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Rise in violent crime was predictable

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BY JOHN FARMER JR.

More than 100 people were murdered in Newark last year. Many more were shot at, mugged or robbed. Nor was Newark's record-setting violent crime wave an isolated event. In large cities all over the country, violent crime rose last year for the second straight year, reversing a long-standing trend toward safer streets.

If 2006 was the year in which, abroad, the failure of our Iraq strategy became clear, it was also the year in which, at home, the failure of our law enforcement strategy became painfully obvious.

More disturbing than the news that violent crime is increasing, however, was government's reaction to it. The Department of Justice expressed its concern about the sharp rise in homicides and robberies nationwide, and reassured the public that its ongoing study of crime trends in 18 cities will help determine "what is causing this increase" and "which crime-fighting efforts are most effective." Gov. Jon Corzine, in his State of the State address, decried the "scourge" of "guns and gang violence," and called for a "comprehensive approach for prevention, enforcement and prisoner re-entry."

News reports have ascribed the increase in urban violence to various causes: a spike in the number of men between the ages of 20 and 24; an increased use of firearms in urban settings to settle disputes; the growing prevalence of gangs; the diversion of law enforcement resources to the prevention of terrorist activity. In a fit of misplaced nostalgia, even New Jersey's success in curbing the practice of racial profiling is now cited by some as leading to the increase in urban violence by allowing guns into Newark. (How this accounts for the rise in violence in cities like Washington, Norfolk, Atlanta, Miami and others is an unanswerable mystery to these folks.)

What has gone unreported, however, is the extent to which the increase in violent crime was not only predictable but actually predicted, a direct if unintended consequence of our anti-crime policies of recent years.

When Justice Department bureaucrats are finished "studying" the problem -- as though the more than 100 murder victims in Newark last year were the subjects of some laboratory experiment -- I think they'll conclude that the problem may -- just may -- be related directly to two government policies of the past 15 years: the subjection of violent offenders to mandatory minimum terms of incarceration with no programs in place to assure that they will be rehabilitated; and the practice of housing gang members together in our prisons to avoid prison violence.

Beginning in the mid-1980s, as a consequence in part of the crack epidemic and in part of the adverse publicity surrounding certain judges' decisions in criminal cases that were deemed to be too lenient, legislatures across the country, including Congress, began to pass so-called mandatory minimum statutes. These statutes removed

discretion from judges by requiring defendants who were convicted under their provisions to serve a prescribed amount of time in prison.

By the mid- to late 1990s, as increasing numbers of violent offenders were convicted and sentenced in accordance with these tougher laws, a remarkable thing began to occur: The crime rate began to plummet. The suspicion long held by those of us in law enforcement -- that the vast majority of serious crime is committed by relatively few people -- seemed confirmed. Violent crime reached historic lows every year I served as attorney general; the streets of New Jersey had not been so free of violent crime since the riots of 1967.

There were, however, clouds on the horizon. First, the influx of violent offenders in prisons from rival gangs caused a potential security problem within the prisons. As gang members intermingled behind bars, there weren't many choruses of "Kumbaya" being sung. So corrections officials decided that, to maintain peace in our prisons, they would house gang members together, and separate the gang populations from each other. The fact that this practice could actually strengthen the social structure of gangs in the community was deemed less important than maintaining riot-free prisons.

The other cloud on the horizon was the fact that the vast majority of offenders sentenced to mandatory minimum terms of imprisonment would some day be returned to the community. Unless a violent offender was convicted of a crime requiring life in prison, at some point -- usually 10 to 15 years after incarceration -- he or she would be released. Given when most of the mandatory minimum sentencing laws were passed, that meant that beginning in 2005 or so, tens of thousands of violent offenders would be released, and would re-enter society.

Four years ago, with crime rates remaining at historic lows, former Public Advocate Stanley Van Ness and I co-chaired a series of roundtable discussions designed to build awareness among law enforcement policymakers of the impending problem. New Jersey, we warned, would be releasing more than 70,000 people from state prison alone over the next five years, with virtually nothing in place to assure that they would commit no further crimes upon their release. The result, given that the only social structure available to many urban inmates was the gang structure, could be a catastrophic increase in violent crime.

Our efforts were mirrored around the country in states like Michigan, Florida and Kansas; the problem of re-entry was truly a national problem.

We were encouraged, at first, by the government's reaction. We had active participation from both state and federal law enforcement, from the criminal defense bar and from social scientists. All professed to see the problem coming. A succession of governors and their staffs, like Corzine last week, have all "said the right things" about re-entry.

It is fair to ask, however, in light of the grim homicide statistics in Newark from 2005 and 2006: What has anyone in the government actually done over the past four years?

In a word, nothing.

The Legislature created a Sentencing Commission to study mandatory minimum statutes. A draft executive order making re-entry a priority has languished now through three years and as many governors. The virtues of various pilot programs have been debated; none has been implemented. Typical government glad-handing and lip service. Nothing.

With the hundred-plus homicides last year in Newark, and violent crime now rising all over the country, the long-dreaded day is upon us, and the Justice Department is going to study it. They'll get back to us, we're told, when they've figured out the cause.

Great. But do we really have to study this problem in order to address it? What do you think will happen if you take a violent offender, lock him up for 10 or 15 years, give him no social structure but a gang, and then turn him loose into society with nothing in place to discourage a return to violent behavior? Do you really need a "study" to figure out that the gang problem is in many respects a re- entry problem, or that -- quite apart from gangs -- anyone leaving prison after an extended term faces an enormous adjustment?

There are probably no less-sym pathetic claimants to the state's budget dollars than incarcerated felons. But the social cost of allowing violent offenders to drift through our prisons with no strategy to improve their conduct when they are released may well be incalculable.

Corzine's call for a comprehensive strategy to address the re- entry issue is encouraging. I hope his staff develops one, and I hope it involves actual contact with actual inmates. I hope he highlights it in his budget address and proposes funding it generously. Even more, I hope he goes beyond symbolism and process to the realization that he must act decisively and immediately. The government -- both state and federal -- must actually do something, and do it now.

In the meantime, Newark Mayor Cory Booker is right not to wait for the state and the feds. He's right to launch his own re-entry effort, with particular focus on juvenile offenders. He knows all too well that the problem is no longer about what will happen in four or five years when tens of thousands of inmates are released. They are coming out now. They are here.

Tragically, for people in cities across the country, and for more than 100 people in Newark last year, the time to act was yesterday.

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