

U.S. DEPARTMENT OF JUSTICE

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2
3 SPEECH BY THE HON. JANET RENO, ATTORNEY GENERAL OF
4 THE UNITED STATES, TO THE FOURTH ANNUAL CONFERENCE
5 ON EVALUATING CRIME AND DRUG CONTROL INITIATIVES
6

7 Monday, June 28, 1993

8 Ballroom C

9 L'Enfant Plaza, S.W.

10 Washington, D.C.
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(Applause.)

ATTORNEY GENERAL RENO: Thank you so very much.

It really is a great pleasure to be here today. I see familiar faces. I see some people who have heard my comments, so I hope I don't bore you. But it is a great pleasure to be here with people from around the country who have worked so hard, to be here with people who I've just met the first time in these last 4 months like Mr. Ashton, who served our nation so well for so many years.

It is wonderful to be with people who are dedicated to public service and dedicated to trying to make things work. And that's a very difficult thing to do in this day and time with one force being brought to bear on another and you start this and you think it's going to work and then this is impacted by this initiative and that initiative, and when people keep on going, when they continue to try, when they are constantly trying to figure out how to make things work better, I think that's what makes Government so exciting.

And I think that this is a time now that this Nation has got to approach its problems with that passion for trying to make things work, but with a cool commitment to common sense, to rational discussion, to the elimination of politics from the issue of crime and drugs,

1 and for a thoughtful bipartisan approach as to how we do
2 it and do it right with the limited dollars we have.

3 Having been on the receiving end for 15 years, I
4 know what it's like when the Federal Government comes and
5 says hey, we're going to do this. We have this wonderful
6 grant. You say, well, I don't need the grant just that
7 way because we already have this. Sorry, you can't have
8 it. I know what it's like to frankly get marvelous
9 Federal publications that are about, it seems to me, 2
10 years outdated because they have been in a process of
11 being refined and vetted and discussed and talked about.
12 And they end up on my table and I think, gee, I wish I
13 could have had this 18 months ago.

14 There is tremendous information and there is
15 tremendous resource, and it seems to me that we have to
16 approach it looking at the whole criminal justice
17 prevention issue as one continuum to see how we best spend
18 our dollars in the most effective manner possible. At the
19 end of the line, I think we've got to understand where
20 we've come to in modern day criminal justice.

21 When I first got to Washington, the first
22 expression I heard was, well, there's too much
23 federalizing going on. As I heard that, I heard Congress
24 wanting to pass other laws to meet other demands and other
25 crises. I think it's time, first of all, that the

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1 National District Attorneys Association and the National
2 Association of Attorneys General, the U.S. Attorneys and
3 the Department of Justice get together and in a reasoned,
4 thoughtful way, determine what should be charted Federally
5 and what should be charged State-wise, so that we
6 understand how we use our limited resources best.

7 I am amazed, having had a very comfortable
8 declination understanding with the U.S. Attorney in the
9 Southern District of Florida to find out that that has no
10 comparison with declination policies in other parts of the
11 country. So that the objective of the sentencing
12 guidelines in the Federal system is diminished somewhat by
13 these different charging and declination policies, and I
14 think we have to understand how they work together.

15 I think we've got to approach it from the point
16 of view of federalism, but we have got to understand that
17 in different localities there are different problems that
18 dictate principled policy decisions on charging. One of
19 the issues that has long dictated charging in some
20 jurisdictions, including my old jurisdiction, is a lack of
21 available prison space in State court systems. Some cases
22 are brought to Federal court because of a chance of a
23 longer prison sentence because there are more prison cells
24 to house people for the length of time the judges are
25 sentencing them.

1 I think that that should not be the reason that
2 dictates charging. I think that we should look at our
3 prison resources and see how we use those best, and we
4 develop means of allocating them so that we focus on
5 violent crime, violent recidivists, major traffickers,
6 major distributors, and the white collar thugs who rip off
7 a whole industry or who prey on people who are so fragile
8 that they cannot protect themselves. Those seem to me to
9 be legitimate objectives that we focus upon, and that we
10 make sure that working together, both the State and
11 Federal system as a partnership, that we come up with a
12 collective use of prison cells that make sense.

13 But then we've got to look at whose in the
14 American prison today. I'm appalled to see that in many
15 Federal prisons we have nonviolent first offenders charged
16 with a drug crime, first offender that in other State
17 systems they wouldn't get much jail time at all. That
18 doesn't make sense as we try to develop a partnership
19 between the Federal and State system that uses the limited
20 resources as wisely as possible. So we need to really
21 develop comprehensive mechanisms for determining who's in
22 Federal prison, how it's working, who's in State prison,
23 how it's working, and how we can use the resources in the
24 best way possible.

25 I am convinced, and I have yet enough reports

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1 now, that one of the things that we've got to do is to
2 focus on the career criminal and the violent recidivist
3 and get them incapacitated for the length of their crime-
4 producing life. As I say, put away and kept away. That's
5 going to need some prison cells freed up to do it. How do
6 we do it?

7 I think we have got to work as closely as
8 possible in pointing out that most people are going to be
9 out of prison sooner than later. When we start evaluating
10 and start telling the American people why it's cost
11 effective to develop alternative sanctions, we've got to
12 be very careful on what we're selling and what we're
13 evaluating. If we evaluate an alternative sanction
14 project that promises great hope for freeing up prison
15 cells and also provides great hope for reintegrating an
16 offender into the community quickly, I think we've got to
17 look at what that means.

18 Too often, I've seen evaluations done of one
19 segment, of a segment that will provide job training and
20 placement may reduce prison sentence, but it doesn't
21 provide after-care, it doesn't provide followup, it
22 doesn't provide random drug testing if drug testing was
23 involved, it is not seen as a continuum of a whole. It is
24 just one program. And I think that's one of the problems
25 with the Federal approach, that too often, funding has

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1 been for just one program, the one person's ability to get
2 a grant that deals with one facet of the continuum of
3 alternative sanctions that's got to be considered.

4 As we evaluate what we're doing, as we try to
5 make sense of this all, I think we all have got to
6 understand that if alternative sanctions are going to
7 work, both as a means of reintegrating people into the
8 community in an effective way while at the same time
9 diminishing the need for prison cells, we've got to
10 explain what alternative sanctions are.

11 If a person has a drug problem, if they are
12 sentenced to 3 years, let's provide a carrot and stick.
13 Let's provide them detoxification programs in the prison,
14 get them stabilized, and then let's move them out into
15 residential nonsecure which is a lot less costly. But
16 let's not do it just with that and nothing more. Let's
17 provide random drug testing as a check on what we're
18 doing, and in selling it to the American people and
19 evaluating what works, let's evaluate the cost. It's a
20 lot less expensive to provide residential nonsecure with
21 random drug testing than it is for 3 years of prison.
22 Let's put it in dollars and cents terms that people will
23 understand.

24 But that by itself is not enough. If we don't
25 have job training and placement, what are we going to do

1 when we get them out into the community, into day
2 treatment, or into aftercare or followup?

3 Okay, suppose we provide job training. What are
4 we going to do when the employer says all right, that's
5 fine, but I've got a whole workforce over here that's been
6 let go by this company that's folded because of the
7 recession. Why should I employ that person who has a
8 prior record, who had a drug problem when I've got three
9 wonderful workers out here that I can hire tomorrow?

10 We've got to think along all these alternatives
11 in terms of national service programs and the like so that
12 we can truly evaluate what works and what doesn't work.
13 In short, we've got to make sense of the system. And even
14 if we develop alternative sanctions in that measure, it
15 doesn't make much sense to say to a person who
16 successfully succeeded thus far, okay, you're going back
17 to the apartment building near the open-air drug market
18 where you got started in the first place because we can't
19 provide you an opportunity for alternative housing. They
20 go back to the apartment by the open-air drug market, and
21 guess what they start doing pretty soon.

22 Thus, as we evaluate what works and what doesn't
23 work, I think evaluators have to be very careful that we
24 not only evaluate the specific program, but make
25 suggestions as to what could be done to expand it, to make

1 it more effective.

2 There is a tendency anytime, and I've been on
3 the receiving end at times, if you say something critical
4 about a program it's not criticism, it's just constructive
5 comment as to what the program can do to make it better.
6 And those who are being examined by evaluators have got to
7 understand that that's what the evaluator is there for,
8 not to knock the program, but to figure out what we can do
9 to get the best return on our dollars and make the program
10 work as soundly as possible.

11 As we evaluate what works and what doesn't work,
12 as we sell the idea to the American people, we have got to
13 sell it to them in realities. And evaluators have got to
14 go beyond the specific programs they're working in other
15 directions, as well. There's a great tendency on the part
16 of newspaper reporters to say, but Ms. Reno, if you're
17 advocating a review of minimum mandatories, won't
18 Americans think that you're soft on crime?

19 The real answer is if I can get those dangerous
20 offenders put away and kept away, if I can coordinate and
21 develop the partnership between State and Federal
22 Government where the Federal Government isn't constantly
23 telling the State what to do, if I can make effective use
24 of those prison cells to get the major traffickers and
25 distributors put away, as well, we're going to have an

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1 impact. But we've got to be able to show it in terms that
2 the American people can understand.

3 I think it's also imperative that we do far more
4 than we have. We've talked a lot about another major
5 issue in terms of crime problems. We've talked an awful
6 lot about family violence programs, domestic violence
7 programs, and I will tell you that evaluations of such
8 programs have been awfully helpful to me in the past.
9 Back in the late seventies, we did a study of who had been
10 killed in Dade County through our Medical Examiner's
11 office where they had a wealth of material. We'd had the
12 same Medical Examiner for a long period of time. He said,
13 come over and figure out how you should use your
14 resources.

15 I was shocked at the time to find that 40
16 percent of the people who had been killed in Dade County
17 in the last 25 years had been killed as a result of
18 husband and wife, boyfriend/girlfriend, some kind of
19 domestic dispute. We developed a domestic intervention
20 program using LEAA monies. People came down and evaluated
21 that program and said it was a model program.

22 I took that label, model program, to the State
23 legislature, to the county, to judges, and over the last
24 number of years we have sold the concept more and more and
25 more. It can make a difference if it's done right, if

1 it's done thoughtfully, and in that instance it was hailed
2 as a model program but people were constructive and
3 pointed out how it could be improved.

4 Those of us who have our pet programs can't be
5 too jealous of them. We've got to again understand how
6 they can be improved, how they can be -- how we can put it
7 in terms that the American people are going to buy, and
8 we've got to do that far more in family violence than we
9 have to date. We have got to develop research capability
10 as well as evaluative capability that shows the programs
11 can work, that we can diminish crime, that we can show
12 outcomes that affect the process.

13 So much can be done, because the bottom line is
14 if we have to tell it in anecdote rather than evaluative
15 terms, the child who watches his father beat his mother is
16 going to be the child that accepts violence as a way of
17 life. Somehow or another we've got to provide statistics
18 and evaluations that support that concept. And the more
19 we can do that, the more we're going to make sense of the
20 whole crime and drug problem in America today.

21 I think it's important at the same time, and I
22 think one of the things that we tend to do in America, is
23 to look at a first offender and consider all first
24 offenders as people similarly situated, all nonviolent
25 first offenders. Clearly, however, some need a lot more

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1 intervention and more comprehensive treatment than others.
2 And I think that we are failing in terms of understanding
3 how to use limited dollars by treating all first offenders
4 in the same boat, saying well, if they don't make it we'll
5 have another crack at them.

6 Too often, the criminal justice system wears
7 people down, and we see too many people come through the
8 system who, if given a comprehensive first step as first
9 offenders, we could make a difference. But we don't have
10 the statistics. We don't have the evaluations. We don't
11 have enough information to begin to sell to local public
12 officials in terms that they can understand how important
13 it is to take that first step.

14 In terms of juvenile justice programs, I think,
15 again, we come to some hard questions that we have to deal
16 with. The system is so fragmented we cannot, because of
17 confidentiality issues, address so many of the problems
18 that we face in the juvenile justice system, and I think
19 that this hampers us again in getting funding for juvenile
20 justice throughout the country.

21 I would urge all practitioners in the criminal
22 justice system and the juvenile justice system to join
23 together. Let us develop some comprehensive, humane,
24 thoughtful, rational policy with respect to
25 confidentiality, because I thought it was just Florida.

1 Every meeting I went to that touched on juveniles, the
2 confidentiality issue raised its head. Almost every
3 meeting I've been to with juvenile justice experts in this
4 country since I became Attorney General, the issue raises
5 its head again.

6 We have got to deal with that issue if we're
7 going to have appropriate evaluations, if we're going to
8 understand what works, if we're going to again use our
9 limited dollars in the wisest way possible.

10 But as we evaluate what works, I again think
11 that we sometimes lose perspective on what our caseload is
12 and who we're working with. We see the trial come through
13 the system and we say well, this program isn't working for
14 this child or this program hasn't had all that success.
15 And we fail to look at the case load. The case load of
16 somebody handling 16 and 17 year old serious offenders
17 with programs that might have been satisfactory for these
18 offenders when they were 15 or 16, designed for 15 or 16-
19 year-olds with perhaps one prior record but by this time
20 so confirmed in the seriousness of their offending, that
21 it's going to be very difficult to change them no matter
22 what. Again, as we evaluate, as we talk about what works,
23 I think we can make a significant difference by pointing
24 out that many of these programs, had they intervened at an
25 earlier date, could have totten a return on the dollar.

1 Again, we're all too focused. Practitioners in
2 the communities are too focused on their narrow program.
3 The person that was skilled in getting a grant is too
4 focused on how we preserve that grant, how we continue to
5 get it funded, how we continue to provide jobs for
6 everybody who's been currently employed in the program.

7 The prosecutor is too focused on trying to keep
8 the level of the prosecutor's office as at what it was.
9 The public defender is more interested in his office, the
10 judges in the court system in the correctional system, and
11 it is time that we all come together as a collective
12 partnership, State and Federal, prosecutors, public
13 defenders, social workers, counselors, correctional
14 officials, everyone, including police officers, and use
15 the limited resources of America in the wisest way
16 possible.

17 (Applause.)

18 ATTORNEY GENERAL RENO: It's going to require
19 courage on our part. It's going to require a willingness
20 to speak out. It's going to require common sense. It's
21 going to require an approach that combines both punishment
22 and prevention.

23 I think one of the greatest single failings of
24 the criminal justice practitioner in the time that I have
25 been involved in this whole effort since I first became

1 involved in the fall of 1971 when I worked for the Florida
2 legislature, is that we all seem to too often get labels.
3 Somebody wants to lock them all up and throw the key away.
4 That's Mr. Hard Nose, over there.

5 (Laughter.)

6 ATTORNEY GENERAL RENO: And then, this person
7 has come in as the great and shining white knight of
8 rehabilitation, and he wants to rehabilitate everybody.
9 And anybody who ever raised children knows that you've got
10 to punish them sometimes. Punishment must fit the crime.
11 It must be fair, reasonable, and humane, but punishment by
12 itself and discipline by itself is not sufficient to raise
13 a child. You've got to provide a nurturing, constructive
14 environment where that child can grow as a strong and
15 healthy human being.

16 We have got to get rid of our labels of being
17 for rehabilitation or for prevention or for punishment.
18 There's nobody in the world I now that doesn't want to
19 punish the three-time armed robber who continues to commit
20 crime. There's no one I know that would rather really see
21 that the crime was prevented. There's no one I know that,
22 if they knew of a rehabilitation program that worked,
23 wouldn't want to try to get the person in it.

24 But we get mixed up in our labels, we get mixed
25 up in the rhetoric, we let the politicians suck us into

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1 discussing it in political terms. We have got to talk
2 about it in simple common sense terms with the best facts
3 we can get. Without being prideful of what we have done,
4 to the extent that it would prevent us from seeing how we
5 can do it better.

6 And to that end, and many of you in this room
7 have heard me on this subject before, I think criminal
8 justice and juvenile justice professionals, people who are
9 engaged in programs directed at drug abuse, all of us have
10 got to understand that we're the end of the line. We are
11 where people end up where other institutions, including
12 the schools and the families and the neighborhoods, have
13 failed. And we have got -- we are the recipients. We see
14 what has happened in terms of the whole continuum of human
15 life.

16 Everybody who's involved in evaluations will see
17 it if they look beyond the statistics, if they look beyond
18 the dollar figures, if they look beyond the numbers that
19 they're evaluating. They are going to see what happened
20 to this child who came through the system, this adult who
21 came through the system, and all of us have a special
22 obligation to speak out and say that the time has come not
23 just to evaluate the need between prison and our
24 alternative sanctions or between the adult system and
25 whether the investment in the adult system as opposed to

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1 the juvenile system is wiser.

2 We have got to send a message throughout America
3 that we have got to evaluate all the institutions of
4 Government, as well as private institutions, to see what
5 is working and what doesn't work and where we can make the
6 best return on our dollars to make life work particularly
7 for the children of America.

8 The more I look, the more I become convinced --
9 I thought it was just Miami, but it's this Nation -- that
10 we face the single greatest problem in American history
11 since World War II, and that is that for too often in the
12 last 30 years, America has forgotten and neglected its
13 children. We have too often said that's somebody else's
14 responsibility that's mine. We've too often put vast
15 amounts of dollars into prisons which are negative
16 monuments against a landscape.

17 Prisons are not an investment in our future.
18 Prisons are not an investment in anything that would
19 produce a really constructive human being in the future.
20 Prisons are meant to incapacitate the dangerous offenders
21 and to keep them off the streets for as long as we can
22 possibly keep them off the streets. But evaluators and all
23 those who are expert in the whole area of criminal justice
24 have got to start looking at the continuum and see how we
25 can take the dollars that are going to become ever more

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1 limited, and see how we can investment them most wisely.

2 And to that end, as we look at punishment, as we
3 look at what works, one of the points that has impressed
4 me most, by ever expert that I've talked to, is that the
5 most formative time in a person's life is zero to 3. Now,
6 why should criminal justice professionals be worried about
7 that, because everybody that's taught me anything about
8 child development has taught me that 50 percent of all
9 learned human response is learned in the first year of
10 life. If you don't learn it then, what good is what we do
11 in terms of rehabilitation and nurturing at 18 and at 25?
12 What good is that going to do?

13 During 0 to 3, the concept of reward and
14 punishment is learned and a child develops a conscience.
15 If we don't teach a child what punishment is all about,
16 what difference is it going to make what prisons we build
17 18 years from now? When we look at that 14 year old who's
18 just put a gun beside some motorist's head and pulled the
19 trigger and shows absolutely no remorse at all, too many
20 of us have not looked back to that age of 0 to 3 to see
21 what difference we could have made.

22 As we look at what works and what doesn't work,
23 evaluators have got to understand the whole continuum.
24 Oftentimes, I watch evaluators evaluating on what the norm
25 should be in society, and not what we have done in terms

1 of creating children at risk. Our responsibility as
2 evaluators goes beyond just the criminal justice programs
3 we evaluate, the particular function of our office that we
4 fight for or care about. It goes to looking at how we can
5 recommend to Government and to the private sector the best
6 investment of dollars to truly achieve a law-abiding
7 society. It is a daunting challenge, but it is an
8 extraordinarily exciting one.

9 And I have the sense in these 4 months, and I
10 will close with this, I came to Washington not knowing
11 what to expect. People told me, now Janet, I know you're
12 not that high on all-minimum mandatories, but just soft
13 pedal it through the confirmation hearings.

14 (Laughter.)

15 ATTORNEY GENERAL RENO: Janet, I know you've
16 talked about an 8:00 to 3:00 workday so that both parents
17 could leave work to go home and be with their children and
18 spend quality time with your children, but just talk about
19 it as innovative.

20 (Laughter.)

21 ATTORNEY GENERAL RENO: Well, I felt good, and
22 my sister told me I had managed to say everything during
23 the confirmation hearings that I truly believed in and
24 that nobody could say that I have traveled under false
25 colors. So then I put my toe in the water a little bit

1 more. And I started continuing to talk, in Washington and
2 throughout this country, about the things that I'd been
3 saying in Dade County and I strongly believe in in terms
4 of investing in our future and investing in children.
5 And, ladies and gentlemen, at every level throughout
6 America, in the public and private sector, mayor's offices
7 and county commission offices, most importantly in
8 progressive policing throughout this Nation, there is a
9 feeling and a commitment to children.

10 Everywhere I turn, people are sharing this
11 feeling. I find it exciting. And I think that those in
12 criminal justice and in juvenile justice who evaluate and
13 who operate, who imprison and who prosecute, who take care
14 of that juvenile offender for the first time, all of us
15 can join together in speaking out, along with the mayors,
16 along with the police officer, along with all those who
17 care about an ordered society, a society where children
18 can grow as strong and constructive human beings and say
19 the time has come to provide that balance, to make an
20 investment in our children, to make an investment in a
21 criminal justice system that makes sense and can work.

22 Thank you for all you have done.

23 (Applause.)

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