



**Remarks of the Honorable Jerrauld C. Jones
United States House of Representatives
House Judiciary Committee
Subcommittee on Crime, Terrorism and Homeland Security
October 2, 2007**

To you, Mr. Chairman, and to the Honorable Members of the Judiciary Subcommittee, I say good afternoon. Let me begin by thanking each of you for the invitation to appear before this afternoon in order to share with you my experiences and views on the issue of gang crime prevention. I am indeed honored to be included as a witness. I must apologize for the late submission of my printed remarks, but the invitation to appear today arrived when I was out of the country at a judicial conference, without a laptop computer; and I did not return home until the wee hours of yesterday morning--fully jet-lagged. In any event, after hearing a full court docket of cases, I was able to gather my thoughts for this afternoon and reduce them to writing for your consideration. Again, please accept my sincerest apology.

Let me begin by applauding all of you who are focusing on this most serious issue by emphasizing prevention and early intervention in the lives of those children who are at risk of gang involvement. After many years as a professional in the criminal and juvenile justice systems, and from different vantage points both in government and the community, I have concluded that the only sustainable solution to the problems created by criminal street gangs and other security threat groups is to focus on the elimination of the criminogenic factors which are causing some of our nation's children to become gang involved in the first place. Let me hasten to add that we simply must fully enforce the criminal laws and fairly and appropriately punish the offenders accordingly. However, such criminal law enforcement, and in this case, gang suppression measures cannot and must not be our only rational response. Put another way, we must not only lock up children when absolutely necessary, but we must lift them up in every possible way.

I know that what I am saying to you is not exactly rocket science, as the saying goes. However, sometimes even the most complex problems often have very simple solutions. Frankly stated, I draw this conclusion after over twenty-seven years of experience as a juvenile prosecutor, juvenile defender, state legislator, as head of Virginia's youth authority, and now, as a juvenile court judge hearing hundreds of cases per month. Nothing that I have seen in all of that time has caused me to lose confidence in the belief that children, even those who are highly delinquent and criminalized in their behavior, are in need of the same things that you and I, and I daresay, most everyone else in this room this afternoon had as children growing up—the love and affection of a caring, responsible adult in their lives. Like many of you, I had parents and grandparents (today they would be called "old school" parents) who fully functioned as such, and who still vigorously and actively parent me to this very day. Like us, the children of today need parents and other caring adults who provide not only love, but who also instill the proper discipline, values, morals, and boundaries in the life of a child from birth and beyond. The sad reality is that so many children today lack parents and/or guardians who perform these functions. In particular, we see the causes and effects of this condition in the juvenile and family courts every day.

Each day I sit as a judge, I adjudicate the cases of children who come from weak or even non-existent family structures. Of course, we know that many children today are not born of marriage, as it is an institution in decline. It is not unusual for me to hear a full week's worth of juvenile and family cases involving children whose parents were never married. Also, we know that many children do not live in homes where there are two parents, or any parents at all. You may be surprised to know how

many slightly older siblings are the primary caregivers for many of our nation's children. We also know that many children do not live in homes where there is any positive reinforcement by parents or other adults of the pro-social, pro-family values to which we all subscribe.

I mention this situation first and foremost because I have concluded that this weakened family structure is one of the principal causes of children becoming gang involved. In essence, many of them are searching for a sense of belonging, an affiliation with others who care about them. They are searching for something that they are not getting elsewhere in their lives. When asked, many of these children openly admit to their probation or parole officer, teacher or school counselor, and yes, even to the judge, that they affiliate with the Bloods because it is the Bloods who do care about them. It is the MS13's who will be there for them when they need them—who have their back, so to speak. Arguably then, in many cases, gang involvement is a child's cry for attention, the attention that you and I got from the Boy Scouts or the Little League or the youth group at church.

If this is, in fact, correct, then I respectfully submit that anything and everything that can be done to support and promote the family is gang prevention and crime prevention. I think that just one of the innovative solutions that the federal government, or that any government for that matter, can foster is to promote the establishment of mentoring and other programs which connect children and young adults with other adults who will establish positive, pro-social relationships with them. Many such programs and services already exist in many places, but, of course, more human and financial resources are needed. I am proud to report that the Judges of the Court on which I sit have worked to establish such a volunteer program with our court-involved youth, and the effort thus far is successful. The volunteer mentors, many of whom are early retirees, are responding to the challenge. The mentees are responding by the avoidance of further acts of delinquency. Generally, our efforts to divert certain delinquent children from deeper penetration into the court system will include the establishment of a mentor/mentee relationship. It works and it lasts. And, it is cheap...

At this point, I feel obliged to observe that the suggestions I make to you all today are the same or similar suggestions which many of us made to the state legislative judiciary committee on which I served as a member back in the middle nineties. As you all are today, we were then seeking to find innovative governmental and public policy solutions to what was then seen as a rising tide of serious, chronic and violent juvenile crime, including a perceived increase in youth gang activity. Virginia, like most other states, responded with a variety of responses which included, lowering the age of transfer to adult courts, automatic adult treatment for certain offenses, longer lengths of stay in secure confinement, and so on.

In sum, the Legislature responded by "adultifying" the juvenile justice system. I am also obliged to observe that virtually every state, including Virginia, is now engaged in a comprehensive review of the long term outcomes of those changes. In many states, highly reputable and unbiased evaluators, many of them university based, have concluded that such highly punitive policies have not been effective in reducing delinquency and criminality in juvenile offenders. Respectfully, I strongly urge the Congress to be informed in these matters by the experience of the states during the last fifteen years.

I might also add that the costs of juvenile incarceration are staggering. In Virginia today, it costs over \$88,000.00 per bed per year to incarcerate a child, an increase of about \$8,000.00 per year from when I headed the youth authority five years ago. As is often observed, one can do a whole lot of juvenile crime and gang prevention for a fraction of the cost of incarceration.

I would respectfully make one other observation and recommendation to the Committee. It appears to me that one of the criminogenic factors to which I earlier alluded is the extent to which delinquent and criminalized children read below age and grade level. If one reviews the pre-sentencing report of most juvenile offenders or gang involved youth, you will find school records and/or test scores which bear out this statement. Of course, the reading level is an early predictor of conventional

academic success or failure. As the academic achievement gap grows, so does the likelihood that the child will become delinquent and eventually criminal. I urge you to ask any prosecutor, lawyer, probation officer or judge about this common characteristic. I assure you that they will heartily and readily agree. I am even advised that some states now look to the reading levels of third graders when forecasting their juvenile detention and prison bed needs into the next decade as they age into the crime prone years.

Therefore, one other innovative gang prevention strategy surely must be strong governmental efforts to promote reading proficiency among all children, but especially among delinquent children who are at risk of gang involvement. Again, I am proud to report that the Court on which I sit, does, indeed, understand the connection. Towards that end, we have recently established the LEAP into LITERACY program for court-involved youth in which a retired public school counselor volunteers every day of the week providing donated books and tutorials. Believe it or not, the "Book Lady" is now getting telephone calls at home from the little brothers and sisters of children in diversion programs and on probation who want to know if they can have a book, too! Yes, reading is fundamental! And again, promoting literacy is one of the most important and lasting ways to lift up children so that we do not have to lock them up down the road.

There are many other matters for your consideration but time does not permit any further remarks.

I do sincerely thank the Subcommittee for your time and attention to this critical issue in the public safety of our fellow citizens. I commend you for your good efforts today and in the future. I am honored by your invitation to participate and I stand ready and willing to assist you in any way possible. I am now ready and willing to answer any questions which you might have.

Thank you, again.