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LAND LAWYER

Pre-empting a War on Crime: AG Curran Issues Call to Arms

Battle Plan Based on Keeping Juveniles Clean, Rehabilitating Convicts
 And Dismantling Drug Culture, Looks to Redefine 'Crime Prevention'



Bruce Savadov

Attorney General J. Joseph Curran Jr. is in the preliminary stages of gathering consensus to support his Battle Plan.

By GREGORY C. BAUMANN
 Daily Record Opinions Editor

Attorney General J. Joseph Curran Jr. grew frustrated watching Maryland's crime rate climb, even as the state threw more money at the problem and arrested more criminals.

So he commissioned *Maryland v. Crime, Battle Plan for a New Year and a New Century*, a report that calls for radical changes in the state's crime prevention strategy. Coming from the state's top law enforcement officer, the Battle Plan suggests an unexpectedly preventative, holistic approach.

Now academics, judges, lawyers and politicians are assessing the report and at least giving lip service to its three policy goals: keeping juveniles out of the criminal justice system, creating a corrections system that rehabilitates and dismantling the state's illegal drug trade.

Curran acknowledges that the first skirmishes in the battle will be political — convincing policy makers that the state needs to solve intractable social problems before it can improve its criminal justice system.

But even if politicians agree, they must persuade a crime-angered public that prevention really is the best medicine.

The public, says Curran, is the key.

"What I've learned as attorney general is that men and women in law enforcement do a pretty good job, but communi-

ties, churches, schools, social workers and parents have to take responsibility."

The symptoms

"In war, nothing is impossible provided you use audacity."

That quote by General George S. Patton opens the Battle Plan and prepares readers for something it's not: a hardnosed, martial approach to crime.

Statistics provided by the U.S. Department of Justice certainly could justify a punitive approach. In 1992, Maryland was tenth in per capita expenditures on crime and only one year later had the tenth-highest crime rate. It was third in robberies and sixth in homicides.

Nonetheless, the report urges a change in the definition of crime prevention, focusing primarily on juveniles.

It notes that while the adult violent crime rate has dropped, juvenile rates are climbing. "If trends continue," the Battle Plan quotes the Justice Department, "juvenile arrests for violent crime will double by the year 2010."

Curran attacks the current juvenile justice system as "designed for a different era," when juvenile delinquency meant truancy, vandalism and petty crime. "It was not designed to cope with the burgeoning levels of chronic, serious

violent, and drug-related crime it faces today," Curran writes.

In essence, the Battle Plan advocates investing enough in children when they are young to help them avoid the pitfalls that drag kids into the criminal justice system.

Balancing prevention with intervention, Curran's plan advocates a return to community-level juvenile crime prevention. In particular, it pushes:

- academic help for borderline students;
- school programs to prevent delinquency;
- "bombarding" children with anti-drug messages;
- parental training;
- marital and family therapy and
- graduation incentives.

The report's emphasis on juvenile issues pleases children's advocates.

Prof. Susan Leviton, assistant professor of law at the University of Maryland, observes: "He says, 'We really have to talk about what we're doing in juvenile crime.' It's not like we currently have a system of services to help families get what they need for their kids — until they're delinquents, the system won't do anything for them."

But historically, two factors have conspired to keep preventative programs from succeeding: lack of funding and politicians' willingness to condemn the results of only marginally-successful plans.

"Now what we need is a budget, because

the state of Maryland is great at saying the right thing, but is not willing to make hard budget decisions," Leviton says.

She says the report's frightening juvenile crime numbers may inoculate the public to some politicians' criticisms of programs designed to keep kids out of trouble.

"The politicians responded to the radio talk show hosts and that got us the system we have. Perhaps now people might be ready to say something else is right."

Gov. Parris Glendening's administration says the state is

**MARYLAND
 CRIME**

- 10th per capita in overall crime
- 7th in violent crime
- 4th in juvenile violent crime

Source: U.S. Department of Justice

War on Crime

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ready to change the state's strategy in its war on crime.

"Citizens are far more thoughtful about how to fight crime than they're given credit for," says Lt. Gov. Kathleen Kennedy Townsend. "There is almost no support — among police, prosecutors, prison wardens or the public — for a strategy that pours everything into punishment and neglects opportunities for more effective policing and more effective prevention."

War on drugs

The Battle Plan identifies the drug trade and its allure as a primary cause of juvenile crime and documents its destructive impact on communities, shying away from the current incarceration-focused strategies used to suppress the drug trade.

Among Curran's prescriptions: more early anti-drug education, more drug treatment, more drug courts and increasing drug sweeps "aimed at the biggest and most violent drug lords."

Again, however, the question becomes one of funding, says Baltimore City Circuit Court Administrative Judge Joseph H. H. Kaplan.

"The problem is that funding for alternatives to incarceration is slim to none and that which does exist is always under the threat of not existing," Kaplan says.

City officials estimate that 85 percent of the crimes committed in Baltimore are drug-related. But in order to treat all of the city's estimated 60,000 drug addicts, treatment programs would cost roughly \$15 million per year, according to Mayor Kurt Schmoke's office.

Baltimore City runs four drug courts, two of which provide drug treatment to non-violent offenders. "Once they are in, if they complete the program satisfactorily," Kaplan says, "the charges are dropped."

He says the program has worked well thus far, although the drug court, financed by a three-year, \$5 million federal grant, has not operated long enough to permit quantitative analysis.

Punishment

Surveys taken nearly a decade ago showed that the public believed — by an eight-to-one margin — that strengthening families and increasing economic opportunities would be more effective in combating crime than eliminating parole or building more prisons.

Yet politicians pursued punitive policies that resulted in a population explosion in prisons. In 1993, Maryland ranked eleventh in the number of people incarcerated per capita. The state's jails and prisons held roughly 30,000 inmates.

Politicians' rhetoric on the crime issue put the population's perceptions of the problem at odds with professionals, says Stephen E. Harris, Maryland's state public defender.

"I think that you find the most outspoken proponents of alternatives to incarceration are the professionals in the field who understand the problems," he says. "But if you listen not only in Annapolis but to Congress in Washington, D.C., people are still talking about locking people up forever and the death penalty."

The Battle Plan, while conceding "it is usually too late for most rehabilitative efforts once offenders have reached adulthood," points to preventing recidivism as the third prong in its offensive against crime.

Specifically, Curran's report advocates capacity-linked sentencing, which would release less dangerous convicts as prisons grow more crowded.

The offenders who do not merit actual jail time would face alternatives such as boot camps, home detention and local daytime detention centers with drug treatment and education programs under the attorney general's scheme.

Once released, inmates under Curran's plan could avail themselves of literacy and job training, seeking jobs with businesses willing to hire former offenders. The Battle Plan advocates providing incentives to employers to hire former inmates who showed promise while working in prison.

Judge Kaplan of the Baltimore City Circuit Court stresses the importance of alternatives to incarceration, expressing doubt as to their effectiveness absent other efforts.

"I don't have a problem with different sentencing models, but they don't amount to anything unless you provide these other programs. Unless you have sufficient methods of handling retraining, you will have no chance at rehabilitation."

Bill, please

The Battle Plan's call for a fundamental change in the definition of crime prevention comes without a how-to manual. Instead, Curran terms it "a starting point to build a consensus."

"The purpose of the report was to set out raw statistics of what we are spending now, which is substantial, and what results we are getting," Curran says. "It discusses what we could contemplate in the future to reduce the

tragic increase in juvenile crime."

But even assuming consensus develops around the three-prong offensive, like all wars, the Battle Plan could carry staggering costs.

Curran, however, points to projected cost savings won by keeping juveniles out of a criminal justice system that becomes a semi-permanent home to many.

"A comprehensive prevention strategy is not only necessary if we are ever to win our war on crime, but it will also save us so much money in the long run," writes Curran.

In particular he points to back-end costs engendered by the most popular criminal justice wave to sweep the country in recent years: three-strikes laws.

A study by the RAND corporation found that while California's three-strikes law might reduce serious adult crime by 28 percent, it would cost an additional \$5.5 billion each year.

It observes that this money does nothing to shrink the 25,000-strong class of juveniles entering the justice system each year.

In sum, Curran reports, using the same \$5.5 billion, California could spend as much as \$1 million per high-risk youth on prevention efforts.

Curran gives current legislative and executive agendas on crime mixed reviews. He credits Baltimore Police Commissioner Thomas C. Frazier with instituting gun sweeps to dry up the illegal market in guns, and Gov. Parris Glendening's gun control legislation.

He criticizes, however, an executive initiative that would curtail prison education projects.

Curran supports a bill by Del. Howard P. Rawlings, D-Balto. City, that would expand after-school activities for the city's schoolchildren.

"I do think in the short run, there needs to be more police, very possibly more prisons and a strong sentencing structure to get very bad people off the street for a very long time," he says. "But at the same time, don't just do nothing about the next generation."

The Battle Plan's goals look beyond the immediate future.

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