.

So I want to thank all of you for coming forward. Your complete statements will appear in the record. And I hope to take the record back, share it with my colleagues, Senator Cole from the State of Wisconsin, Senator Biden, the chairman of the committee who authorized this hearing, and hopefully, we'll continue to focus if not like a laser upon this problem, at least in a more intensive and coordinated way, Mr. Saucier. I thank all of you very much. This meeting will now stand adjourned.

[Whereupon, at 12:30 p.m., the committee was adjourned.]

ISBN 0-16-047666-6