

## BRIEF ANALYSIS

No. 229

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## The Federal Government and Juvenile Crime

There is a bipartisan consensus in Washington that youth crime, particularly violent youth crime, is a real problem that threatens to grow over the next decade. This consensus makes it highly likely that President Clinton will sign some version of a new federal juvenile crime bill this year — unusual only because Congress traditionally has passed crime legislation in even-numbered (read: election) years. Congress expects to do at the federal level what many states have already done: toughen the treatment of young criminals, who have regarded the juvenile justice system as a joke for at least the last decade.

While the rate of violent crimes and burglaries has generally declined nationwide in recent years, the rate of violent crime by young people has risen sharply since 1985. [See the figure.] The FBI has predicted that violent crimes committed by juveniles will more than double by 2010, partly because of an increase in the juvenile population.

Congressional leaders cited the predicted increase in youth crime when the House approved H.R. 3, the “Juvenile Crime Control Act of 1997,” sponsored by Rep. Bill McCollum (R-FL), on May 8. The White House has declared youth crime its “top law-enforcement priority” this year but denounced H.R. 3 as “weak on guns” and touted H.R. 810, “Anti-Gang and Youth Violence Act of 1997,” introduced by Rep. Charles

Schumer (D-NY), although the latter bill has already been defeated by a vote of 224-200 in the House.

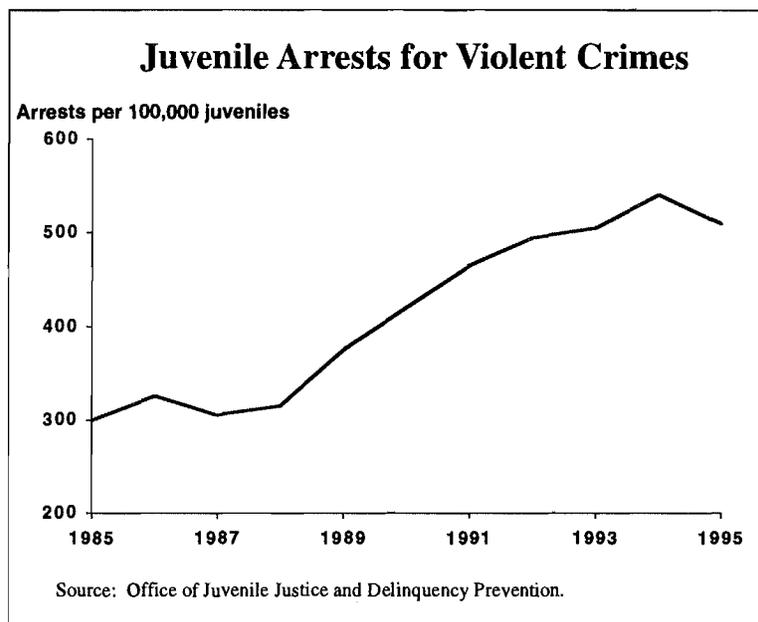
In the Senate, Republicans have S. 10, the “Violent and Repeat Juvenile Offender Act of 1997,” sponsored by Sen. Orrin Hatch (R-UT), and Democrats have S. 15, the “Youth Violence, Crime, and Drug Abuse Control Act of 1997,” sponsored by Minority Leader Tom Daschle (D-ND). The Senate will consider juvenile crime legislation soon.

What the four bills that have been offered have in

common is tough rhetoric — which may build morale and set a tone nationally, but which has little direct impact at the federal level. In 1995 U.S. attorneys prosecuted only 240 youths, or less than one-half of 1 percent of the 56,243 adult and juvenile criminal cases adjudicated that year. Currently, fewer than 200 juveniles face federal prosecution. Many of the youths tried by federal prosecutors and a

majority of those confined by the Federal Bureau of Prisons are Native Americans. Juvenile crime remains primarily a state and local responsibility and new legislation from the 105th Congress will not alter that fact.

**Increasing the Federal Role.** However, the federal government is able to use its purse to influence what state and local governments do about juvenile crime. For example, the bill approved by the House would send \$1.5 billion over three years to states that agree to prosecute juvenile offenders as young as 13 years old as adults. The states also would have to agree to “graduated sanc-



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tions” — punishing even the smallest offense by a juvenile with requirements for community service or restitution and increasing the severity of punishment for repeat offenses.

Although the four bills differ markedly, all would financially reward states that meet federal standards for toughening the treatment of juveniles. The Republican-sponsored measures lean hard on deterrence and accountability while the Democrat-sponsored bills tout social and prevention programs intended to dissuade youths from crime.

- The bill passed by the House would offer block grants of \$500 million each year from 1998 to 2000 to states, conditioned on “accountability-based reforms.”
- The Senate Republican bill would block grant \$650 million a year, would allow religious organizations to participate in government-funded anticrime programs and would make it easier for U.S. attorneys to prosecute juveniles.
- The bill introduced on behalf of the White House calls for \$400 million a year in spending, would require locking devices on new sales of firearms and would authorize forfeiture to the federal government of firearms suspected of being used in felonies or “gun trafficking.”
- The Senate Democrat bill would spend \$1.24 billion and, among other provisions, would make grants to Boys and Girls Clubs, 4-H Clubs and similar groups that “protect youth from violent crime” and to “Say No to Drugs” community centers.

**Mixing Good Intentions and Bad Means.** The bill passed by the House would set up a federal task force to apprehend violent youths, and three of the four proposals would subsidize youth courts to deal with violent, drug or firearms offenses — all expansions of federal authority over what are essentially state and local matters.

Besides the bill passed by the House, two of the other bills call for “graduated sanctions.” But many experts question the value of graduated sanctions for serious crimes. “We keep our hands out of a flame because it hurt the very first time (not the second, fifth, or tenth time) we touched the fire,” says Wisconsin Judge Ralph Adam Fine. And in one national poll, 83 percent of the public agreed that juveniles convicted of their second or third crimes should be given the same punishment as adults.

The House bill sponsored by the Clinton administration contains one firearms provision that is potentially far more explosive than the locking device requirement: forfeiture to the federal government of firearms *suspected* of being used in felonies or gun trafficking. Passage of this provision would vastly enlarge federal authority in a hotly contested area and trigger much litigation over weapons seizures.

There will likely be a challenge to the constitutionality of the Republican House bill’s provision that when a juvenile violates both federal and state laws, the U.S. attorney can decide which level gets the case — and the decision “shall not be reviewable in any court.” The Republicans’ Senate bill similarly provides that the “finding not be subject to review in or by any court.”

**Conclusion.** At the same time that state and local governments are assuming the major responsibility for such programs as welfare, the federal government is preparing to expand its role in one of the most local of activities, controlling and preventing crime. Why pass more federal legislation and pour more federal millions into what is essentially a state and local matter? Because every survey and study finds that crime is high on the list of people’s concerns. Sound politics, not sound policy, is the result.

*This Brief Analysis was prepared by Morgan O. Reynolds, director of the Criminal Justice Center of the National Center for Policy Analysis.*