

NLWJC - Kagan

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Crime - Children and Violence

THE WHITE HOUSE
WASHINGTON

December 28, 1998

**CHILDREN EXPOSED TO VIOLENCE
INITIATIVE ANNOUNCEMENT**

DATE: December 29, 1998
LOCATION: Roosevelt Room
BRIEFING TIME: 9:15 - 9:40 AM
EVENT TIME: 9:45 - 10:30 AM
FROM: Elena Kagan
Jose Cerda

I. PURPOSE

You will launch a new Children Exposed to Violence Initiative (CEVI) designed to prevent violence against children and improve the way the justice system deals with children who are victims of or witnesses to violence. CEVI will include four components: (1) reforming state and federal laws to provide swift and certain punishment for those who commit child abuse and neglect; (2) improving the way the justice system treats children who are the victims of, or witnesses to, acts of violence; (3) strengthening local prevention and intervention programs directed towards children exposed to violence; and (4) increasing public awareness of this serious problem through a National Summit next May. To get this new effort underway, you will announce the availability of \$10 million in "Safe Start" grants from the Justice Department to help up to 12 cities reduce the impact of violence on young children.

II. BACKGROUND

The Department of Health and Human Services found that in 1996, three million children were maltreated or abused. Recent Department of Justice statistics show that last year, 2.8 million adolescents (12 to 17 year-olds) were victims of violent crime and another 9 million witnessed serious violence -- with nearly 2 million of these teenagers suffering from some kind of post-traumatic stress disorder.

Children who are abused or neglected are far more likely than other children to become criminals themselves. These children are more than 50 percent more likely to be arrested while a juvenile, and nearly 40 percent more likely to be arrested for a violent crime when they become adults. They are also 33 percent more likely to become substance abusers.

What CEVI Will Do

Reform Laws Dealing with Child Victims and Witnesses. The Justice Department, in consultation with the states, will propose federal legislation that would (1) amend federal homicide statutes by making child abuse offenses predicates for felony murder and defining murder to include the death of a child resulting from a pattern of child abuse, and (2) provide a sentencing enhancement whenever a violent crime prohibited by federal law is committed in the presence of a child. The Department also will work with states to develop similar model legislation and to put in place additional reforms that will allow children to testify through closed circuit television, limit the number of interviews to which a child can be subjected, and allow children to use testimonial aids and have an adult present when testifying in court.

Improve Justice System Response. CEVI will improve the way participants in the justice system treat child victims and witnesses by providing the information and training necessary to prevent "secondary victimization." The Justice Department will use approximately \$12 million in current funding to produce and distribute specialized training videos, best practice manuals, and other in-the-field user guides -- such as the guide on *Forming a Multidisciplinary Team to Investigate Child Abuse* released by the Justice Department today -- to law enforcement agents, prosecutors, victim and witness coordinators, and court personnel. Under this new initiative, the Justice Department also will work with state and local law enforcement to use Child Death Review Teams to investigate suspicious child fatalities; expand child victims' assistance programs; help create "Court Schools," which serve to acclimate children to the courtroom setting; and develop other similar programs.

Strengthen Prevention and Intervention. CEVI will assist states and localities to develop prevention and intervention initiatives focusing on children exposed to violence. These initiatives, often involving partnerships between law enforcement officers and other community members, will provide services and support to children and promote parent education. One example is the New Haven Child Development/Community Policing (CD-CP) program, a partnership between the New Haven Police Department and the Yale University Child Study Center that coordinates the work of law enforcement and mental health professionals in responding to children in violent situations. Today, you will announce the availability of \$10 million in "Safe Start" grants to help up to 12 more cities promote and build on proven initiatives like the New Haven CD-CP.

Increase Public Awareness. The Department of Justice will sponsor a National Summit on Children Exposed to Violence in May, with the Department of Health and Human Services, law enforcement organizations, child advocacy and media organizations, governors, county officials, mayors, legislators and prosecutors. The goal of the Summit will be to bring together experts in law enforcement, mental health, child development, domestic violence prevention, and related fields to increase public awareness of this issue and discuss additional ameliorative efforts.

III. PARTICIPANTS

Briefing Participants

Elena Kagan

Jose Cerda

Deputy Attorney General Eric Holder

Event Participants

Deputy Attorney General Eric Holder

Chief Melvin Wearing, Chief of Police, New Haven Connecticut

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- **YOU** will be announced onto the stage accompanied by stage participants.
- Deputy Attorney General Eric Holder will make introductory remarks and introduce Chief Melvin Wearing, Police Chief, New Haven, Connecticut.
- Chief Melvin Wearing will make remarks and introduce **YOU**.
- **YOU** will make remarks and then depart.

VI. REMARKS

Provided by Speechwriting.

Date: 12/29/98 Time: 08:02

Clinton announcing plan for combating violence against children

WASHINGTON (AP) The Clinton administration is taking new steps to combat violence against children, including proposing to make it a felony to endanger a child's life through abuse or neglect.

President Clinton was presenting his "Children Exposed to Violence Initiative" at the White House today.

Aides, speaking on condition of anonymity, provided some details in advance of Clinton's announcement.

The president's initiative has four main parts:

The Justice Department will propose legislation that would make it easier for federal prosecutors to prove a felony murder charge involving the death of a child without having to prove it was premeditated. It also will propose making it a felony to endanger a child's life through abuse and establish criminal penalties for committing acts of violence against others in the presence of a child.

Giving additional training to police, prosecutors, investigators and court personnel in ways to avoid unnecessary traumatization and emotional stress on child victims and witnesses in abuse cases.

Helping states and communities develop projects that involve mental health professionals and other members of the community in responding to children involved in violent situations and educating parents about abuse and neglect. To get this started, Clinton is making available \$10 million in "Safe Start" grants from the Justice Department to help as many as 15 cities reduce the impact of violence on young children.

Increase public awareness of the problem. The Justice Department will sponsor a national "summit" conference on children and violence in May 1999 to bring together experts in law enforcement, mental health, child development and related fields to discuss the issue of child victimization.

About one-third of all victims of violent crime in the United States are teen-agers, according to White House figures. Also, an additional 2.8 million children are abused or neglected each year, and almost 9 million adolescents aged 12 to 17 have witnessed serious violence.

The Clinton administration contends that children who are abused, neglected or otherwise exposed to violence are more likely to become criminals themselves. They also are at greater risk for substance abuse, mental illness and suicide, the White House says.

APNP-12-29-98 0816EST

Crime - children/violence

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DOJ Legislative Initiatives for the 106th Congress

Summary: This proposal would call for the United States Sentencing Commission to consider whether a sentencing enhancement should be added to the Federal Sentencing Guidelines for violent crimes that are committed when children are present.

Background and Justification: There is a growing body of research documenting the effects on children of exposure to violence, and in particular, to violent crime. Witnessing violence may have strong, negative effects on children's emotional well-being, and has in some instances been shown to affect cognitive development as well. In short, when violent crime is committed in front of children, many lives may be damaged, even irrevocably so. At the same time, current federal and most state law does not generally recognize the greater harm that may result when children witness violent crime. Several states have recently determined that a different, and more severe, criminal justice system response to violent crime is warranted when committed in front of children. Five states have responded by providing enhancements to available sentences when children are present; three have created a new criminal offense. All of these states have limited this approach to cases of domestic violence. This legislative response to the secondary victimization of children is very controversial in the domestic violence victims' movement: there are strongly voiced concerns that increasing the penalty for a crime only when children are present will be seen as minimizing the severity of the crime against the battered victim; equally strong concerns are raised about the likelihood that battered mothers will be charged by child protection agencies with failure to protect their children from witnessing violence, and risk losing custody of their children. At the same time, there is support for enhanced penalties of this nature among the child advocacy community. The proposed federal sentencing enhancement would apply to violent crime generally, not just to domestic violence, which might (but might not) allay some of the concerns of the domestic violence community. Representatives from OPD, EOUSA, the Criminal Division, the Office for Victims of Crime, the Violence Against Women Office, the Violence Against Women Grants Office, and OLA met to discuss this issue. There was consensus among the group that this proposal merits consideration by the Deputy Attorney General and the Attorney General, and that they should be made aware of the likely positive and negative reactions to such a proposal.

Budget Impact: If an enhancement is adopted, there will be a marginal increase in the length of sentences served by various violent federal offenders, affecting the Bureau of Prisons.

Affected Components and Agencies: EOUSA, Criminal Division, OTJ, Violence Against Women Office, Violence Against Women Grants Office, Bureau of Prisons, and FBI.

Potential Support and Opposition: Strong support for such a provision was voiced by representatives from EOUSA, and would likely be shared by U.S. Attorneys Offices. There would likely be support from children's advocates, including those in the victim's movement who are concerned with child victims. Strong opposition will come from the domestic violence advocates. Although they strongly agree that children are harmed by witnessing violence, their concerns stem from the potential harmful consequences for battered women, as described above.

Point of Contact: Mary Murguia (EOUSA)

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fax

456-2878

Legislative Proposal - Child Homicide Statutes

Summary:

Legislation for homicides within federal jurisdiction that would make child abuse offenses predicates for felony murder and that would define murder to include the death of a child resulting from a pattern of child abuse.

Background and Justification:

The federal government is responsible for criminal cases arising in the special maritime and territorial jurisdiction (principally civilian-defendant military base cases) and for felony cases in Indian country. The federal homicide statutes that apply accord no special treatment to cases involving child victims even though there are particular problems of proof relating to malice and premeditation when the homicide victim is a child who died as a result of child abuse. Several states have responded to this issue by making child abuse one of the predicate acts for felony murder. This permits liability for first degree murder to be established by showing that the defendant committed a predicate child abuse offense and that the victim died as a result, without requiring proof of intent to kill and premeditation. Other states define the highest degrees of homicide to include killing a child where the fatal conduct was part of a pattern of child abuse. These statutes generally permit proof of a lesser degree of culpability than malice and premeditation. Certainly the death of a child resulting from child abuse is as worthy as being treated as first degree murder as an unintentional death during the course of a robbery or other offense that traditionally has served as a predicate for felony murder.

Budget Impact:

Minimal, if any. These statutes would apply to cases that would almost certainly have been prosecuted anyway.

Affected Components and Agencies:

United States Attorneys offices in jurisdictions that include Indian country and military bases; EOUSA; OTJ; F.B.I.

Potential Support and Opposition:

This proposal seems likely to be supported by all affected components and Congress. These statutes would not create federal jurisdiction where none currently exists and would provide tools for prosecuting cases that would almost certainly be prosecuted anyway.

Point of Contact:

Geoffrey Bestor, OPD, Ext. 4-2283

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DOJ Legislative Initiatives for the 106th Congress - Legislative Proposal - Federal Child Neglect and Endangerment Statute

Summary: Legislation for child neglect and endangerment^{ly} within federal jurisdiction that would make it a felony offense when someone knowing causes or permits the life a child to be endangered or it's health to be injured by neglect or abuse.

Background and Justification: The federal government is responsible for criminal cases arising in the special maritime and territorial jurisdiction and for felony cases arising in Indian country. Chapter 109A of title 18 includes a full range of child sexual abuse offenses which apply in these areas, and sections 113(a)(1) - (7) of title 18 are the general assault provisions which can be used to prosecute incidents of assault on any person and can include children. These general assault provisions include some enhancements for assaultive crimes against children however there is no specific federal child abuse statute. The general assault statutes with the use of the enhancement provisions are currently being used to address incidents of child physical abuse. The homicide offenses which apply in these areas (title 18 sections 1111-12) accord no special treatment to cases involving child victims. Since child physical abuse situations are currently being addressed by the use of assault statutes there is no urgent need for a child physical abuse statute, however, there is a gap for cases which involve severe neglect and endangerment situations. At a recent AGAC Native American Issues Subcommittee three case examples were noted where children were severely injured or died as the result of neglect by the responsible adult. The U.S. Attorneys present expressed their frustration in not having a federal endangerment statute available to address these unfortunate incidents. The U.S. Attorneys present noted that they would like it as an option for significant neglect and endangerment cases that result in death or serious injury to a child.

Budget Impact: Minimal There would not be a flood of these cases. It would simply provide an option currently unavailable for cases that merit consideration of this type of charge. Therefore the impact on BOP would not be significant..

Affected Components and Agencies: United States Attorneys offices in jurisdiction that include Indian country and military bases; EOUSA; OTI; FBI; BIA; BOP.

Potential Support, Opposition: Support for such a provision will be voiced by representatives of EOUSA, and will likely be shared by most U.S. Attorneys offices. There may be some opposition from tribal communities who might feel this provision would cross over to Indian child welfare jurisdictional grounds and possibly raise sovereignty issues.

Point of Contact: Mary H. Murguia, Ext. 5-9780.

Reducing Violence in the Lives of Children December 29, 1998

President Clinton will launch a new Children Exposed to Violence Initiative (CEVI) designed to prevent violence against children and improve the way the justice system deals with children who are victims of or witnesses to violence. CEVI will include four components: (1) reforming state and federal laws to provide swift and certain punishment for those who commit child abuse and neglect; (2) improving the way the justice system treats children who are the victims of, or witnesses to, acts of violence; (3) strengthening local prevention and intervention programs directed towards children exposed to violence; and (4) increasing public awareness of this serious problem through a National Summit next May. To get this new effort underway, the President will announce the availability of \$10 million in "Safe Start" grants from the Justice Department to help up to 12 cities reduce the impact of violence on young children.

The Need for Action

- **Too many child victims.** The Department of Health and Human Services found that in 1996, three million children were maltreated or abused. Recent Department of Justice statistics show that last year, 2.8 million adolescents (12 to 17 year-olds) were victims of violent crime and another 9 million witnessed serious violence -- with nearly 2 million of these teenagers suffering from some kind of post-traumatic stress disorder.
- **Child victims more at risk to become offenders.** Children who are abused or neglected are far more likely than other children to become criminals themselves. These children are more than 50 percent more likely to be arrested while a juvenile, and nearly 40 percent more likely to be arrested for a violent crime when they become adults. They are also 33 percent more likely to become substance abusers.

What CEVI Will Do

- **Reform Laws Dealing with Child Victims and Witnesses.** The Justice Department, in consultation with the states, will propose federal legislation that would (1) amend federal homicide statutes by making child abuse offenses predicates for felony murder and defining murder to include the death of a child resulting from a pattern of child abuse, and (2) provide a sentencing enhancement whenever a violent crime prohibited by federal law is committed in the presence of a child. The Department also will work with states to develop similar model legislation and to put in place additional reforms that will allow children to testify through closed circuit television, limit the number of interviews to which a child can be subjected, and allow children to use testimonial aids and have an adult present when testifying in court.
- **Improve Justice System Response.** CEVI will improve the way participants in the justice system treat child victims and witnesses by providing the information and training necessary to prevent "secondary victimization." The Justice Department will use approximately \$12 million in current funding to produce and distribute specialized training

videos, best practice manuals, and other in-the-field user guides -- such as the guide on *Forming a Multidisciplinary Team to Investigate Child Abuse* released by the Justice Department today -- to law enforcement agents, prosecutors, victim and witness coordinators, and court personnel. Under this new initiative, the Justice Department also will work with state and local law enforcement to use Child Death Review Teams to investigate suspicious child fatalities; expand child victims' assistance programs; help create "Court Schools," which serve to acclimate children to the courtroom setting; and develop other similar programs.

- **Strengthen Prevention and Intervention.** CEVI will assist states and localities to develop prevention and intervention initiatives focusing on children exposed to violence. These initiatives, often involving partnerships between law enforcement officers and other community members, will provide services and support to children and promote parent education. One example is the New Haven Child Development/Community Policing (CD-CP) program, a partnership between the New Haven Police Department and the Yale University Child Study Center that coordinates the work of law enforcement and mental health professionals in responding to children in violent situations. Today, the President will announce the availability of \$10 million in "Safe Start" grants to help up to 12 more cities promote and build on proven initiatives like the New Haven CD-CP.
- **Increase Public Awareness.** The Department of Justice will sponsor a National Summit on Children Exposed to Violence in May, with the Department of Health and Human Services, law enforcement organizations, child advocacy and media organizations, governors, county officials, mayors, legislators and prosecutors. The goal of the Summit will be to bring together experts in law enforcement, mental health, child development, domestic violence prevention, and related fields to increase public awareness of this issue and discuss additional ameliorative efforts.

Draft 12/28/98 12:20 pm
Paul Glastris

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**PRESIDENT WILLIAM J. CLINTON
REMARKS ON CHILDREN EXPOSED TO VIOLENCE
THE WHITE HOUSE
December 29, 1998**

Acknowledgments:

During this holiday season, children have been at the center of our attention, and rightly so. They fill us with love, with delight, and with a sense of purpose. I want children to be at the center of our attention throughout the new year to come. That is why I want to talk today about new actions I am taking to help the millions of children who are exposed every year to violence, either as witnesses to violent behavior or victims of it.

It is hard being a child today. There is too much violence, too much cruelty and incivility, and children experience these things at younger and younger ages. That is why I have worked so hard in recent years on efforts to strengthen families and bring safety and order to our schools and communities. We passed a crime bill with tougher penalties and more prevention. We passed a Safe and Drug Free Schools bill that provides support for violence and drug prevention efforts in 97 percent of our nation's school districts. We passed the Gun-Free Schools Act requiring that any student caught bringing a firearm into school be expelled, and over 6000 students were expelled for doing just that in the most recent year for which we have statistics. We encouraged cities with high juvenile crime rates to impose curfews, and 80 percent of cities in a recent survey now have curfews. We expanded support for after school programs, to keep children constructively engaged and off the streets during the after-school hours when juvenile crime soars, and we want to expand that support even further.

With these efforts, and with the efforts of countless parents, teachers, principals, judges, police officers, and others, we have begun to make real progress. Juvenile crime rates have finally started to drop; the juvenile murder rate has dropped 17 percent in one year; and juvenile arrest rates are down two years in row. And as the latest Justice Department crime survey released this week shows, violent crime in general fell seven percent last year and 21 percent since I took office. The violent crime rate is now at its lowest level since 1973.

These are good signs, and we should be pleased and thankful. But we must not be complacent. Too many children are still the victims of violence. Too many children are still being abused and neglected. Too many children are still witnessing serious violence. And as the First Lady's Zero-to-Three conference earlier this year brought to light, children's exposure to violence has tremendous negative consequences--for those children and for the rest of us. A child who experiences serious violence is as much as 50 percent

more likely to be arrested as a juvenile, and 40 percent more likely to be arrested as an adult. If want to keep crime rates going down, we must do more to break this cycle of violence.

Today, I am launching a new Children Exposed to Violence Initiative, to be sponsored by the Justice Department and directed by Deputy Attorney General Eric Holder. As part of that initiative, I am today taking four specific actions.

First, I am asking the Justice Department to research and recommend tougher penalties against those who expose children to violence. I believe it is time to ask why a bank robber who unintentionally kills an innocent bystander can be charged with felony murder, but a repeat child abuser who unintentionally kills a child cannot be. When a man beats a woman in the presence of a child, he has committed not one horrendous act but two, and I believe we should at least think about allowing judges to take that fact into account when imposing sentences.

Second, I am announcing \$10 million in federal grants to 15 cities to develop the kinds of comprehensive responses to children exposed to violence that New Haven has pioneered and that we've heard about today. New Haven shows that trained law enforcement officers, paired with child psychologists, can provide the stability and comfort that children need to overcome their feelings of fear and chaos that result from exposure to violence.

Third, I am directing the Justice Department to develop and distribute the critical information state and local law enforcement agencies need to do a better job of responding to the needs of children who have been victimized by crime. Too often such children are victimized anew by a criminal justice system designed by and for adults. With the help of the Justice Department's new training videos and in-the-field user guides--the first of which we are releasing today--criminal justice agencies all over our nation can begin to provide children who have experienced violence with the healing they need and deserve.

Fourth, I am calling for a National Summit on Children Expose to Violence, to be held TK and co-hosted by the Department of Health and Human Services, the Rob Reiner Foundation, the American Bar Association, and other groups.

By working together, we have already made significant progress against crime and violence in this country. I believe we are on a course to make even greater gains in the future. As long as we continue to place America's children at the center of our attention, America will remain prosperous, united, and strong well into the 21st Century.

Thank you and God bless you.

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**PRESIDENT CLINTON:
WORKING TO REDUCE VIOLENCE AGAINST CHILDREN**

December 29, 1998

"By working together, we have already made significant progress against crime and violence in this country. I believe we are on a course to make even greater gains in the future. As long as we continue to place America's children at the center of our attention, America will remain prosperous, united, and strong well into the 21st Century."

President Bill Clinton
December 29, 1998

Today at the White House, President Clinton will launch a new Children Exposed to Violence Initiative (CEVI) designed to prevent violence against children and improve the way the justice system deals with children who are the victims of or witnesses to violence.

THE NEED FOR ACTION. Violence against children remains a problem in America. The Department of Health and Human Services found that in 1996, three million children were reported maltreated or abused. Recent Department of Justice statistics show that last year, 2.8 million adolescents were victims of violent crime and another 9 million witnessed serious violence -- with nearly 2 million of these teenagers suffering from some kind of serious post-traumatic stress disorder. Children who are abused or neglected are far more likely than other children to become criminals themselves. These children are more than 50 percent more likely to be arrested while a juvenile; nearly 40 percent more likely to be arrested for a violent crime when they become adults; and 33 percent more likely to become substance abusers.

A PRESIDENTIAL RESPONSE TO VIOLENCE AGAINST CHILDREN. President Clinton is leading the response to help reduce violence against our children. The Department of Justice will propose legislation that would: (1) amend federal homicide statutes by making child abuse offenses predicates for felony murder and defining murder to include the death of a child resulting from a pattern of child abuse; and (2) provide a sentencing enhancement whenever a violent crime prohibited by federal law is committed in the presence of a child. The Justice Department will also work with states to develop similar model legislation and put in place additional reforms to allow children to testify via closed circuit television, limit the number of interviews to which a child can be subjected, and allow children to use testimonial aids and have an adult present when testifying in court.

CEVI WILL IMPROVE AND STRENGTHEN OUR RESPONSE TO VIOLENCE AGAINST CHILDREN. In addition to this proposed legislation, the CEVI will:

- **Improve The Justice System Response To This Issue.** CEVI will improve the way participants in the justice system treat child victims and witnesses by providing the information and training necessary to prevent "secondary victimization." The Justice Department will use approximately \$12 million in current funding to produce and distribute specialized training videos, best practice manuals, and other in-the-field user guides to law enforcement agents, prosecutors, victim and witness coordinators, and court personnel. Under this new initiative, the Justice Department also will work with state and local law enforcement to use Child Death Review Teams to investigate suspicious child fatalities; expand child victims' assistance programs; help create "Court Schools," which serve to acclimate children to the courtroom setting; and develop other similar programs.
- **Strengthen Prevention And Intervention.** CEVI will assist states and localities to develop prevention and intervention initiatives focusing on children exposed to violence. These initiatives, often involving partnerships between law enforcement officers and other community members, will provide services and support to children and promote parent education. The President will announce the availability of \$10 million in "Safe Start" grants to help up to 12 more cities promote and build on proven initiatives like the New Haven CD-CP, a successful partnership program between the New Haven Police Department and the Yale University Child Study Center.
- **Increase Public Awareness.** The Department of Justice will sponsor a National Summit on Children Exposed to Violence in May, with the participation of Department of Health and Human Services, law enforcement organizations, child advocacy and media organizations, governors, county officials, mayors, legislators and prosecutors. The goal of the Summit will be to bring together experts in law enforcement, mental health, child development, domestic violence prevention, and related fields to increase public awareness of this issue and discuss additional ameliorative efforts.