

Prevention as Public Policy

The former United States Attorney General articulated her vision of how our communities can act in creative ways to choose prevention instead of prisons for our troubled children and youth at the Spirit of Crazy Horse Award Ceremony held July 1, 2001, in Custer, SD.

My mother was a reporter who loved crusades, and the juvenile court was her crusade—to reform it, to change it, to change the detention facility. When I was about 18, I followed it closely, but then I went off to college and law school. Twenty years later, I was an assistant state's attorney, establishing the juvenile division for the state attorney's office under court reform. A judge sent me an article, 20 years old, written by my mother. I realized that I was engaged in the same crusade that she had been. And now another 20 years later, I am still engaged in the same crusade. I believe with all my heart that we can save each child if we only put enough effort into it, enough know-how, enough continuity in the child's life.

But what I also believe is that if we work hard enough and figure out what works and what doesn't work, and discard what doesn't work, we can shape institutions that will provide better services to our children. The question is cost. Some of the challenges that I would like to undertake are to show America what would happen if we invested in children up front; if we invested in time, effort, know-how, without spreading ourselves too thin, if we invested in training our judges to be the best and to know what works and what doesn't work. What, for every dollar spent in that effort, could we save in terms of crime, lost lives, tragedies, money? And down the road, for every dollar spent for prenatal care, what could we save in terms of illnesses that cause behavioral problems? What could we save for every dollar spent in good "educare" as I call it, not just childcare? Also, recognizing that some children get in trouble no matter what we do, what could we save with juvenile courts having caseloads that are manageable, having resources that change children's lives? What could we save in dollars for prisons, crime, and other problems down the road? I have never seen that done, but I think it is imperative that we do it because America is willing to pay for things that work. America just doesn't know what works and what doesn't work.

I would like to see us develop model juvenile courts that have extensive jurisdiction, so we wouldn't have to worry about whether we transfer the child to the adult court in order to ensure continuity of jurisdiction. I would like to see us have re-entry programs that give children a chance to come back to the community without going to the open-air drug market where they got into trouble in the first place. I would like to see us with an educational system that works together with the other disciplines to solve a problem up front.

I would like to think in terms of a couple of issues. One, an interdisciplinary approach. Too often educators don't talk to the social workers and to the youth counselors, and the mental health specialists don't talk to the educators. We don't learn together. We go to

universities, and lawyers go down their little "pig trails." They don't learn much about sentencing. They learn about process and trial. They don't learn as prosecutors how to interact with others to make a difference. I think in our university settings, we can start shaping America in a more rational way. Just consider the issue of violence. The average American would say it is the police officer, the prosecutor, the judge, and the correctional official who are most responsible for ending violence in this country. What do they know about that? They know how to try a case. Some of them have not had course work in sentencing. They know a little bit about criminology, but they don't know how to end violence.

A great university could dedicate its medical school, its law school, its school of social work, education department, and other related departments, including architecture and city planning, and design a course for a master's program or some similar degree, with the message, "This is the way you can end violence in your community, this is the know-how you need." If we would address the issue of conflict resolution and how to live together in a peaceful way, it would make such a difference. As an example, when I went to Harvard Law School, my civil procedure professor never mentioned the word "negotiation." Lawyers didn't talk about negotiation in law school. Now 30 years later, negotiation and alternative dispute resolution are part and parcel of a lawyer's training.

What if we developed training like Resolving Conflict Creatively Programs across the nation so that every teacher had course work in how to teach children to resolve conflicts? What if every child in America was taught not only how to problem solve, but also to resolve conflict? What would happen if we came together in every community with the protocol on how to address the issues, defined which discipline could most effectively deal with the child's problems, when they must come together, and have the best mental health specialists work on a problem?

If you have lousy housing at home and a horrible circumstance, how do you work together to address that issue? I would love to see us take from this day and go forward and look at what is working in America and design suggested programs which could reshape the institution of juvenile justice, recognizing that justice starts when a child is conceived, not when a child is determined to be delinquent, and just detained or given opportunity. We've got to start early. We've got to change our institutions. We've got to use the learning that is reflected in this room. We have to use all the lenses.

One final thing, someone said I should stop speaking about young people at risk because it marginalizes me. But I remember my mother, the lady who wrestled alligators and built her house with her own hands. She also taught us to play baseball, to appreciate Beethoven's symphonies. She punished us; she loved us with all her heart. She taught us to play fair. And there is no substitute for what that lady was in our lives. There are too many children who are at risk in the afternoon, no matter what their socio-economic status is, no matter where they live, because both parents are working or a single parent is working. Why don't we develop work shifts that accommodate families? Two shifts, one starting at 8 o'clock in the morning when both parents take their children to school and then they go to work. They would get off work at 2:30 and pick up the children to spend

quality time with them. And then an alternate shift that begins at 11 o'clock for those who have no children, and they would work until 7 o'clock. And this would have another advantage as well. We wouldn't have to pay as much for rush hour traffic and transportation on highways, and we could spend it on children.

I think it is going to require some great and creative thought, but we know enough now. We have seen it through enough lenses and perspectives to know what works, at least for more children than we are touching now. I think the time has come that we start sorting through it and sharing it. It doesn't have to be a cookie cutter approach, but we have to develop a national response that lets people know there is hope for every single child.

I am sure you have all read the following before but I think it is important to read again:

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of civilization of any country. A calm dispassionate recognition of the rights of the accused and even of the convicted criminal against the state, a constant heart-searching of all charged with the deed of punishment, tireless efforts towards the discovery of regenerative processes, unfailing faith that there is a treasure if you can find it in the heart of every man. These are the symbols which, in the treatment of crime and criminals, make and measure the stored up strength of any nation and are signs and truth of the living virtue in it. (Winston Churchill, 1911, Home Secretary)

I think the time has come for this nation to show in a more orderly way and a more comprehensive way the stored up strength that I know exists here.

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