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ATTORNEY GENERAL'S URBAN CRIME SUMMIT

STATE OF MISSOURI

SEPTEMBER 19, 2013

Day 2 in St. Louis

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ATTORNEY GENERAL'S URBAN CRIME SUMMIT,  
taken on SEPTEMBER 19, 2013, between the hours of  
9:10 in the forenoon and 1:43 in the afternoon of  
that day, at the St. Louis University School of Law,  
100 North Tucker, St. Louis, Missouri 63101, before  
Suzanne Zes.

1

2

APPEARANCES

3

4

5 Panel for the Urban Crime Summit:

6

7 Attorney General Chris Koster

8

9 Mayor Sly James, Kansas City

10

11 Mayor Francis Slay, City of St. Louis

12

Charlie Dooley, County Executive

13

Police Chief Tim Fitch, St. Louis County

14

Police Chief Darryl Forte', Kansas City

15

Police Chief Sam Dotson, St. Louis Metropolitan

16

17

18 The Court Reporter:

19

20 Suzanne Zes

21 Midwest Litigation Services

22 711 North Eleventh Street

23 St. Louis, MO 63101

24 314.644.2191

25 314.644.1334 Fax

1 P R O C E E D I N G S

2 ATTORNEY GENERAL KOSTER: Good morning,  
3 everyone. Thank you for coming again today. I want  
4 to start by thanking again our hosts, Mayor Slay,  
5 Police Chief Sam Dotson and the St. Louis University  
6 Law School, which has made this extraordinary  
7 facility available to us and I know all of us share  
8 in how impressed and grateful, frankly, we are that  
9 we have something like this now in St. Louis.

10 We have three topics that will close out this  
11 crime summit today. All of them very specific  
12 topics. The first topic, two of them will be  
13 considered this morning and then one after the lunch  
14 break. The two topics this morning are the St.  
15 Louis armed offender docket, high bond issues  
16 related to armed offender situations.

17 The second topic will be addressed by Rick  
18 Rosenfeld, which is stop, question and frisk and the  
19 implications of that nationally and locally.

20 And the third topic this afternoon will again  
21 concentrate on some successes that we've seen in the  
22 City of New York, policing strategies and crime  
23 prevention strategies in that jurisdiction.

24 So we begin this morning with consideration  
25 of the idea of an armed offender docket in various

1 jurisdictions around the state including this one.  
2 We have two presenters and guests from Kansas City.  
3 I will introduce our guests first. Jean  
4 Peters-Baker is the prosecuting attorney of Jackson  
5 County, Missouri and served formerly in the Missouri  
6 State legislature before she took on her role as the  
7 elected prosecutor of Jackson County.

8 Jennifer Joyce was elected circuit attorney  
9 of the City of St. Louis in 2000. She joined the  
10 circuit attorney's office in 1994. By the time she  
11 was elected the circuit attorney she had already  
12 handled more than 700 felony cases including  
13 assaults, armed robberies, weapons offenses, drug  
14 trafficking, rape and child abuse cases.

15 She has assembled an outstanding team of more  
16 than 145 professionals who are dedicated to keeping  
17 the streets of St. Louis safe. Ms. Joyce received  
18 her law degree from this institution.

19 Rick Rosenfeld is the curators' professor of  
20 criminology and criminal justice at the University  
21 of Missouri St. Louis. His current research focuses  
22 on policing, crime trends and criminal justice  
23 policy. He is lead investigator of the St. Louis  
24 Public Safety Partnership, a collaboration to  
25 improve public safety involving the St. Louis

1 Metropolitan Police Department, the St. Louis City  
2 Mayor's Office and the University of Missouri St.  
3 Louis. Dr. Rosenfeld received his PhD and bachelor  
4 or arts from the University of Oregon.

5 Ms. Joyce, the microphone is yours.

6 MS. JOYCE: Is this going through? Good  
7 morning, it is so great to be here at this beautiful  
8 new law school, my alma mater. And while I have to  
9 confess I have a teeny tiny bit of resentment that  
10 St. Louis U Law School was not this fabulous when I  
11 attended there. I have to say on my behalf and on  
12 behalf of everybody in my office, we are so thrilled  
13 to have this important law school just mere steps  
14 away from our office in the Carnahan Courthouse.

15 And, before I begin, I want to thank General  
16 Koster for organizing an entire week devoted to the  
17 issue of urban crime. Your commitment to this  
18 problem is remarkable. And I would also like to  
19 acknowledge and thank Mayor Slay, Major James, Chief  
20 Dotson and Chief Forte' for your week-long  
21 commitment to immerse yourself in these issues and I  
22 would like to acknowledge Charlie Dooley for his  
23 participation during the St. Louis part of this  
24 event.

25 Now, this week you have heard lots of facts

1 and figures, so I would like to start with a story.  
2 This is a story about two young men still in high  
3 school. One young man, Rahmel McNeil, chose to  
4 become involved in sports and in school. In fact,  
5 he was the quarterback of the Sumner High School  
6 football team. His parents were very proud of the  
7 choices that he made in his life and they worked  
8 really hard to keep him on the right track given all  
9 the distractions that boys face in this day and age.

10 The other young man, Rodnell Cotton, was just  
11 16 years old at the time and he thought it was cool  
12 to carry a gun, as did many of the young men he hung  
13 out with. In fact, lots of kids in the City of St.  
14 Louis think it's cool to carry a gun.

15 The boys had been friends for quite sometime  
16 but tensions arose between the two of them. Some  
17 say it's because Rahmel got involved in sports and  
18 school and life outside the streets. The tension  
19 between the two former best friends even spilled  
20 over into their families.

21 On the afternoon of September 24, 2010, while  
22 Rahmel and a teammate were hanging out before a  
23 football game, Rahmel encountered Rodnell and his  
24 friend Terron Pool. An argument ensued and fists  
25 were thrown between the boys. Sometimes boys get

1 into fights. It has been happening since the  
2 beginning of time and it will happen again. And  
3 this is where this story should end. But what  
4 happened next was life altering for two families and  
5 an entire community. And it's illustrative of the  
6 force that we have to overcome here in St. Louis and  
7 the opportunity that we have before us.

8 Terron Pool pulled a gun out of his  
9 waistband. After seeing the gun, the quarterback  
10 backed away from the fight but 16-year-old Terron  
11 was urged to shoot and shoot he did. He shot a  
12 promising young athlete multiple times in the chest  
13 and in the abdomen. Everyone fled leaving Rahmel on  
14 the ground with his teammate hovering over his body.  
15 He died later at the hospital from his gunshot  
16 wounds.

17 On June 11th, in the City of St. Louis, right  
18 across the street from here, a St. Louis City jury  
19 convicted Terron Pool of second degree murder and  
20 armed criminal action. He will be looking at steel  
21 bars of his prison cell for many, many years because  
22 of the gun that he thought was so cool.

23 And, by all accounts, Rahmel was an  
24 impressive athlete, student and citizen. He was  
25 pursuing college scholarships and wanted to do great

1 things with his life. He left behind a devastated  
2 sister, parents and a team that still misses him to  
3 this day. And since that time his mother has been  
4 debilitated with depression and his father has died  
5 of what his family believes is a broken heart.

6 Many believe we have a unique opportunity  
7 before us to save lives by rethinking the way the  
8 criminal justice system handles gun crimes. I  
9 believe that too and I would like to tell you why.  
10 Why do we need an armed offender docket in the City  
11 of St. Louis?

12 Now, I have to admit up front, I am not a  
13 criminologist. You're going to hear from one in a  
14 minute here, so I'm not going to give you a lot of  
15 facts and figures. What I am is a lifetime resident  
16 of the City of St. Louis and a 20-year prosecutor in  
17 this jurisdiction and I will speak to you from my  
18 heart on this matter.

19 We need an armed offender docket because St.  
20 Louis is awash with illegal guns. We have a street  
21 gun culture that runs deep through our neighborhoods  
22 and people, particularly young people, are dying at  
23 a rapid and completely unacceptable rate. I have  
24 seen way too many young people end their lives  
25 because of the street gun culture, either go to

1 prison or to the graveyard. And I deeply believe  
2 that as a city we must do more to combat this  
3 problem.

4 This Monday the judges of the 22nd Judicial  
5 Circuit considered a proposal for an armed offender  
6 docket that was presented by Judge Jack Garvey. As  
7 I'm sure that everyone here knows, that proposal was  
8 rejected by the judges.

9 I was present for the meeting. I stayed for  
10 all the debate and the final vote and after the vote  
11 I left the meeting and I took the elevator  
12 downstairs, crossed Market Street to my office in  
13 the Carnahan Building, sat down at my desk and  
14 proceeded to go to work. Believe it or not, the  
15 very first file on my desk, for me to review,  
16 provided an absolutely perfect illustration as to  
17 why we need enhanced judicial intervention in gun  
18 crimes.

19 John Smith, and that's not his real name,  
20 okay, he's pending charges right now in our circuit,  
21 so I'm not going to discuss his real name. John  
22 Smith was a low-level offender who was clearly  
23 operating within that street gun culture that I  
24 referred to earlier. He was convicted in 2010 of  
25 car theft and placed on probation. He violated his

1 probation by attempting to cut off his ankle monitor  
2 and he was sentenced to six months in the city  
3 workhouse.

4 Months after his release, he was caught by  
5 police driving a car that had just been reported  
6 stolen in an armed robbery. He led police on a  
7 high-speed chase through several residential  
8 neighborhoods and then crashed his car into a tree.  
9 He discarded a silver handgun as he exited the car  
10 and ran from the police. It turned out this gun and  
11 another gun found in the car were both stolen.

12 The police caught and arrested John Smith and  
13 charged him with unlawful possession of a firearm,  
14 resisting arrest and leaving the scene of an  
15 accident. This May, John Smith pled guilty, again,  
16 right across the street from where we are. The  
17 State, my office, recommended five years in prison  
18 because of his criminal history and the fact that he  
19 had demonstrated that he was not a good candidate  
20 for probation. Despite that, however, the judge  
21 gave him an SIS, a suspended imposition of sentence  
22 and probation.

23 Just a few months later, barely three months,  
24 Mr. Smith was arrested again this time for shooting  
25 at a group of people standing in front of a home on

1 the city's northside. He killed one individual and  
2 wounded several others. Today, at the ripe, old age  
3 of 21, he is facing charges of murder first degree,  
4 and multiple counts of armed criminal action and  
5 assault first degree.

6 Now, you can't look at cases like this, day  
7 in and day out, without asking: Could this scenario  
8 have been prevented if we would have taken a  
9 different approach with John Smith before someone  
10 was murdered?

11 We had two previous bites at this apple. Is  
12 there something that could have been done in this or  
13 other cases that would have saved lives? I believe  
14 the answer is a resounding yes and what I think we  
15 could have done is what was proposed by Judge Jack  
16 Garvey in his gun docket proposal. And I'll tell  
17 you a little bit about that proposal now.

18 Judge Garvey's proposal would have  
19 established an armed offender docket with the  
20 objective of reducing gun violence in this city  
21 through more intensive and persistent and better  
22 supported and more fully informed judicial  
23 intervention and decision-making in gun cases.

24 This special docket would have had two  
25 dedicated judges and other personnel that would have

1 handled pretrial matters, trial, sentencing and  
2 supervision of individuals charged with weapons  
3 offenses and robbery first degree.

4           The docket would have been especially  
5 effective in two specific areas. First of all, it  
6 had the potential to reach the reachable. And by  
7 that, I mean, the young men who are just starting  
8 out in the street gun culture, who have just started  
9 down that path. This docket had the potential,  
10 through all the tools that it would have at its  
11 disposal, to take those young men off of that path  
12 and hopefully place them on a different path, the  
13 one to be a productive member of society. So that's  
14 one area where this could have been affected.

15           The other area where this could have been  
16 affected is to quickly dispense justice to those  
17 individuals who have decided to make gun violence a  
18 way of life and decided to be a danger to themselves  
19 and their community in the robbery first degree  
20 cases.

21           These two judges in the armed offender docket  
22 would have been in a position to test and apply a  
23 broad range of judicial strategies to do justice in  
24 gun cases and to reduce firearm violence under a  
25 structure that would have provided objective and

1 systematic evaluation of both the docket operations  
2 and the case outcomes. The gun docket would be  
3 supported by a special integrated database drawn  
4 from multiple law enforcement agencies and public  
5 judicial records. This database would have been  
6 called the gun monitor -- actually, correct that --  
7 will be called the gun monitor. And Professor  
8 Rosenfeld is here today. He's going to speak after  
9 me and I suspect he will tell you about how that  
10 part of the project is still going forward full  
11 steam ahead.

12 The gun docket would have four dedicated  
13 prosecutors from the circuit court attorney's office  
14 and it would have a variety of wrap-around services  
15 for offenders where appropriate. These services  
16 would have included enhanced pretrial services,  
17 enhanced presentencing, probation and parole  
18 services, enhanced vocational and transition from  
19 jail to community services, a community liaison  
20 committee comprised of leaders of major nonprofits  
21 in the City of St. Louis who are standing by ready  
22 to assist the court in identifying community  
23 resources.

24 And, finally, UMSL pledged a faculty member  
25 and a graduate student to assist in evaluation of

1 the program and to provide regular reports to the  
2 court regarding such things as the number of  
3 defendants that were going through the court, the  
4 number of defendants on pretrial release and, most  
5 importantly, the effectiveness of pretrial tools  
6 such as GPS monitoring, GED classes and confinement.

7 So that, in a nutshell, is what the Garvey  
8 docket proposal was. That's what it is. I would  
9 like to spend a few minutes talking about what it is  
10 not.

11 Okay. It is not a treatment court in the  
12 drug court model, although there would certainly be  
13 cases where that type of approach would be  
14 appropriate. It is also not a get tough, lock  
15 everybody up, throw away the key kind of court,  
16 although, again, there would certainly be cases  
17 where that approach would be appropriate.

18 Like I mentioned, this court would be  
19 uniquely positioned to reach the reachable and  
20 swiftly remove from society those who decided to be  
21 a danger to themselves and others in the community,  
22 like all of us.

23 So, why was this proposal rejected? I want  
24 to make clear that there were many judges who  
25 supported this proposal. There are also many city

1 leaders, defense attorneys, members of law  
2 enforcement and ordinary citizens who supported it  
3 as well but 16 judges voted against it. And the  
4 reasons articulated at that meeting fell into  
5 several categories.

6           Number one, resistance to external input.  
7 Plainly speaking, there was a definite concern that  
8 the mayor was telling the judges how to run their  
9 court. The best way for me to convey this to you is  
10 to quote the judges in their own words according to  
11 the Post-Dispatch. Quote, at least one judge  
12 scolded city leaders for political meddling in the  
13 judicial process. Quote, several judges nodded in  
14 agreement as one judge chastised the mayor's office  
15 for what he categorized as unprecedented lobbying.

16           Now, I understand and I deeply appreciate the  
17 need for judicial independence. Every time there is  
18 a fight to protect the nonpartisan court plan, you  
19 will find me in the front row of that fight. I  
20 understand that judicial independence is an absolute  
21 cornerstone of our justice system but what I would  
22 say to the judges is that I think you can listen to  
23 ideas from outside the court without sacrificing  
24 your independence. You can be independent without  
25 being insolent.

1           There is some contemplation in our legal  
2 system for the judges be accountable to the public.  
3 Judges stand for retention, even in jurisdictions  
4 like this where we have a nonpartisan court plan.  
5 And, interestingly, judges must actually live in the  
6 community where they preside. So a judge can't live  
7 in Chesterfield and come to St. Louis and be a  
8 circuit judge here and then go back to their home in  
9 Chesterfield. They have to live in the City of St.  
10 Louis. Why is that? Why do our laws require that?  
11 I believe it's because it's so important for the  
12 judges to be familiar with and to take into  
13 consideration the views and concerns of the  
14 community.

15           Now, the views and the concerns of the  
16 community don't rule the day in a courtroom. Law,  
17 facts and evidence rule the day. But those views  
18 and concerns must be considered. And the Mayor is  
19 doing his job by getting involved with this issue to  
20 make the city as great as possible and reducing gun  
21 violence is a huge part of that. And, I, for one,  
22 Mayor Slay, applaud your actions for getting  
23 involved in the criminal justice system and I hope  
24 you will continue to do this because the citizens  
25 will benefit from it.

1           The second reason that this was rejected:  
2   Fear of scrutiny. Some of the judges at the meeting  
3   were very candid in admitting that the gun docket  
4   proposal would subject them to additional scrutiny,  
5   thereby threatening their independence.

6           Again, as the elected prosecutor for the City  
7   of St. Louis for the past 12 years, I understand  
8   scrutiny. I live with scrutiny every day and I know  
9   that it is very hard to do something that you  
10   believe is the right thing to do when popular  
11   opinion is against you. I got that.

12           But the irony in this situation is that  
13   scrutiny exists whether or not a gun docket is  
14   implemented. In this day and age of case net and  
15   e-filing, the workings of the judicial system are  
16   visible to all who care to pay attention and I can  
17   tell you there's a lot of people who care to pay  
18   attention and that number is growing every day.

19           And I can also tell you firsthand, from 20  
20   years of working with them, that judges of the 22nd  
21   Judicial Circuit have all the integrity, character  
22   and backbone they need to handle any circumstance.

23           Third reason for rejection: Disdain of being  
24   a, quote, nanny court. Again, Post-Dispatch quoted  
25   a judge as saying, quote, we are the third branch of

1 government, not the 22nd school of social work.  
2 Quote, we provide due process to make people -- we  
3 provide due process to people accused of a crime on  
4 the front end and that doesn't make us  
5 superintendents of people's lives. And, quote,  
6 we're not here to take maladjusted defendants and  
7 make them love their mothers.

8 Here's what I think: Focused judicial  
9 intervention can save people's lives. If you don't  
10 believe me, attend a drug court graduation.

11 Fourth reason for rejection: The gun court  
12 idea has failed in other cities. Actually, there  
13 has never been a court like this in any other city.  
14 A handful of other cities have tried to do something  
15 about gun violence. Some of them have had the type  
16 of get-tough-lock-everybody-up gun courts. Some of  
17 them have had treatment court but I have looked at  
18 all of them carefully and none of them have the  
19 unique combination of approaches, services, support,  
20 collaboration, and evaluation that this proposal  
21 had. There's nothing like it. It's our opportunity  
22 to be national leaders on this issue.

23 And the fifth reason for rejection: There's  
24 no guarantee that this will work, so we should not  
25 try it. Well, I'm sure I'm not the only one whose

1 mother told them nothing ventured, nothing gained.  
2 You know, there's nothing in life that's worthwhile  
3 that doesn't entail some risk in pursuing. You  
4 know, it occurred to me this morning that anybody  
5 that has ever gotten married knows that sometimes  
6 you just have to take a leap of faith. There is no  
7 guarantees and this is no different.

8 But I will say this wouldn't have been a  
9 tremendous leap because there was a two-year Sunset  
10 provision in Judge Garvey's proposal. So there was  
11 a clear exit ramp should this turn out to be a  
12 fiasco beyond anybody's worst nightmares.

13 So the judges rejected the Garvey proposal  
14 and they implemented the Dierker proposal and I  
15 would like to talk a little bit about that and then  
16 I'll conclude. I'm glad to have this opportunity to  
17 talk about the Dierker proposal because when it was  
18 voted on by the judges I had not seen it yet and a  
19 lot of reporters asked me what I thought of it and I  
20 had to reserve comment because I hadn't read it yet.  
21 It hadn't been shared with me. But I have since  
22 read it and I've reviewed it and there are some good  
23 things about it but there are some things that cause  
24 me a lot of concern.

25 I've concluded that it basically keeps

1 everything the same as it is now. It's like that  
2 song, same as it ever was. The only difference is  
3 that gun possession cases will now move through the  
4 system faster. I've got to say I'm disappointed  
5 that Judge Dierker's plan is completely silent on  
6 the issue of robbery cases. By ignoring this  
7 prevalent and disturbing trend Judge Dierker missed  
8 a real opportunity to improve the safety of the  
9 city.

10 Dierker's proposal changes nothing in the  
11 criminal justice system except the speed at which  
12 gun possession cases will be disposed. Possessory  
13 gun cases will now, if this is enacted, take  
14 priority over virtually every other type of case in  
15 the circuit, including rape, robbery and murder.  
16 These cases will be sent out to trial on their first  
17 setting.

18 Now, I have to be honest with you, I actually  
19 love the fact that these cases are going to move  
20 faster. I mean, my colleague Jean Peters-Baker is  
21 here from Jackson County and Mr. Koster, you know  
22 this as well, the State's case never gets better  
23 with age. You know, so the faster that we can get a  
24 case to trial, the better for us. So we like that.  
25 Faster justice is a very good thing but we need so

1 much more than that in our city and that is where  
2 Judge Dierker's plan falls short.

3           None of the wrap-around services or support  
4 that were included in Judge Garvey's plan were  
5 present in this plan and the Dierker plan does not  
6 allow the individually-tailored results that are so  
7 important to addressing gun violence in a  
8 comprehensive way.

9           And, while I definitely appreciate a faster  
10 trial setting, I question the propriety of putting  
11 Class D felonies ahead of murders, rapes, robberies  
12 and speedy trial cases. Perhaps the most concerning  
13 thing to me though, about Judge Dierker's plan, is  
14 any lack of prompt and meaningful study and  
15 analysis.

16           Under Judge Dierker's proposal the court  
17 would not review the success of his initiative until  
18 100 gun possession cases were tried to jury. Now,  
19 looking at the historical rate at which those cases  
20 go to trial, they very rarely actually go to jury  
21 trial because they're Class D felonies. The most  
22 you can get is four years and if you don't have any  
23 priors you're not going to serve any time anyway.  
24 So a lot of those cases they don't go to trial.  
25 They just plead, so trials are fairly rare.

1           Given the current rate that we try gun  
2 possession cases, Judge Dierker's proposal would not  
3 be subject to review by the court for another seven  
4 to ten years.

5           The good news is we don't have to wait that  
6 long. We don't have to wait for the judge to decide  
7 to review their proposal. Thanks to the gun  
8 monitor, which Professor Rosenfeld will talk to you  
9 about, we will be able to study and review the  
10 consequences of this proposal in real time. And my  
11 hope is that regular data reports from the gun  
12 monitor will demystify this process for the judges  
13 that remain skeptical.

14           Our city is at an important time in its  
15 history. We can choose to either be a leader in  
16 addressing gun violence and saving lives or we can  
17 do what we have always done and hope everything  
18 works out okay. I would like nothing more than to  
19 tell the family of Rahmel McNeil that they have an  
20 entire criminal justice system working to address  
21 the needs of the community in a progressive,  
22 meaningful way that could potentially prevent one  
23 more young man from facing a life behind bars or  
24 facing death. Thank you.

25                           MR. ROSENFELD: My name is Rick

1 Rosenfeld and I am a faculty member at the  
2 University of Missouri St. Louis in the department  
3 of criminology. Born and raised in St. Louis. I  
4 have been at the university for 25 years.

5 I recently became involved in what I think is  
6 an extraordinarily valuable partnership that was  
7 alluded to before by a -- that includes the City of  
8 St. Louis Mayor's Office, the City of St. Louis'  
9 Police Department and the University of Missouri St.  
10 Louis. It is valuable because it's reciprocal.  
11 Each party in the arrangement gets something that it  
12 needs and desires and gives up -- not gives up but  
13 gives to the others something they need or desire.

14 In the case of the university, the  
15 partnership is providing opportunities to our  
16 students, one of whom is here, to become deeply  
17 enmeshed in our criminal justice process. That kind  
18 of experiential learning is absolutely essential and  
19 it's rare. It provides access to information to  
20 data researchers like me and for our students. And  
21 it provides a level of -- kind of an independence,  
22 as well as expertise, to our criminal justice  
23 partners in the city and the police department, that  
24 I think they value. They have to deal with crime on  
25 a day-to-day basis. They don't always have the

1 opportunity to stand back and spend the time  
2 evaluating their activities and our part of the  
3 bargain is that we will assist them in that  
4 evaluation.

5           As the partnership began, the idea of a gun  
6 docket emerged and relatively early in those  
7 discussions I was asked to join because it was  
8 immediately clear to the participants in those  
9 discussions -- and I have to say those discussions,  
10 in many ways, were spearheaded by one of the judges.  
11 It was clear to all of us immediately that in some  
12 very real sense we didn't know what we were talking  
13 about.

14           Circuit Attorney Joyce said that during my  
15 presentation I could give you lots of facts and  
16 figures and I can give you lots of facts and figures  
17 but I can't give you facts and figures with respect  
18 to that. That, in a nutshell, in a summary form, is  
19 the criminal justice process end to end, from the  
20 point of arrest to the point at which someone is  
21 sentenced and then experiences post-sentencing  
22 outcomes of one kind or another, goes onto lead a  
23 productive life or commits a new crime.

24           Each decision, each of those arrows  
25 represents a decision point in the process. Now,

1 what would we need in addition to that schematic  
2 diagram to determine whether the current system is  
3 behaving the way we want it to with respect to  
4 serious crimes, such as violent crimes committed  
5 with firearms? Well, we need more than -- as  
6 tragic, dramatic and important as they are, we need  
7 more than the illustrative anecdote. We can get  
8 those. It's not -- it's not easy but it's certainly  
9 necessary and very possible to follow an individual  
10 through that process. In fact, Circuit Court  
11 Attorney Joyce did that for you in some of her  
12 illustration.

13 But for policy purpose, for evaluating the  
14 way things are working now and whether a new  
15 proposal, such as the gun docket, will be affected,  
16 we need to know not simply how a given individual  
17 proceeds through that process but how whole cohorts  
18 of people move through the process.

19 And these are not merely, I stress, academic  
20 questions, questions that are only of interest to  
21 academic researchers. These are questions that are  
22 asked all the time. I recall an early meeting, when  
23 the gun docket proposal was being developed, when  
24 Circuit Court Attorney Joyce indicated that she was  
25 asked sometimes very basic questions by the public

1 that she couldn't easily answer. Questions like:  
2 Out of every hundred people arrested for a violent  
3 crime involving a firearm, how many are formerly  
4 charged and how many of the arrests that the police  
5 request that the circuit attorney charges are  
6 refused. Now, the circuit court attorney can answer  
7 that. That's only one little step in the process  
8 but it's illustrative of what we need to know about  
9 the entire process.

10 Out of every hundred people arrested on a gun  
11 crime, how many, who are formerly charged, are  
12 confined pretrial and, if so, for how long? By  
13 confined I mean spend time in the city jail and for  
14 how long. How many are released on bond or  
15 otherwise and on the streets until trial or plea?  
16 That we don't know easily and that's a crucial part  
17 of the problem that Circuit Court Attorney Joyce and  
18 Chief Dotson and indeed many of the judges have  
19 highlighted.

20 We don't know with any systematic accuracy  
21 how much danger is created by people who are  
22 released before they go to trial or before they plea  
23 but after they have been charged who have been  
24 charged with a violent crime associated with a  
25 firearm. We don't know. And of those, who do plead

1 guilty or are found guilty at trial, how many are  
2 placed on probation out of every 100? And, of  
3 those, how many commit a new crime including a new  
4 serious crime, even a new firearm-related crime on  
5 probation? We don't know. Now, how could this be?  
6 These are pretty basic questions.

7 St. Louis is not distinct. It's not unique.  
8 Kansas City finds itself in very much the same  
9 situation. Indeed most cities in the United States  
10 do and that's because our criminal justice system is  
11 very much behind the times, behind the information  
12 revolution, if you will, that Chief Bratton  
13 discussed yesterday. That has very much come into  
14 policing but it's yet to make important inroads  
15 throughout the system.

16 An important inroad requires that the various  
17 actors in the system talk to one another, share data  
18 with one another. But the system is divided between  
19 the police, the circuit court attorney's office, the  
20 courts and corrections and within corrections,  
21 probation and parole. Each maintains or has  
22 maintained for it, a separate siloed database.

23 Now, the circuit court attorney's office asks  
24 questions all the time of crime analysis folks at  
25 the police department. And to answer those

1 questions they'll very often just call up their  
2 contact there and they are typically questions about  
3 a given case, a given individual. That aspect of  
4 the system works okay. But when we want to know how  
5 the system, itself, behaves with respect to a  
6 serious crime like the one, the gun docket proposal  
7 would address, then we're at a loss. Then we have  
8 to substitute anecdote as important and dramatic and  
9 tragic as they can be. Anecdote for analysis.

10           We hear all the time about how criminal  
11 justice is becoming evidence-based and there is no  
12 question about that. That's certainly the case as  
13 you heard yesterday in Chief Bratton's presentation  
14 and if you follow the news about our current police  
15 department, our law enforcement agencies far indeed  
16 are becoming more and more evidence-based. And, to  
17 some degree, so are our prosecutors' offices around  
18 the country.

19           The courts lag behind for lots of reasons,  
20 but they lag behind. So we hear about  
21 evidence-based sentencing. One even sometimes hears  
22 about evidence-based decisions with respect to what  
23 bond is appropriate, what level of bond is  
24 appropriate for a given individual who has been  
25 charged with a given crime. One hears that slogan

1 but very often when you search for the evidence that  
2 should underly it, it's not there.

3           What this proposal has activated is a real  
4 interest in developing an integrated information  
5 system that would underly not simply the proposed  
6 gun docket, but the entire criminal justice process  
7 and enable the persons responsible for making  
8 decisions at each point of that process to use real  
9 or near real-time information as evidence to inform  
10 those decisions.

11           Let me say, just to reinforce something  
12 Circuit Court Attorney Joyce mentioned with respect  
13 to this principle of judicial independence, the idea  
14 here is clearly not to tell judges how to decide  
15 cases. None of the actors who have been pushing for  
16 this proposal want to do that. Most of the persons  
17 who have been pushing the proposal are officers of  
18 the court of one kind or another. The idea is to  
19 make available to judges, evidence and with the  
20 hope, of course, that that evidence will be used as  
21 part of the decision-making that they're responsible  
22 for in their part of the process.

23           Where are we in the development of this  
24 database? As Circuit Court Attorney Joyce  
25 mentioned, while -- let me call it the struggle goes

1 on to institute a gun docket in the St. Louis area.  
2 I don't think that struggle is over by a long shot.  
3 While that struggle continues, it seems to me all  
4 sides of the debate agree that we need more  
5 information. That part of the process, as Circuit  
6 Court Attorney Joyce mentioned, does proceed ahead  
7 at full steam.

8 We've been meeting for months. We, being  
9 representatives from the circuit court attorney's  
10 office, of the courts, of the police department, of  
11 corrections, myself as a researcher, my graduate  
12 student, with Regional Justice Information Services  
13 technical staff, REJIS' staff, to develop this  
14 integrated database. It's not an easy task.

15 We were able to obtain some external funds to  
16 provide REJIS the resources they need to move  
17 forward and they have moved forward. And we have  
18 now a design. Is that design workable and to what  
19 degree will it need to be refined? We're going to  
20 find out in relatively short order.

21 What we're doing is taking that design and  
22 applying it to past cases. We are looking at  
23 approximately 200 cases of unlawful firearm  
24 possession and robbery associated with a firearm  
25 from the first quarter of 2011, on the assumption

1 that most, some haven't, but most of those have  
2 passed through now by the later part of 2013. And  
3 we will, in effect, run them through this integrated  
4 database and attach numbers, to the best of our  
5 ability, to each of those decision points based on  
6 those 200 past cases. And where the system needs to  
7 be refined and improved, we do it on that basis.

8           Once that pretesting is over, obviously the  
9 results will be shared with the criminal justice  
10 community. Speaking for myself, I hope those  
11 results are shared with the public. They will  
12 provide a window, a limited one. One based on a  
13 couple hundred past cases but I think an important  
14 one on how this process is performed and then people  
15 can decide for themselves. Criminal justice  
16 officials, public officials, citizens, can decide  
17 for themselves whether the system is performing in  
18 the way they like it to.

19           Once that pretesting is done and the system  
20 is refined accordingly, then it goes into effect  
21 real time. And each time one of these cases emerges  
22 and an arrest is made, the system will be activated,  
23 that case will enter the system. And as cases come  
24 in initially it's not going to be overloaded with  
25 cases and I should say the same thing, by the way,

1 for the gun docket, the gun docket that has been  
2 opposed by some judges because of the fear that it  
3 would create dislocation in court operation, of  
4 course builds up over time and so any possible  
5 dislocations that are experienced over time can be  
6 dealt with before the docket becomes, in effect, too  
7 crowded but that's another story.

8           So we'll have real-time information about the  
9 behavior of our criminal justice system, regardless  
10 of when. And I think it's only a matter of when a  
11 gun docket, of the kind that Judge Garvey has  
12 proposed, is implemented. My own view is that  
13 producing systematic information on the behavior of  
14 the system will keep this issue under discussion and  
15 I think will lead some judges, who like the  
16 principle, concerned a bit about the practice of  
17 possible dislocation of the proposed docket, to give  
18 it a try.

19           That's all I have to say about the underlying  
20 information system. I think we have plenty of time  
21 for discussion.

22           ATTORNEY GENERAL KOSTER: Thank you very  
23 much. As we move into question and answer, I wanted  
24 to introduce someone who I neglected to introduce at  
25 the beginning and who was not here yesterday and

1 that is Police Chief Darryl Forte'. The police  
2 chief there just down and to my right, your left.

3 Police Chief Forte' was sworn in as the  
4 44th chief of police of Kansas City on  
5 October 13th, 2011. Prior to that time he served as  
6 deputy chief for five years. The department had a  
7 very tragic and very premature death of a sergeant  
8 in the department from a heart attack earlier in the  
9 week and Chief Forte' had to be with the family and  
10 his officers yesterday in Kansas City but we welcome  
11 him today to St. Louis and thank him for his  
12 participation in this process.

13 Chief Dotson, I will go to you to begin  
14 questioning of the presenters.

15 POLICE CHIEF DOTSON: Thank you. Thank  
16 you very much. As you know, I've been a very strong  
17 proponent of the armed offender docket. And I guess  
18 I just want to kind of explore a little bit as I try  
19 to understand where the judges were when they made  
20 their decision.

21 Professor, this really hasn't been  
22 experienced around the country yet. What do you  
23 think the strongest upsides are for the armed  
24 offender docket and what do you think the downsides  
25 are, the real concerns about the judges -- that the

1 judges have?

2 MR. ROSENFELD: Well, I think the  
3 strongest upside is that it -- the strongest upside  
4 is that it is a means by which we can accomplish  
5 judicial triage, which I think we need in the case  
6 of these very serious violent crimes committed with  
7 firearms. By assigning two judges to these cases,  
8 those judges necessarily, over time, develop a kind  
9 of specialized knowledge and experience with these  
10 cases they would not ordinarily have dealing with  
11 the general docket as they do currently.

12 And, secondly, as Circuit Court Attorney  
13 Joyce pointed out, what I think is a single and  
14 important feature of this proposal is that those  
15 judges retain responsibility for those cases, in  
16 effect, from the beginning to the end, all the way  
17 through the sentencing process into post-sentencing.  
18 So that someone who is placed on probation is not  
19 only required to report to his or her probation  
20 officer periodically and comply with probation  
21 requirements but also must report back to the court  
22 and satisfy the judge that he or she is behaving the  
23 way they should. I like that focus.

24 The reason that the evaluations of drug  
25 courts have turned out as positive as they have is

1 because those courts have implemented the principle  
2 of specialization which generates better knowledge,  
3 better use of evidence, more experience with respect  
4 to particular types of cases.

5 POLICE CHIEF DOTSON: Thank you and one  
6 thing I think we may have touched on but we didn't  
7 go into detail, high bonds and the effect that high  
8 bonds have as a deterrent to criminals. The thought  
9 process is that an immediate consequence has much  
10 more impact than something that may happen two or  
11 three years down the road. I think the Hawaii HOPE  
12 Program looked at that a little bit.

13 MR. ROSENFELD: Yeah. You mentioned the  
14 Hawaii HOPE Program. That's an -- I think that's an  
15 important example of I think the kind of, if you  
16 will, justice that a number of us would like to see  
17 enhanced in our own area.

18 In the Hawaii HOPE Program individuals who  
19 had been convicted and sentenced primarily on drug  
20 offenses and were placed on probation, were placed  
21 on very intensive probation. And each time an  
22 individual screwed up in one way or another, even if  
23 it was relatively minor, that had consequences and  
24 the consequence often was a relatively short period  
25 of time in jail sometimes no more than a few days

1 and then back out on the street with additional  
2 requirements on the individual once back out on the  
3 street. Another screw up generating another, if you  
4 will, very brief intense shock incarceration. That  
5 program has been evaluated and now it is being  
6 replicated elsewhere in the United States. The  
7 evaluations indicate that it would reduce recidivism  
8 significantly over current practice.

9           That's the kind of principle I think that  
10 makes a judicious use of confinement for persons who  
11 have been charged with carrying a gun unlawfully or  
12 using a gun in the commission of a violent crime.  
13 Some period of time of confinement, in my own view,  
14 is essential. Must they be confined for the entire  
15 period between charge and plea or trial? Not  
16 necessarily. Should they, during the period of  
17 confinement, be simply thrown into the jail, locked  
18 away? No. And, in fact, the city is now engaged in  
19 a program transition, jail to community transition  
20 program that can enhance services for persons in our  
21 jail. But some period of time in jail incorporates  
22 that Project HOPE principle.

23           Now, a high bond, in many -- indeed most  
24 cases, if the bond is \$30,000 or higher, will  
25 automatically be the individual spends some time in

1 jail prior to plea or trial. I am not in favor of  
2 automatically confining people charged with these  
3 offenses for the entire period before they plea. I  
4 don't think from a crime reduction perspective, I am  
5 not convinced that is going to be terribly effective  
6 and from a justice perspective, frankly, I don't  
7 think that works. We don't need meat axes in this  
8 process. We need scalpels and what that short  
9 period of confinement is, is a scalpel.

10 POLICE CHIEF DOTSON: And one final  
11 question, it's really to follow a line of questions  
12 that the Attorney General had yesterday, was about  
13 flipping the model for incarceration. What we've  
14 seen is it takes multiple convictions to see real  
15 consequences or real jail time.

16 For those individuals that are caught with  
17 firearms, is it better to have the serious  
18 consequences up front or is it progressive justice  
19 process?

20 MR. ROSENFELD: I'm not certain whether  
21 the process should be progressive or as Attorney  
22 General has described it, regressive. I am  
23 convinced, however, that swift and certain  
24 consequences of sufficient severity to grab  
25 somebody's attention should occur right at the

1 beginning and that's why I said I do favor some  
2 period of confinement for anyone charged with the  
3 crimes that we're discussing now. When it comes to  
4 adjudication and sentencing, I favor those  
5 combinations of relatively, at least by past  
6 practice, relatively short periods of confinement in  
7 months, as opposed to years or decades, to be  
8 followed by intensive supervision on the outside and  
9 if screw-ups occur, back into confinement. That's  
10 the Project HOPE principle and I think it should be  
11 applied both prior to adjudication and sentencing  
12 and post-sentencing.

13 ATTORNEY GENERAL KOSTER: Mayor Slay?

14 MAYOR SLAY: Well, first off, I want to  
15 thank the Circuit Court Attorney Jennifer Joyce for  
16 her great leadership on this subject. She is a  
17 professional. She is someone who I have had a  
18 number of conversations with about this issue.  
19 We've relied on her expertise and I can tell you, as  
20 we went through the process, Jennifer Joyce was  
21 really interested in doing something that is  
22 meaningful and not just, you know, smoke and  
23 mirrors, like ultimately was approved by the court.

24 I want to thank you, Jennifer, for your  
25 leadership, professionalism and for all your

1 dedication to the work that you do.

2           And I want to thank Jean Peters-Baker as well  
3 for your involvement here. I have seen you in St.  
4 Louis a number of times all -- to work together on  
5 issues that impact both cities.

6           This is an important issue for all of us and  
7 I was really -- I thought Jennifer, of course, gave  
8 a very, very persuasive view of why the gun docket  
9 is important. And the point that we've all made  
10 throughout this is we recognize that there is --  
11 there's separation of powers under government and  
12 that each respective entity of the government,  
13 whether it's the courts, the prosecutors, the  
14 mayor's office and others, needs to do their jobs to  
15 the best of their ability within the spear of their  
16 responsibility and not interfere with what's going  
17 on in other areas inappropriately and that's  
18 something we believe in.

19           You can be -- you can be -- excuse me -- you  
20 can be independent as a judge and still be  
21 accountable. You can maintain judicial discretions  
22 and still be accountable and that's what this is all  
23 about.

24           And one of the things that came up, when we  
25 had our meeting with the judges, was that they're so

1 busy. It's already taking too long for all of these  
2 cases to get to trial and doing this would somehow  
3 negatively impact that even further.

4 And I have got two questions. Is that true,  
5 first of all? And secondly, why is it taking -- why  
6 does it take these cases so long to get to trial?  
7 What is really the core issue there? And either one  
8 of the prosecutors can answer that.

9 MS. JOYCE: It was our view that this  
10 is -- the gun docket would have been implemented in  
11 the 22nd Judicial Circuit without causing harm to  
12 the orderly progression of the cases through the  
13 system. We felt that we could do that from the  
14 outset. Early on in our discussions the judges  
15 expressed concerns that they wanted dedicated  
16 prosecutors to this project. And so, Mayor, as you  
17 know, from the commitment from your office to help  
18 us fund two new prosecutors and we would dedicate  
19 two of our existing prosecutors. We had four  
20 prosecutors that would be devoted to this and so I  
21 do not believe that it would have disrupted the  
22 docket.

23 Why does it take so long for cases to go to  
24 trial? The docket system in the City of St. Louis  
25 is extremely complex. There are a number of

1 different factors involved. There is a limited  
2 number of prosecutors. A limited number of defense  
3 attorneys. A limited number of police officers and  
4 if we're all out to trial on one case, we can't be  
5 out to trial on a hundred other cases. And so it's  
6 really quite a complex problem to get the docket to  
7 move in a smooth fashion.

8           And every year, or every two years, we get a  
9 new judge in the criminal assignment division who  
10 decides they want to try a new approach and so  
11 there's a lot of constant changing as well. So I  
12 think the result of that constant changing, it also  
13 slows down the cases.

14           MS. PETERS-BAKER: I will add to this.  
15 So on my end of the state, our docketing system is  
16 slightly different than in St. Louis. However, it's  
17 a continual struggle, you know, to get cases into  
18 that courtroom and get them tried and that's  
19 pressing as the prosecutor every week. That we're  
20 marching in and doing everything we need to do so  
21 that we are ready to try cases as quickly as we can  
22 get them in there.

23           Because as Prosecutor Joyce said, for us,  
24 they do not get better with time. There's not  
25 cases, that I know of, that get better with time

1 because witnesses get tired. They get tired of  
2 waiting and as any human being would be when they  
3 are asked to hang on for two or three years to  
4 testify on a matter. That's really an unreasonable  
5 expectation that our offices have to place on  
6 witnesses.

7 But what I would like to say about this  
8 process, I want to say thank you really to St. Louis  
9 for marching so far down the road here in trying to  
10 put together a very thoughtful plan because that is  
11 exactly what we're trying to replicate on my side of  
12 the state, is a process that is thoughtful, that is  
13 evidence-based and that is not tone-deaf to the real  
14 issues that are occurring in our community. And so  
15 that's -- that's why I'm here today, is because we  
16 don't want to be tone-deaf anymore because our  
17 cities our so grossly impacted by gun violence.

18 MAYOR SLAY: I have one follow-up. Are  
19 there any trends -- and this is directed towards the  
20 Circuit Attorney Jennifer Joyce -- in terms of  
21 number of cases filed, the case load generally that  
22 the courts are dealing with or that your office is,  
23 is it going up? Is it staying pretty flat? Or is  
24 it dropping? What is your experience? Criminal  
25 cases.

1 MS. JOYCE: We have seen a slight drop  
2 in the docket this year. I attribute that to the  
3 fact that we have all the divisions, all of the  
4 trial divisions are functioning right now in trying  
5 cases. Last year we had two divisions that, for a  
6 variety of reasons, were not really functioning.  
7 One of them had a long tobacco litigation case,  
8 which basically took that division out of commission  
9 and there was another judge who had some health  
10 issues that took that out of commission. So we're  
11 doing better by the numbers but the reason is  
12 because we have more judges trying cases.

13 I would say that I don't see a trend of long  
14 term going up or down. I see things staying pretty  
15 standard as far as the number of cases that Chief  
16 Dotson brings us to prosecute but the docket numbers  
17 do go up and down. The case load numbers go up and  
18 down depending on the efficiency with which the  
19 docket is managed by the judge in Division 16.

20 And sometimes efforts to speed up the docket  
21 can actually slow the docket down. For example, if  
22 a case -- if a continuance is not granted because  
23 witnesses are not available, a police officer on the  
24 case is on vacation and had put in their vacation in  
25 January and they're not available on this date in

1 October. If the continuance is denied and the case  
2 is dismissed, my office will refile that case. And  
3 so that case now goes from being on the top of the  
4 docket to coming down and being on the bottom of the  
5 docket, thereby adding an extra two years onto the  
6 life span of this case. So we have another  
7 disposition in our stats but we really haven't moved  
8 the ball down the field.

9 And to my colleagues point, it's really hard  
10 to explain this to witnesses and victims as to why  
11 this is taking so long.

12 MAYOR SLAY: Thank you.

13 ATTORNEY GENERAL KOSTER: Charlie  
14 Dooley?

15 MR. DOOLEY: I have several questions.  
16 We gave the kid, the young man, the football  
17 individual -- I'm assuming he's African American, is  
18 that correct or incorrect?

19 MS. JOYCE: That's correct.

20 MR. DOOLEY: I'm also assuming that --  
21 you indicated earlier that the judges -- excuse me  
22 -- the judges live within the community. I wonder  
23 are those judges actually living where those events  
24 take place?

25 MS. JOYCE: There is one judge that

1 lives in North St. Louis, that's Judge Jimmie  
2 Edwards. The rest of the judges live in the central  
3 corridor or south.

4 MR. DOOLEY: I understand there is  
5 traffic courts, child support, you indicated drug  
6 courts. Why is that as opposed to gun violence?  
7 And let me say what I want you to say -- what I'm  
8 saying is this, if you, as an individual, understand  
9 that in an African American community if a child  
10 gets killed, it's important to that community but  
11 maybe not important to somebody that doesn't live  
12 there and see the violent crime.

13 An example, the gun violence in the City of  
14 St. Louis, where does it occur? The data will tell  
15 you. Where does it occur?

16 MS. JOYCE: Where does the gun violence  
17 occur?

18 MR. DOOLEY: Yes.

19 MS. JOYCE: A lot of the gun violence  
20 occurs in North St. Louis but we also -- you know,  
21 the neighborhood in the city that leads the city in  
22 armed robberies is the Dutchtown neighborhood, which  
23 is in South St. Louis.

24 MR. DOOLEY: I'm going to say it again.  
25 Kids are getting killed in certain areas of the

1 community. Those individuals are good people. I'm  
2 not saying they're not, but they don't represent the  
3 feelings and intensity of what's going on in the  
4 community. They're not aware of it. They don't  
5 live there. Their kids are not being threatened.  
6 Being robbed is one thing, a child being killed is  
7 another. How do we dispense justice to those  
8 individuals? That's the bigger problem.

9           And when our court system doesn't really show  
10 diversity and that's what happens. For example, in  
11 the county, meth is a big thing. They got all kind  
12 of meth courts. You got everything you need to do  
13 to take care of it. But in urban areas, where  
14 there's gun violence, in communities, African  
15 American or minority communities, it doesn't seem to  
16 be a priority. Why would you -- could you speak to  
17 that?

18           Because there's an issue in the black  
19 community. I hear it all the time. That justice is  
20 different for my child then someone else's child.  
21 You can say the same thing happened in Florida. If  
22 it were to happen over here, it would be an outrage.  
23 It would be -- we got to do something different. We  
24 got to get some legislative -- I commend the mayor  
25 for what he has done. I commend you, circuit court

1 attorney, for what you are saying. But you feel it,  
2 you see it every day but apparently the judiciary,  
3 they don't see it. They don't feel it. They are  
4 not connected. You can live in the community and  
5 still be disconnected. You can read about things in  
6 the paper but it means nothing to you if you don't  
7 live there and understand the outcry.

8           So I say to you, what are your thoughts as we  
9 go forward? Because remember, in order to get  
10 something done, legislation done, or what the mayor  
11 is trying to do or what you're trying to do, people  
12 have to understand there is an outcry in the  
13 community but if you don't particularly value that  
14 community then there's an issue there that it won't  
15 be addressed.

16           And to think about the -- I'll leave you with  
17 this thought -- they indicate some years ago the  
18 drug -- the war on drugs. The war on drugs did not  
19 come important until it what? It impacted the  
20 majority of the community. That's when they talked  
21 about the war on drugs. Before that, it was  
22 non-existent. It didn't happen. It don't exist.

23           So what I say to you is that as we move  
24 forward, this needs to be the conversation. Let's  
25 tell folks what it really is. If you tell me my

1 child is not important, you're going to put my child  
2 against a robbery, something is wrong. A mother  
3 lost her child. He had done nothing wrong and  
4 you're going to tell me you can't have a gun court?  
5 Do you actually think that the African American  
6 community don't want to be policed, don't want  
7 justice done for their kids and the safety of the  
8 community? That's an outrage.

9           Again, I don't know these judges. I know  
10 they're good people, but good people mean well. But  
11 at the same time, it don't get done. I'm asking  
12 you, anyone on the panel here, what are your  
13 thoughts in that regard?

14           MS. JOYCE: Well, I think that you and I  
15 are of complete like mind on this. So while you  
16 were talking, I was nodding. Why is this not a  
17 priority right now? I will say that the judges of  
18 the 22nd Judicial Circuit are really fine people.  
19 They are people of great intellect and integrity and  
20 they are doing that job because they want to do the  
21 right thing. I don't have any basis to say anything  
22 other than that based on extensive experience with  
23 them.

24           However, I think there's a couple of factors  
25 at play here. Number one, there's so much gun

1 violence coming through our circuit. I mean, the  
2 City of St. Louis has more trials than Kansas City  
3 and St. Louis County combined, I've been told. Just  
4 a huge volume of gun cases and I think after a while  
5 the system becomes numb to it. It's just more  
6 shootings, more death, more victims and we kind of  
7 become numb to it.

8           And the other factor involved here is that  
9 we've always done it this way. And, you know, I've  
10 learned as a manager, that humans resist change. I  
11 noticed that with my employees when I implement new  
12 things. Judges are human and they have a comfort  
13 level in how they have done things historically and  
14 Professor Rosenfeld says they're lagging behind. I  
15 think part of that is just a discomfort with  
16 changing how things have operated in the past.

17           MR. DOOLEY: Let me say this as a  
18 follow-up. And I understand that change is very  
19 hard for all of us. I understand that. But what I  
20 don't understand is when you tell me the judicial  
21 system become numb to violence. That's  
22 unacceptable. That is unacceptable.

23           MS. JOYCE: I agree, Mr. Dooley. And  
24 I'm certainly not numb to it. I know the mayor is  
25 not numb to it. I know Chief Dotson is not numb to

1 it. Jean Peters-Baker is not numb to it.

2 MR. DOOLEY: So how do we change the  
3 minds of good people? I didn't say the judges were  
4 bad people. I'm just saying there's a difference of  
5 opinion and something needs to be done.

6 MS. PETERS-BAKER: One way we do this,  
7 we're talking about change but really I think the  
8 word is reform. We're talking about reforming the  
9 criminal justice system and what this armed offender  
10 docket means is reform. It is also reform that sort  
11 of hits the pause button for all of us so that we  
12 can look at what we're doing and find out, with the  
13 help of experts, does it work or not? What works?  
14 What should we be doing?

15 And I think Prosecutor Joyce said it well,  
16 that this is not a treatment court. This is not a  
17 get-tough-and-throw-away-the-key court. But it is  
18 a -- it's concentrating resources on these key  
19 individuals that many of them are impacting a lot of  
20 future violence on our cities and we're all paying  
21 the price for that. Every one of us is paying the  
22 price for that.

23 So if you think about crime, like a disease,  
24 this court is about dispensing the correct medicine.  
25 What is the correct medicine? And then we're going

1 to actually have somebody that can tell us whether  
2 or not that medicine worked or not, how well it  
3 worked. So I think what we are trying to say is:  
4 More information is better than less information for  
5 all of us to make our decisions.

6 MR. DOOLEY: My closing argument is  
7 this: If you're sick and the medicine is not  
8 working, you don't keep taking the same medicine and  
9 expect a different outcome. Thank you so much for  
10 your comments. I appreciate it.

11 ATTORNEY GENERAL KOSTER: Mayor Slay?

12 MAYOR SLAY: I was just going to add to  
13 that, County Executive Dooley is on point, of  
14 course, and the whole idea behind the gun docket is  
15 to address that concern, is to really bring a level  
16 of accountability that we have not seen and is to  
17 really force the issue, particularly for those  
18 judges that, in the words of the prosecuting circuit  
19 attorney, may have become numb to all the violence  
20 that they see in the courts and may not necessarily  
21 get a full feeling like we do, who go to  
22 neighborhood meetings and talk to the public on an  
23 ongoing basis, what these decisions mean to our  
24 neighborhoods.

25 And the idea of a gun docket is to make

1 information more easily available and this is  
2 accessible information but making it more easily  
3 available, making it easier for all of us to track  
4 what's going on and what kind of decisions are being  
5 made that impact our neighborhoods. I think that's  
6 a good thing and it does bring -- and let's remember  
7 this, that a lot of judges did support this effort.  
8 This isn't all of the judges and so to bring along  
9 those hopefully eventually the others will come  
10 along and if not, maybe it will be forced upon them,  
11 which is something we try to avail very much.

12 But the whole point is that the people of St.  
13 Louis, the people in our communities, the people in  
14 our neighborhoods have a right to know what's going  
15 on. They have a right to know what decisions are  
16 being made that are impacting the safety of them,  
17 the neighborhoods, our city. And I don't think  
18 that, again, being accountable is in any way going  
19 to jeopardize or compromise the integrity of the  
20 court, the independence of the court and the  
21 judicial discretion that they will still have and to  
22 the extent that they have right now.

23 ATTORNEY GENERAL KOSTER: Major James?

24 MAYOR JAMES: You know, there's -- in  
25 Kansas City our court system is a little bit

1 different. Our specialty courts are housed at our  
2 municipal court level, not at the circuit court  
3 level. There is much more innovation at the  
4 municipal court level where there is the drug court,  
5 the truancy court, the mental health court, the vets  
6 court. There is documentation. There has been data  
7 collected for years that is housed with the  
8 municipal court association nationally that  
9 indicates that there is value in specialty courts'  
10 approaches. It seems like we could and should use  
11 some of the lessons learned there as we're talking  
12 to our circuit judges.

13 I want to make sure that we don't slip over a  
14 couple of lines. I think I heard you, the circuit  
15 attorney, talk about the nonpartisan court plan and  
16 your defense of it. I think we need to be careful  
17 about what we're saying about all of this before we  
18 start advocating unintentionally for a change in the  
19 selections.

20 It's a perfect opportunity to say that judges  
21 aren't doing what we want them to. It's part of the  
22 reason that they're not -- part of the reason is the  
23 way that they're selected, so we ought to have it  
24 selected in a different way, which brings us to a  
25 whole different slippery slope. You fought for it.

1 I fought for it. Every lawyer I know has fought to  
2 keep this system and I don't want to imperil that  
3 but the fact of the matter is that judges,  
4 particularly circuit court judges, are isolated to  
5 some extent and part of it is necessary. They  
6 isolate themselves from other attorneys because they  
7 don't want to be biased in cases. They isolate  
8 themselves from different groups because they don't  
9 want to bias or perceived as bias in cases. So in  
10 order for them to understand, I think we need to  
11 educate a lot more and it's going to take some time.

12 But one thing that we should be able to do is  
13 show that there is a connection between efficiency  
14 and outstanding or better results, at least at one  
15 level, at the municipal courts, by showing them.  
16 It's not like we have to go in and -- we can show  
17 them what has happened when these things have been  
18 done. There is enough before and after data now  
19 that it is legitimate and we're going to have to do  
20 that.

21 And, beyond that, I agree that we absolutely  
22 must move into a more innovative approach but don't  
23 forget lawyers were the last people to give up those  
24 11-by-14 legal pads that didn't fit in any file  
25 cabinets simply because we were lawyers and that's

1 the way it was. We were the last ones to move to  
2 computers. The last ones to do a lot of stuff and  
3 judges are just lawyers who are more isolated than  
4 lawyers, so it's going to take some time.

5 But just to make sure -- I mean, here we are  
6 doing something very innovative. The first time it  
7 has ever been done and we have a real incentive to  
8 do these types of things. It's unrealistic to think  
9 that they're going to say oh, gee, yeah, you're  
10 right and stop and turn on a dime.

11 Now, we need them to do that but we need to  
12 bring them along to do it because whatever solution  
13 we come up with, they have to participate in or it  
14 will not last and it has to be evidence-based and it  
15 has to be set up in a way that allows us to collect  
16 data, so we know where to make the changes and the  
17 adjustments going forward in order to make it more  
18 efficient.

19 It will happen and it will happen because we  
20 are getting younger judges on the bench who are open  
21 to things, people who actually want to law school  
22 and did all the research on the computers instead of  
23 in the stacks. So this will happen at some point  
24 but we have to do our work, get our data together,  
25 educate people that we need to educate and make it

1 as non-political as possible and move forward.

2 I applaud you for what you have done here in  
3 St. Louis. I think that you have opened up a trail  
4 for us and I can tell you that Jean Peters-Baker and  
5 I and Darryl Forte', the chief, will be looking at  
6 your results and trying to continue our processes in  
7 Kansas City. But, as we're doing that, let's us  
8 collaborate together, the two cities, because then  
9 we are sharing data and ideas and we can  
10 cross-pollinate and your judicial branch won't feel  
11 like it's the only one and hopefully ours won't  
12 either.

13 ATTORNEY GENERAL KOSTER: Chief Forte'?

14 POLICE CHIEF FORTE': Thank you. We  
15 should call this forum real talk after the county  
16 executive just spoke. It reminds me more of  
17 (inaudible) when he is passionate speaking about  
18 things.

19 But I really think -- and I had a friend. I  
20 had a friend back when I was in second grade, when  
21 the man landed on the moon and our swing set up at  
22 the park just up the street from us was broken and  
23 he said how can they put a man on the moon and not  
24 fix our swing set at the park but we go to other  
25 parks in other parts of town, it was the poor part

1 we lived in, how can they -- we go to those parts  
2 and they're painted and the grass is mowed and all  
3 those kind of things and every time we run into  
4 things like that I think about those things.

5 In certain parts of town, things are great.  
6 Nobody is saying anything. But when the paint is  
7 fading in some parts of the city where they  
8 supposedly have money and you look at other parts of  
9 the urban core and they don't, that's what comes to  
10 mind. I think about my friend when we were in the  
11 driveway at 5114 (inaudible). People pay attention  
12 to what they want to pay attention to.

13 And I just have a couple of comments. I'm  
14 certainly a proponent of the armed offender docket  
15 and severe penalties for those who are deserving. I  
16 have no issue with that. And I ask the community  
17 just to educate yourself and whatever your opinion  
18 is, share that with those that you need to. You  
19 know, whether you agree or disagree, share your  
20 opinions with somebody. It's imperative that the  
21 community step up and talk about those things.

22 I know we're working on an armed docket, but  
23 in the mean time, don't forget about the offenders  
24 that are on trial now. Go to court and push your  
25 opinion. Go to court. I know that's an important

1 armed docket, armed offender docket, but go to court  
2 now. Don't just wait for something else new to come  
3 because it may be a while for it to come.

4 And we need to think about the feeders that  
5 are coming up, the 7-, 8-, 10-year-olds. You know,  
6 because if you don't have an education starting off  
7 early on, guess what, they're going to be on the  
8 docket. So we have to do something to compulsory  
9 attendance law in Missouri where you don't have to  
10 start school until you're seven years of age. We  
11 need to do something about that. Legally you don't  
12 have to start school until your 7 years old in  
13 Missouri. We got to do something about that.

14 You talk about work opportunity tax credits.  
15 After we incarcerate, they're coming out, recidivism  
16 rates are high. What do you do when you lock them  
17 up? Do you just lock them up and recycle them  
18 again? Because they're coming out. They go in  
19 because they have no skills.

20 We have to engage the employers and I'm not  
21 saying government programs. We can have  
22 institutions, corporations going up to prison and  
23 educate people or train them for different trades,  
24 so when they come out they can employ them. So it  
25 doesn't have to be government subsidy or anything

1 like that for the inmates but we have to look bigger  
2 than what we see and when you look at things  
3 differently, you see things differently.

4 We didn't talk much about high bonds. I just  
5 had some -- not really a question, I'll just make a  
6 statement because you may not know the answer yet.

7 When you consider criminal history, would you  
8 consider if the weapon was stolen or legally  
9 purchased? Would you consider if it was involved in  
10 another crime or would everyone get a 30 or \$50,000  
11 bond regardless?

12 Because some places in Kansas City there's  
13 law-abiding citizens, for the most part, that feel  
14 like they have to be armed in order to leave to go  
15 to work in the evening. And those people have no  
16 records and when they all of a sudden lose their job  
17 because they can't go to work because they've got a  
18 thirty or fifty-thousand-dollar bond, I just want to  
19 make sure we don't get people in the system that  
20 really don't need to be in the system. We have some  
21 people that need to be under the jail and some other  
22 people that you can do some things with to make sure  
23 they don't take that path.

24 So would it be a one-size-fits-all or would  
25 it be discretion when you talk about bond, when you

1 talk about offenders?

2 MR. ROSENFELD: The original \$30,000  
3 bond proposal came from Judge Jack Garvey and was  
4 implemented. And, as far as I know, there were, you  
5 know, for that given class of crimes, there were no  
6 exceptions. Certainly no exceptions of the sort you  
7 mentioned.

8 Can't speak for Judge Garvey but my sense is  
9 sensitivity to differences across cases is always  
10 useful. But -- and I don't think that would  
11 diminish the deterrent value of a high bond because  
12 the person who is out there unlawfully using the  
13 weapon may have stolen the weapon, who has used it  
14 in the commission of another violent crime, that  
15 person doesn't see himself in a category of getting  
16 lenience from the judge.

17 So as long as the court makes its clear, you  
18 do this kind of crime and it occurs in this kind of  
19 context with an extensive record, committing a  
20 violent crime with a firearm, stolen firearm and so  
21 forth, that's sufficient, seems to me, to deliver  
22 the turn of the high bond.

23 ATTORNEY GENERAL KOSTER: I guess I end  
24 with a statement and perhaps a question. A lot of  
25 the week has been based -- a lot of this week has

1 focused on evidence-based policing. One topic that  
2 is nowhere on the agenda over the last four days is  
3 evidence-based sentencing. The reason  
4 evidence-based sentencing is not on the agenda, is  
5 because the judiciary, typically the state judiciary  
6 across the nation, is 20 years behind in subjecting  
7 its decision to rigorous scientific analysis.

8 Now, St. Louis judges have brought us to a  
9 moment of truth and opportunity. Either we're going  
10 to stay in the status quo as to how we have made  
11 decisions around these crimes for the last 50 years  
12 or we're going together move into an era of  
13 evidence-based sentencing.

14 And all of us at this table, and I think  
15 everybody in law enforcement, sees the opportunity  
16 here and we are asking the courts to participate  
17 with us and move forward together. But if they  
18 don't, then it will inevitably be thrown back into  
19 the hands of policymakers to decide the situation  
20 and that means casting the decision into the state  
21 legislature.

22 Professor Rosenfeld, I would ask you this  
23 question, to what degree -- I want to go back to the  
24 issue of shock incarceration. To what degree is it  
25 implied in Judge Garvey's armed offender docket,

1 that the judges would have an opportunity to impose  
2 shock incarceration, short bursts of immediate  
3 punishment where appropriate, to younger offenders?

4 I'm going back to Chief Dotson's question  
5 that we have, what I refer to, as a progressive  
6 sentencing model. The more crimes you commit, the  
7 longer your sentences are but for this type of a  
8 crime, for gang-related activity and for  
9 weapons-related activity, because all of it occurs  
10 between the ages of 17 and 28 for the most part in  
11 broad-brush, that turning the sentencing model on  
12 its head to something that is regressive, for lack  
13 of a better term, that the evidence is driving us  
14 toward this type of result or this type of solution,  
15 as painful as that really is because you don't want  
16 to send -- none of us who spend our lives in law  
17 enforcement or policing, none of us want to send  
18 good people into shock incarceration sentences or  
19 longer-term incarceration sentences but the  
20 evidence, because of the nature of this particular  
21 kind of crime, is drawing us toward that result.

22 Do you want to comment on that? How much  
23 flexibility would the judges have under Judge  
24 Garvey's proposal and what is, again, your feeling  
25 on this problem?

1 MR. ROSENFELD: I think the judges under  
2 Judge Garvey's proposal would have a great deal of  
3 flexibility to impose, I used the term scalpel  
4 earlier and let me use it again, to impose  
5 scalpel-like decisions of the sort that combine a  
6 short period of confinement with intensive  
7 supervision in the community. And if that's -- the  
8 conditions of supervision are violated, a period of  
9 confinement perhaps a bit longer.

10 But we're not any longer talking about  
11 mandatory minimums as they were conceived and  
12 implemented during the 1980s and early 1990s. That  
13 approach is costly. It generated a skyrocketing  
14 increase in our prison population and the crime  
15 reduction benefits, there were some. You cannot  
16 incarcerate millions of people without some  
17 short-run crime reduction but the cost of that meat  
18 ax approach I think it becomes apparent now to lots  
19 of people.

20 What the Project HOPE principle is, is that  
21 you don't need those mandatory, lengthy mandatory  
22 sentences to accomplish the twin goals of justice  
23 and deterrence, crime reduction through deterrence.  
24 Judge Garvey's proposal has ample room in it and I  
25 think it's more likely to get the kind of flexible

1 sentencing that you're suggesting and I would agree  
2 is necessary from a specialized docket in which two  
3 judges become highly experienced in dealing with  
4 these kinds of cases and develop a sense that only  
5 comes from that kind of experience. What's going to  
6 work to what kind of case, what kind of individual  
7 and what's less likely to work, the gun docket  
8 proposal makes room for that and encourages that.  
9 It's one of the reasons I think it's such an  
10 important proposal.

11 ATTORNEY GENERAL KOSTER: Thank you very  
12 much for an outstanding panel. We will take a  
13 15-minute break and then reconvene.

14 (A break was taken.)

15 ATTORNEY GENERAL KOSTER: This morning's  
16 second presentation deals with the topical issue of  
17 stop, question and frisk that has been in the news  
18 recently but also a part of the policing strategy  
19 for decades, if not hundreds of years.

20 Our presenter is, again, Rick Rosenfeld who  
21 is the professor of criminology and criminal justice  
22 at the University of Missouri St. Louis. Professor  
23 Rosenfeld? Thank you.

24 MR. ROSENFELD: Thank you, Attorney  
25 General. As I am sure most of you are aware,

1 recently the federal court concluded that stop,  
2 question and frisk as it is or was currently  
3 practiced in New York City, constituted what the  
4 judge categorized as indirect discrimination against  
5 members of minority groups stopped, sometimes  
6 questioned, sometimes frisked and searched by the  
7 police.

8           So we have that ruling. New York City now  
9 will be under a court-ordered monitor to revise its  
10 system of stop, question and frisk to bring it to  
11 constitutional muster. Part of the case that the  
12 city and the New York City Police Department wanted  
13 to make was that stop, question and frisk reduced  
14 crime. And was not only partly, but indeed  
15 primarily, responsible for the rather dramatic crime  
16 decline in New York City over the last decade or so.

17           The judge disallowed any testimony or  
18 evidence that went to the issue of the crime  
19 reduction impact of stop, question and frisk. That  
20 took an enormous leg out, if you will, from under  
21 the city's police department's case. They were  
22 prepared to rest their case primarily on public  
23 safety grounds. The judge ruled, however, that it  
24 was a case first and foremost about constitutional  
25 principle. And so we're left with the question:

1 Does stop, question and frisk, as practiced in New  
2 York City, reduce crime?

3 The glare is preventing me from seeing that  
4 screen. There's the question as it has been put in  
5 a recent publication: What's the causal  
6 relationship, if any, between stop, question and  
7 frisk -- between public safety and police use of  
8 stop, question and frisk? On the surface of things  
9 it might appear that stop, question and frisk is  
10 quite effective. It might appear that it's quite  
11 effective.

12 Exhibit A, let me present the city and the  
13 New York City Police Department's case. Here's the  
14 prima facie case. First of all, where was stop  
15 question and frisk, which has been undeniable? What  
16 I have done here, looking at the period of 2003  
17 through the end of 2010, simply giving you the  
18 annual change in the number of stops per ten  
19 thousand population in New York City and I have  
20 broken out the stops by suspect race and ethnicity.  
21 So we can look at the total. We can look at stops  
22 of blacks or African American stops or Hispanics and  
23 stops of whites.

24 If you look first at the total, the bolded  
25 line, through to the end of the 2010, stops per

1    capita increased at a rate of about just under  
2    15 percent per year. But look at the group  
3    differences. Stops of African Americans over that  
4    period increased at the rate of just under  
5    21 percent per year. Stops of Hispanics increased  
6    at the rate of about 15 percent per year. Stops of  
7    white suspects increased at the rate of about  
8    9 percent per year and if you look more closely at  
9    the line representing white stops, you'll see that  
10   the increase halted in 2006 and there was no growth  
11   in the per capita stops of whites from 2006 through  
12   the end of this period.

13           Now, as you may know, in the last couple of  
14   years, as the New York City Police Department and  
15   indeed the City of New York has come under  
16   increasing criticism for this scale, if nothing else  
17   its stop, question and frisk effort, the program has  
18   been reduced in scale somewhat. So that by the end  
19   of 2010, close to 700,000 stops occurred in the City  
20   of New York each year, growing each year to just  
21   under 700,000, flattened out after that and  
22   within -- by the end of 2012 stops were -- had  
23   returned to something like the half million mark.  
24   Still a lot of stops even in a city of 8 million  
25   people. But we're no longer seeing this

1 year-to-year growth we saw before. That's Exhibit  
2 A, lots and lots of police stops. Surely that must  
3 have some impact on crime.

4 And that brings us to Exhibit B, New York's  
5 crime drop. I have got up -- I just put robbery and  
6 burglary up here but I could have put homicide up,  
7 could have put motor vehicle theft up there, could  
8 have put aggravated assault up. There has been a  
9 steady decline in the last decade and that comes on  
10 the heels of an even more dramatic decline in  
11 serious crime in New York that occurred from the  
12 early 1990s through the end of the 20th century.

13 Crime continues to go down in New York over  
14 this period. I should tell you, crime in St. Louis  
15 also went down during this period. And, in fact,  
16 for the crime of robbery the decrease in St. Louis  
17 is a little smaller than that in New York. It's not  
18 all that much smaller. But, in any event, crime  
19 went down in New York. Stops went up in New York.  
20 There's the prima facie case. Stops go up, crime  
21 goes down, stops is responsible for the crime  
22 decline.

23 What happens when a person is stopped by the  
24 police? Person may be asked a few questions, police  
25 officer then says thank you very much and that's

1 that. Person may be asked a serious of additional  
2 questions and then pending the information provided  
3 or others behaviors of the suspect, the person may  
4 be frisked. In other words, the outside of the  
5 clothing is patted down. Pending the results of the  
6 frisk, a full search may then be conducted. If it's  
7 a case of a pedestrian, the person is essentially  
8 asked to empty all of his or her pockets of  
9 possessions. And then, on occasion, and arrest is  
10 made.

11 Now, recall Chief Bratton's comments  
12 yesterday. Stop -- the police may constitutionally  
13 stop you or me on the street, question us, frisk us,  
14 search us, if the officer has reasonable suspicion  
15 that we have committed a crime or are about to  
16 commit a crime.

17 One would think then, that if that -- that's  
18 the so-called Terry standard -- if the Terry  
19 standard is being adhered to, we should get an  
20 appreciable number of arrests out of every, let's  
21 say, 100 stops made in New York. Now, what does an  
22 appreciable number mean? Who knows? But I would  
23 suggest that the percentage of arrests that results  
24 from the stops in New York is probably not high  
25 enough to meet many person's sense of whether the

1 Terry standard has been adhered to.

2 In 2003, just under 9 percent, just under 9  
3 of every 100 arrests resulted in arrests. That went  
4 down in 2006 and began to go up again and 2010, '11  
5 and '12 are very much the same. Roughly speaking, 6  
6 to 7 percent, 6 or 7 out of every stops made by the  
7 police of New York resulted in arrests. Now, an  
8 approximately equal number also resulted in a  
9 citation for an ordinance violation.

10 Still, if the Terry standard is being adhered  
11 to, I would expect more than 6 or 7 out of every 100  
12 stops to result in an arrest. The fact that  
13 relatively few stops result in an arrest has fueled  
14 the fire of criticism of the program in New York.

15 So what do we know about the crime reduction  
16 impact of stop, question and frisk on crime? To my  
17 knowledge, and I look almost every day  
18 for additional research, there are two studies that  
19 speak directly to this question. My colleague,  
20 Jeffrey Fagan, is engaged in another study but  
21 because he's an expert on an ongoing appeals process  
22 of a federal case, he can't release any of his  
23 information yet. So there may be a third study  
24 emerging but, as of now, only two. One published by  
25 investigator Smith and Purtell and one published by

1 Rosenfeld and Fornango, that's me and my colleague,  
2 Robert Fornango.

3           In our research we criticize the Smith and  
4 Purtell research for being limited. Certainly a  
5 bona fide study but like all studies there are  
6 limitations that needed to be, as far as we were  
7 concerned, mentioned and taken into account. If  
8 you're going to look at the impact of police stops  
9 on crime in a neighborhood, let's say you want to  
10 know -- you want to have some ability to hold  
11 constant or statistically control for all the other  
12 things that we know are related to crime in a  
13 neighborhood like the level of unemployment, the  
14 level of poverty, the ethnic and racial composition  
15 of the neighborhood, the residential stability  
16 characteristic of the neighborhood. Smith and  
17 Purtell didn't include any of those controls in  
18 their estimates of the impact of stops on crime. So  
19 if crime is going down and stops are going up,  
20 they're allocating, if you will, all of the effect  
21 of stops as opposed to dividing them among the other  
22 factors that might also be responsible.

23           Smith and Purtell didn't look at -- they  
24 looked at the impact of total stops on crime. They  
25 didn't look separately at the impact of arrests.

1 One might think that if stopping people reduces  
2 crime, arresting people might have an even more  
3 important crime reduction effect but they didn't  
4 look. Nor did they look -- we saw those really wide  
5 race ethnic disparities in the growth of stops over  
6 time. That would suggest that one might want to  
7 look at race ethnic differences in stops and how  
8 those differences might be associated with crime and  
9 they didn't do that.

10 And I don't want to get into all the  
11 technical details but they failed to take into  
12 account -- or they failed to take into account  
13 adequately of the fact that in the attempt to figure  
14 out whether stops reduce crime, you also have to  
15 take into account the fact that the stops are not  
16 random. They tend to occur, as the police say,  
17 where there is more crime.

18 So you want to know how much stops reduce  
19 crime, but in fact, we already know. The police  
20 told us, and in fact, researchers themselves and  
21 others have shown that the stops tend to be  
22 concentrated where there is more crime. That's  
23 called, in statistical jargon, the endogenization  
24 problem and that has to be dealt with adequately in  
25 the model to get an unbiased estimate of the effect

1 of stops on crime and we didn't think that Smith and  
2 Purtell adequately controlled for -- accounted for  
3 that problem.

4           What did they find? They found sizable --  
5 it's hard to tell from their work exactly how large,  
6 but a sizable crime reduction associated with police  
7 stops including robbery and burglary associated  
8 with, I should say, stop question and frisk  
9 generally.

10           So we knew about their research and we did  
11 research of our own and we tried -- we used a  
12 different modeling strategy. I'm happy to talk  
13 about it with you, if you'd like to talk about it  
14 afterward but that does, I think, better take into  
15 account the simultaneity, the simultaneous  
16 relationship between crime and stops and stops and  
17 crime.

18           And we accounted in our models for  
19 precinct -- we're looking at New York City police  
20 precincts in this study, socio-demographic  
21 characteristics, so we control the poverty rate, the  
22 unemployment rate and those other factors that  
23 consistently show up as predictors of crime.

24           We looked at crime rates in adjacent areas as  
25 well because a good deal of research suggests that

1 what's going on in the neighborhood next-door can  
2 affect what's going on in your own neighborhood.  
3 And we broke out our results not only looking at the  
4 effect of total stops on crime but also the effect  
5 of arrests on crime. We measured arrests in two  
6 different ways: arrests per capita, per number of  
7 people in the area and arrests as a fraction of all  
8 stops. And we looked separately at stops of blacks,  
9 stops of Hispanics and stops of whites.

10 What we were looking at were changes over  
11 years. Annual changes in measures of police stops  
12 and robbery and burglary. Confined our analysis to  
13 those two crimes. And we're looking at police  
14 precincts. There are 76 in New York and they're  
15 quite large. We found no significant effect of  
16 stop, question and frisk in robbery and burglary  
17 over that period.

18 So we've got contrasting results from very  
19 skimpy literature. Two studies on an issue that has  
20 generated a great deal of national, as well as New  
21 York local attention and debate. We've got  
22 contrasted findings. We can attribute those  
23 contrasts to using different data and methods. We  
24 use annual data and it could be that police stops  
25 have an important effect on crime but that it

1   dissipates over months and so you may not detect it  
2   if you're only looking at changes in crime and  
3   changes in stops over periods of years.

4           And we're doing this analysis, as Smith and  
5   Purtell did, on police precincts in New York. The  
6   average size of a New York police precinct is about  
7   110,000 people. So these are very large, very  
8   heterogeneous areas. It could be that looking at  
9   smaller spaces is more likely to detect the impact  
10   of stops then looking at these very, very large  
11   heterogeneous areas.

12           So we continued our work and I'm currently  
13   engaged again with my partner Fornango. We are  
14   actually second in a series of studies of stop,  
15   question and frisk in New York. And this time we  
16   have expanded the inquiry to serious crimes, so  
17   we're looking at homicides, aggravated assault, as  
18   well as robbery, burglary and larceny and motor  
19   vehicle theft. We're using monthly data this time  
20   that we were able to obtain from New York City and  
21   we're using census tracts, not police precincts.

22           Now, census tracts are also relatively large,  
23   several thousand people provide a census tract but  
24   for our purposes it's suitable and certainly far  
25   more favorable than using a hundred thousand plus

1 population police precincts as a unit of analysis.

2 We use the same statistical methods and models we  
3 used in our prior research.

4           What are we finding? In this case we do find  
5 what I would regard as relatively modest but that's,  
6 you know, what's modest and what's not sometimes is  
7 in the eye of the beholder, relatively modest crime  
8 reduction effects in some cases, not in others, that  
9 we could attribute to stop, question and frisk. Let  
10 me give you here, I'm going to illustrate this and  
11 these are preliminary results that are subject to  
12 change and I doubt they're going to change all that  
13 much.

14           We found the strongest effect, interestingly  
15 enough, for the crime of burglary. What we found  
16 was that a 1 percent increase in stops, another 566  
17 stops per month, yields roughly three fewer  
18 burglaries per month each year. Scale that up a  
19 little bit, a 10 percent increase in stops, another  
20 5660 stops, will give you 29 fewer burglaries per  
21 month citywide.

22           It takes, on average, just under 200, 195  
23 roughly speaking, stops to avert a single burglary.  
24 Now, is that a modest effect? Is that a sizable  
25 effect? What are our expectations about the number

1 of police stops that should generate an appreciable  
2 reduction in crime? Let me suggest that neither  
3 criminologists nor policing experts have really  
4 chewed on that one.

5 In our own case of St. Louis or Kansas City,  
6 how many self-initiated activities of a given type  
7 should we expect to reduce a single crime of a given  
8 type? These are tough questions but they're not  
9 unanswerable questions. We're able to achieve some  
10 degree of rescission in our answer for New York.

11 I can't tell you whether every additional,  
12 just under 200 stops, that reduces one burglary per  
13 month, I can't tell you whether that's the effect  
14 that is desired by the police or not. Whether it's  
15 effect would be viewed as desirable by citizenry or  
16 not. I can't tell you that because we've never been  
17 able to have that public discussion because neither  
18 the New York City Police Department, nor anyone  
19 else, has produced this kind of information and  
20 introduced it into public discussion.

21 We found no significant crime reductions for  
22 robbery and motor vehicle theft. And in other cases  
23 where we did find crime reductions, they were  
24 smaller than those for burglary.

25 We also looked at a key claim by New York

1 City police and New York City officials. They have  
2 always claimed, look, they say, we do stops where  
3 crime rates are higher. If those turn out to be  
4 neighborhoods with larger minority populations that  
5 are more economically distressed, so be it, but we  
6 don't select neighborhoods to do stops on the basis  
7 of their minority group composition or economic  
8 disadvantage. We try to target our stops where the  
9 crime occurs.

10 So we looked at the target of the stops in  
11 relation to the crime rate and also in relation to  
12 the fraction of the population of Hispanic and black  
13 in our census tract data and other neighborhood  
14 characteristics. We found, as New York City  
15 officials have argued, that stop, question and frisk  
16 activity in police stops is much more prevalent in  
17 areas with higher crime rates.

18 So they're either -- in fact, it's for that  
19 very reason we had to engage in this rather  
20 elaborate statistical model to get otherwise  
21 estimates of the effects of stops on crime because  
22 we already know that stops are being concentrated  
23 where there's more crime. But the critics were also  
24 right. Patrolling for crime, adjusting for it,  
25 removing its influence, we also found that stop,

1 question and frisk is more prevalent in economically  
2 disadvantaged neighborhoods with larger minority  
3 populations. It wasn't simply crime that was  
4 attracting this activity, other neighborhood  
5 characteristics mattered as well.

6 So, I'm concluding that the effects we have  
7 currently found, subject to some change for  
8 burglary, which are the large effects we found, are  
9 relatively modest but I am the first to concede I  
10 don't know what modest or large or robust means in  
11 this category because I've never heard a good  
12 discussion of how many stops are required to reduce  
13 one crime or 10 crimes or 100.

14 Even at their maximum it takes about 200  
15 stops to avert a single burglary each month in New  
16 York City and New York City has a lot of burglaries.  
17 Even though the rates come down, a lot burglaries.

18 We also found that the stop, question and  
19 frisk activity is concentrated in high crime areas  
20 and those with large minority populations. Given  
21 the results in our prior study and now in the  
22 current study, there's no way that those results, no  
23 matter how one might interpret them, can account for  
24 all of the crime decline that New York City has  
25 experienced over the last decade. Some of it? Yes.

1 All of it? There's no way.

2 As I mentioned a few moments ago and Chief  
3 Bratton mentioned in his comments yesterday, New  
4 York City has begun to curtail this scale of its  
5 stop, question and frisk program, began to do that  
6 prior to the court -- recent federal court ruling.  
7 If it has, and if New York City officials are right,  
8 that it's stop, question and frisk that is  
9 responsible or primarily responsible for the crime  
10 decline in New York and they've reduced the number  
11 of stops from almost 700,000 to maybe now around  
12 500,000, that is an appreciable reduction, should we  
13 expect a crime increase in New York to occur? The  
14 logic of the argument would suggest yes. So far it  
15 hasn't.

16 So that's my story, gentlemen, and I'm  
17 sticking to it.

18 ATTORNEY GENERAL KOSTER: Thank you very  
19 much, professor. We are going to deviate a little  
20 from the schedule in order to -- Secretary Sebelius  
21 is coming in to town and there are some things that  
22 are occurring this afternoon that we need to move  
23 around in order to accommodate and so we're going to  
24 break a little bit early and then return early. So  
25 we'll come back at 12:30.

1 Professor Frank Zimring, who is a very  
2 distinguished professor from the University of  
3 California Berkeley will be presenting at 12:30 and  
4 will be our final speaker of the conference and I  
5 also want to ask you to, if you're coming back for  
6 this afternoon, come back timely. It's going to be  
7 an outstanding presentation on the New York City  
8 experience and so let's break for lunch and we will  
9 see you back at 12:30. Thank you, everyone.

10 (A break was taken.)

11 ATTORNEY GENERAL KOSTER: Okay. Good  
12 afternoon, everyone. We are pleased to welcome  
13 Frank Zimring, who is the William G. Simon professor  
14 of law at the University of California Berkeley  
15 School of Law. Professor Zimring joined the faculty  
16 in 1985 as the director of the Earl Warren Legal  
17 Institute.

18 Mr. Zimring's major fields of interest are  
19 criminal justice and family law, with special  
20 emphasis on the use of empirical research to inform  
21 legal policy.

22 He's best known for his studies of the  
23 determinants of the death rate from violent attacks,  
24 the impact of pretrial diversion from criminal  
25 justice system and criminal sanctions.

1           Mr. Zimring received a bachelor of arts from  
2 Wayne State University and a law degree from the  
3 University of Chicago. He's a fellow of the  
4 American Society of Criminology and a member of the  
5 American Academy of Arts and Sciences. Mr. Zimring  
6 wrote "The Contradictions of American Capital  
7 Punishment," "American Youth Violence" and "Crime is  
8 Not the Problem: Violence in America."

9           We are honored to have the distinguished --  
10 another one of the distinguished criminologists in  
11 this nation join us to give the final presentation  
12 for the Urban Crime Summit.

13           Professor Zimring, we welcome you to Missouri  
14 and the microphone is yours.

15           MR. ZIMRING: Well, I think I know why I  
16 was invited to this conference and I don't think it  
17 was the book on juvenile justice. I think it's the  
18 book -- watch out this is an academic trying to sell  
19 a book. And the book I'm trying to sell is called  
20 "The City That Became Safe." It's just coming out  
21 in paperback now and it's about, you guessed it,  
22 those of you who have been paying attention for the  
23 last few days, what happened in New York City. But  
24 then, again, there are two puzzles about that. As  
25 the Attorney General just told you, I am not a New

1 Yorker or even close. San Francisco Bay is about as  
2 far as you can get from New York without getting  
3 somebody else's green card.

4 Why study it? And that raises a second  
5 question, which is, yeah, but if you're going to  
6 study and write a book about it, what on Earth does  
7 that have to do with crime in Kansas City and St.  
8 Louis, Missouri? And the answer I think is a lot.  
9 But I think you also have been working hard these  
10 last four days at a very difficult set of tasks. So  
11 what I'm going to try and do is make my  
12 comprehension of New York's lessons into a big  
13 picture presentation, which is suited to the last  
14 session in this four-day adventure.

15 The book that I'm going to be talking about  
16 is a profile of a crime decline in New York City,  
17 not just the one that Rick was talking about in the  
18 last session between 2000 and 2009 or '10, but a  
19 massive decline that took place between 1990 and  
20 2009. And, as Dr. Rosenfeld indicated, there was,  
21 in the 1990s, a major crime decline all over the  
22 United States. If when we're going to take sort of  
23 a round number to estimate that 90s crime decline,  
24 it would be about 40 percent.

25 But what made New York extremely interesting

1 was that that city had a crime decline that was  
2 twice as big and lasted twice as long as that  
3 national pattern. And the first of the overheads,  
4 that you're going to see, will sort of estimate the  
5 enormous changes in crime rate that took place in a  
6 city that did not have major changes in its  
7 population and a city that did not have huge changes  
8 either in its economy or its institutional  
9 structure.

10           Putting aside only the heterogenous  
11 categories like larceny and aggravated assault, the  
12 rule of thumb that comes when you look at the size  
13 of the bars, in that first figure, is that the city  
14 had crime declines that equaled or exceeded  
15 80 percent in a 20-year period.

16           So the first question you have to ask,  
17 because these are, of course, police statistics, is  
18 was this decline real? The problem with police  
19 keeping crime statistics is that in the first  
20 instance they're the umpire in this game, but in the  
21 second instance they're an interested party. Police  
22 want to look good.

23           So one of the questions that came up in the  
24 New York City context was whether the magnitude of  
25 this decline was real. And, if so, then we've got

1 to talk about what explains this huge drop in New  
2 York City or at least the part of it that separated  
3 New York from other cities. And then if you're  
4 patient enough to go through that with me, I'll get  
5 to what is much more particular for the people in  
6 this room: What lessons does what we've learned  
7 about New York and its adventure in crime decline,  
8 teach about crime and crime control in the big  
9 cities of the developed world like St. Louis and  
10 Kansas City?

11 First, let's be quick on one thing. The  
12 crime decline that's up on that figure was real.  
13 The timing and it's magnitude can be tested by  
14 statistics that the police didn't keep, which tells  
15 you for four of the seven indexed crimes and for the  
16 most important drops, that that decline was real.

17 Homicides statistics are an 82 percent drop  
18 whether you ask the police or whether you ask the  
19 Department of Health. The statistical correlation  
20 between those two differently compiled datasets is  
21 .999. The auto theft drop can -- which is more than  
22 90 percent. If auto theft were a species, it would  
23 go on the endangered species list in New York.

24 The rate in 19 -- in 2009, was 6 percent of  
25 what the rate was in 1990. The big drops, more than

1 80 percent, 84 percent for robbery, 86 percent for  
2 burglary, can be tested against victim survey  
3 statistics for a large chunk of the period that  
4 we're talking about and timing and magnitude and  
5 direction all seem consistent.

6           Okay. What seems to have driven the larger  
7 than normal New York City decline and sustained it  
8 not only until 2009, the last year in the book, but  
9 to last year as well, were three different changes  
10 that took place in policing. There were lots more  
11 cops in New York City after 1990 than at the  
12 beginning of the period. At its peak it was a  
13 41 percent increase in a decade. No other city in  
14 the United States did that. And the more cops part  
15 is probably a very important part of the  
16 explanation.

17           But not only were there more cops, but there  
18 were basic changes in policing strategies and here,  
19 what New York did, not coincidentally, is one of the  
20 things that you've been hearing about throughout  
21 this week.

22           Hot spots policing. You send the police  
23 where crime is most concentrated and you keep them  
24 there. The destruction of public drug markets --  
25 and we'll talk more about that one and its effect on

1 drug violence later. So the second major change is  
2 not only that you had a lot more police, but you put  
3 them to work doing different things than the police  
4 were doing in New York City before 1990.

5 The third change is also something that you  
6 have been talking about earlier in this set of  
7 meetings. Not only were there better tactics, not  
8 only were there more cops, but police in New York  
9 City got a lot more aggressive. And one critical  
10 question, the stop and frisk question that Rick was  
11 talking about earlier, the aggressive misdemeanor  
12 policing questions, the citations which are used as  
13 methods of trying to remove high-risk people off the  
14 street. And the crucial question is whether that  
15 aggressiveness added value to the new strategies and  
16 to the larger number of cops.

17 Let me first give you a differently expressed  
18 ballpark estimate of how big the impact of policing  
19 was on New York City's crime rate. I'm not going to  
20 talk about it in terms of the percentage of crime  
21 that New York City had in 1990. I'm going to say  
22 when you look at the crime rate that's left in New  
23 York, a homicide rate of 5.6 in 2009, instead of  
24 30.7, how big are the impacts accountable to those  
25 policing changes as a measure of the crime rate

1 that's left? And the answer is significant.

2 For at least five of the seven crimes about  
3 66 percent of the homicide rate that you had in  
4 2009, was not only reduced but was reduced as a New  
5 York City difference that was probably attributable  
6 to policing. A similar magnitude for forcible rape.

7 But for the three classic street crimes in  
8 the New York City pattern, and those were burglary  
9 and robbery and auto theft, the impact of New York  
10 City policing changes was to prevent a lot more  
11 crime than is left, about double the rates  
12 of homicide -- sorry -- of burglary and robbery that  
13 New York City still had left in 2009 and more than  
14 three times as much auto theft was attributable to  
15 police changes as was left in 2009.

16 So police made a big difference. Now guess  
17 what? That was a surprise. The conventional wisdom  
18 in the 1990s was that policing and preventive  
19 policing couldn't prevent much crime and for some  
20 very simple logical reasons. Cops can't be  
21 everywhere and they can't stay all year. So what  
22 happens?

23 If you send a patrol car to 125th Street and  
24 Lenox Avenue in New York City and there's one less  
25 robbery on a Tuesday night because a police car is

1 there, all that the robbers have to do is move to  
2 140th Street. If the police car stays where it was  
3 initially, the robbers can simply move. No big  
4 change. Or maybe the robbers will just wait until  
5 tomorrow or the next day.

6 So the conventional wisdom was that the large  
7 preventive policing effects were a myth of American  
8 urban policing. Except that that turns out,  
9 evidently, not to be true. It now appears that if  
10 that police car prevents a robbery on Tuesday night  
11 at 125th and Lenox, that's probably one less robbery  
12 in the City of New York that year. Now, what's the  
13 change here? Why is that? It isn't that we were  
14 wrong about what police and police cars can do and  
15 their limits, it was that we thought that people  
16 with criminal impulses were much more persistent  
17 than they turn out to be.

18 When you stop the robbery at 125th, it turns  
19 out the robbers don't go to 140th Street. And it  
20 turns out they don't wait, if it's Tuesday, until  
21 Thursday. The slogan that the book uses is that  
22 criminal impulses, themselves, for serious street  
23 crimes, the bar charts that are up on your screen,  
24 is that criminal impulses are much more situational  
25 and contingent than we had thought and that's why

1 crime rates can vary tremendously in cities that  
2 have the same demography, the same populations, the  
3 same economic structures, the same institutional  
4 structures, the same problematic schools. So there  
5 can be big changes in crime even if the nature of  
6 urban life doesn't change.

7 Okay. The facts that cops work to prevent  
8 crime was one of the three big lessons from New York  
9 City, what I'm going to call New York City surprises  
10 that I think are directly applicable to St. Louis  
11 and Kansas City and Chicago and Toledo and Los  
12 Angeles and San Francisco.

13 The first big surprise is that cops can be a  
14 lot more effective than we thought. The problem is,  
15 that when you come to the question of what changes  
16 in policing are necessary to produce those big  
17 differences, you have a very mixed picture in terms  
18 of what we know and what we should find out.

19 We know that more cops can mean significantly  
20 more crime prevention. We know, or think we know,  
21 some of the basic strategies that work: hot spots,  
22 destruction of public drug markets, computer careful  
23 analysis of where crime keeps happening so that we  
24 know where to send the cops. Those things probably  
25 work.

1           What we don't know is whether the  
2 aggressiveness, the stopping, the frisking and the  
3 extraordinary aggressiveness of policing in New York  
4 City added value to the changes that the other  
5 police strategies have created.

6           Okay. Let me talk about big surprise number  
7 two. And big surprise number two is that drug  
8 violence can be controlled without making a big drug  
9 dent in the volume of drug use. Now, there are two  
10 different trend lines over time from New York that  
11 are up on the screen there.

12           What happened in New York City is that the  
13 amount of cocaine use and the amount of heroine use,  
14 those were the serious drugs, as measured by drug  
15 overdose death rates, drug use was relatively stable  
16 over the 20 years after 1990. Cocaine use went down  
17 a bit, maybe 10 or 15 percent and serious drug users  
18 got a little bit older. They weren't in the 15 to  
19 24 group as much. They were in the group over 25  
20 and over 30.

21           But if you use drug overdose death rates as a  
22 measure of hard drug use, it didn't change much in  
23 New York City. What did change, and changed a lot,  
24 was the amount of violence that took place. The  
25 drug-related homicide death rate dropped in New York

1 City by over 90 percent, even though drug use rates  
2 of the hardest narcotics changed in the range of 15  
3 to 20 percent. How did that happen? Well, this is  
4 where the destruction of public drug markets was of  
5 crucial, crucial strategic importance.

6 When two drug sellers are next to each other  
7 on a public street, each of them wants the best  
8 corner. If they're going to fight about who got  
9 there first. They're not going to fight with  
10 lawyers, they're going to fight with guns and  
11 homicides happen.

12 When the same two drug dealers are selling in  
13 their houses and apartments, they're not going to  
14 have that kind of violence unless they happen to be  
15 roommates. So you can impact drug violence and  
16 reclaim the streets and have spectacular impacts on  
17 drug killings without winning the war on drugs. You  
18 can win the war on drug violence without winning the  
19 war on drug use. That is one of the major lessons  
20 from New York, for St. Louis and Kansas City to  
21 carefully assess and to implement in policing  
22 strategies and by enlarge, I think that has happened  
23 in big cities in the United States.

24 Now, let me come to surprise number three and  
25 that is that huge crime reductions, not 40 percent

1 drops, but 80 percent drops, don't require ever  
2 increasing rates of imprisonment. And that's  
3 important and that has large fiscal consequences.

4           Okay. Let us compare for a moment rates of  
5 changes in imprisonment throughout the rest of the  
6 United States with what happened during the 1990s  
7 and the first decade of the 20th century in New  
8 York. During the 18-year period that we tracked  
9 there, what the solid line tells us is that even  
10 though crime was going down in the United States  
11 during the 1990s and was relatively stable after the  
12 turn of the century, incarceration kept going up big  
13 time. Over the 18 years after 1990, when you  
14 combined jails and prisons, the rate of  
15 incarceration in the United States, outside New York  
16 City, went up about 65 percent. That's the solid  
17 line.

18           The dotted line is what happened in New York  
19 City and over that 18-year period incarceration that  
20 was going up 65 percent everywhere else, went down  
21 28 percent in New York City. So that there is about  
22 a two-to-one advantage to the non-New York  
23 jurisdictions except that New York had, by  
24 substantial margins, the biggest crime drop in the  
25 United States.

1           So let's imagine this for a moment as that  
2 classic television commercial. What happened in the  
3 imprisonment derby in the United States after 1990,  
4 is that the kids that didn't brush with Crest had  
5 half as many cavities. Exactly the opposite of the  
6 dominant assumption of U.S. crime policy over the  
7 generation and a half after 1972.

8           We thought in this country, for a long time,  
9 that the only way to have significant reductions in  
10 rates of serious crime was to lock more people up.  
11 And we were wrong. And the reason we thought that  
12 is that we had a theory of the persistence of  
13 high-rate criminals. And that theory was either you  
14 lock those folks up or crime keeps happening at high  
15 rates.

16           Now, that raises a very interesting question  
17 if you start looking at all the statistics that I  
18 have been throwing on the screen. What happened?  
19 Where did all of New York's criminals go? Did they  
20 move to New Jersey? Or what? And the answer to the  
21 question: Where did New York's high-rate criminals  
22 go, is probably they went nowhere.

23           At the peak of New York's crime rate the  
24 chances that a New York City felon released from  
25 state prison would be reconvicted of a felony in the

1 first three years on the street was 28 percent.  
2 Now, of course, a lot more than 28 percent were  
3 active criminally but that rate of reconviction is a  
4 pretty good relative measure of the criminal  
5 activity of these very high-rate offenders. So  
6 that's a good measure of the personal crime rate  
7 for a high-offending group.

8 Over the next 16 years the three-year  
9 reconviction of felons released back to New York  
10 City dropped steadily from 28 percent to 10 percent.  
11 Now, let's do the arithmetic here. The personal  
12 crime rates of these high-rate New York City  
13 offenders went down 64 percent. That's very good  
14 news for any kind of criminal justice policy that  
15 depends on the assumption that high-rate criminal  
16 offenders can change, relatively quickly and  
17 relatively significantly, their crime rates. That's  
18 good news for policing. That's good news for  
19 probation. That's good news -- do you folks  
20 remember midnight basketball became the  
21 laughingstock in crime control in the 1994 federal  
22 legislation? Why was it a laughingstock? Because  
23 people said reverend, if you have a basketball game  
24 on Friday night, that just means they'll stick  
25 people up on Saturday night.

1           But anybody who is in the people-changing  
2 business, the data that I show you on New York is  
3 enormously good news. But guess what? When the  
4 personal crime rates of high-rate offenders go down  
5 64 percent, the games from keeping those people  
6 locked up turn out to be about a third of what you  
7 would save if they had a 28 percent reconviction  
8 rate.

9           So as the city's environment got less crime  
10 friendly, not only the need for imprisonment went  
11 down but the benefits from incarceration went down.  
12 The cost effectiveness of prison, even in New York,  
13 was almost a third of what it had been by the end of  
14 this period when you compare it to the beginning.  
15 That is a hopeful and exciting set of findings for  
16 people who study crime control.

17           What it means, in relation to this  
18 enterprise, is that violent crime doesn't have to be  
19 urban destiny. And that there are things you can do  
20 on the streets of cities that are going to make big  
21 changes.

22           Okay. Where are we? It's now September of  
23 2013. What do we know about going out on those  
24 streets and preventing crime and what do we need to  
25 find out? My guess is that we are about halfway

1 there. When you compare it to the situation in  
2 1990, what we now know is that moving people and  
3 moving money from state correctional systems to city  
4 streets to effective policing and supervision to all  
5 of the strategies you have been hearing about for  
6 four days, can work and work big time without ever  
7 increasing rates of incarceration.

8 But what we don't know and what we have to do  
9 now is to experiment rigorously with changes in the  
10 strategies and styles of both policing and community  
11 supervision and do our homework on costs and  
12 benefits in very specific ways. It is painstaking  
13 work. It's not very exciting. It doesn't generate  
14 headlines or even huge changes. But it is an  
15 effective and promising future in an area where, for  
16 most of my career, meetings like this have become  
17 seminars of hopelessness. This is a much better  
18 time to go into the crime business and I wish you  
19 all well in your efforts. End of sermon.

20 ATTORNEY GENERAL KOSTER: Thank you very  
21 much, professor. That was extraordinary and a great  
22 ending lecture to the week that we've spent on this  
23 topic. For the question and answer period I think  
24 I'll start with the hometown police chief, Chief  
25 Dotson.

1 POLICE CHIEF DOTSON: Thank you very  
2 much. That was very informing. The question that  
3 we've been talking about and I heard your  
4 enforcement strategies in New York, armed offender  
5 dockets specifically focusing on crimes. Do you see  
6 a benefit from those in New York's enforcement, was  
7 it their rigorous enforcement, hot spot policing or  
8 were there other strategies inside of that? And I  
9 think Bill Bratton talked about eight specific  
10 problems with his approach.

11 MR. ZIMRING: Well, first of all, let me  
12 give you the bad news. And that is that when you  
13 have a whole kitchen sink full of changes that  
14 happen at the same time, it's very difficult to sort  
15 out costs and benefits. So you can't find that out  
16 in New York. Even some of the things that I told  
17 you, we now know from the New York experience, the  
18 knowledge came from other cities doing rigorous  
19 work.

20 Let's talk about hot spots policing. It  
21 turns out that the good statistics on hot spot  
22 changes come to you from places like Atlantic City,  
23 not from New York City because you don't have test  
24 and control groups. And, if you're interested in  
25 armed offender intervention programs, one of the two

1 cities that's the big city in this state, Kansas  
2 City, turned out to be an urban pioneer in rigorous  
3 police evaluation. The first thing that happened,  
4 the so-called preventive patrol experiment, the one  
5 that used the eraser on the blackboard, that said  
6 don't do this folks, was routine patrol and the  
7 place where it was done was Kansas City 40 years  
8 ago.

9 We do know that if you control the personal  
10 crime rates of the highest-risk people you can  
11 identify, the repetitive armed offender group, you  
12 could have big impacts on community-level violent  
13 crime. What we don't know is the best way to do  
14 that.

15 Let's take for a moment ceasefire programs.  
16 Well, if you're taking notes, that sounds like one  
17 kind of program. No, it is isn't. It's three  
18 different kinds of programs with very dramatic  
19 differences in how you go into the community and how  
20 you follow up on the mixture of carrots and sticks.

21 And when you get down to that level of  
22 specifics, Chief, what I was trying to tell you at  
23 the very end is that's where we have the homework to  
24 do. I'm sure when the Attorney General has this  
25 conference two years from now, Dr. Rosenfeld will be

1 able to give him the latest, and it will be better,  
2 statistics if we do our homework.

3 See, the problem is that learning how to  
4 control crime isn't a one-off game. It isn't like  
5 cancer research is, okay, try it with a test and  
6 control group and then close the medical school.  
7 It's try it and try it again and try it differently  
8 and assess differences and what we have to do is get  
9 into the science business.

10 Now, as far as I'm concerned -- and you're  
11 saying, you know, forget about this stuff about  
12 prison policy, you don't run a prison system. What  
13 do police know? Okay. The Best Practices, 2013  
14 edition, is ten times as good as the 1990 edition.  
15 You're already doing things that prevented crime and  
16 you know it but that's bad news too because that  
17 means that a lot of the low-hanging fruit has  
18 already been harvested. How much more can you do  
19 and how many more resources do you need to do it?  
20 That turns out to be a set of highly-specific  
21 questions.

22 ATTORNEY GENERAL KOSTER: Professor, I  
23 would like to ask -- dive in with a provocative  
24 question that asks you to step outside of a hundred  
25 years of punishment philosophy in the country.

1 Right now we've always built a punishment  
2 model based on crimes and the nature of the crime.  
3 Burglary is punished more severely than trespassing.  
4 Robbery is punished more important -- more sternly  
5 than burglary. Homicide more so than robbery. Sort  
6 of a subthesis that has gone through the whole week  
7 is that the nature of our criminal justice problem  
8 is also not just the type of crime that is being  
9 committed but the age group.

10 If we were rebuilding a punishment model,  
11 would we build in something that punished an age  
12 group more severely and is not purely based on the  
13 crime, so that -- so much of our criminal justice  
14 problem -- I'm not expressing this very well -- but  
15 so much of our criminal justice problem is comprised  
16 of 17- to 28-year-olds and not 35- to 50-year-olds  
17 but nothing in our punishment model incorporates  
18 age. If anything, we're built on a model that  
19 ignores the severity of that problem.

20 If you were rebuilding a criminal justice  
21 model from scratch, would you punish more on the  
22 basis of age and build that in with the crime model?

23 MR. ZIMRING: Okay. Let me ask for one  
24 clarification. You mean would you incarcerate more  
25 on the basis of youth, don't you, or youth and risk

1 related to each other?

2 ATTORNEY GENERAL KOSTER: I think --

3 MR. ZIMRING: Because we do have very  
4 different systems. We have a juvenile system, which  
5 people have been yelling at from the right, is a  
6 revolving door and yet the paradox is that when you  
7 look at short-term repetitions, that looks like a  
8 highly-active group at their peak of performance.

9 My short answer to you is: No, I wouldn't  
10 for a whole series of reasons which have to do with  
11 why those statistics are misleading and a little bit  
12 more reassuring than you think.

13 Kids are very active no matter what they're  
14 doing: video games, attempted burglary. When you  
15 look at arrest statistics you see very high youth  
16 populations but that's also misleading and very  
17 different when you look at, for instance, serious  
18 violence. Kids are only about 9 1/2 percent of all  
19 homicide arrests, even though they're 14 percent of  
20 all assault arrests, even though they're 23 percent  
21 of all robbery arrests, even though they're  
22 33 percent of all auto theft arrests. So at the  
23 very deep end they turn out not to be as dangerous  
24 even on aggregate crime statistics.

25 The second thing that is interesting about

1 those statistics, is that they widely overstate the  
2 number of crimes that young kids are responsible for  
3 and the reason they do that is something else that  
4 we all know about kids: They never do anything  
5 alone. They get arrested in groups. Eighty percent  
6 of all the kids that are arrested for felonies in  
7 juvenile court weren't doing it alone.

8           And here's the problem: that's not  
9 necessarily true with burglars who are 28 and 29.  
10 For that gang, one guy is arrested for one burglary  
11 and then three kids are arrested for another  
12 burglary and then it looks like 75 percent of your  
13 burglaries, if you use the arrest statistics, are  
14 kids. But actually it isn't. It's half there. So  
15 that's reason number two, that there's a bit of an  
16 overestimate.

17           But reason number three is the real reason we  
18 use the revolving door system in the juvenile court.  
19 I'll tell you the juvenile court's dirty little  
20 secret here. We do lock up kids. We just don't  
21 lock up kids for very long. And the reason we don't  
22 is that we have another theory of how youth crime  
23 can get resolved when we are dealing with a 16- or  
24 17-year-old offender and that is there's another  
25 cure for youth crime. It's called growing up.

1           Now, what does growing up mean? It doesn't  
2 mean getting into an IBM trainee program. We're  
3 talking about kids seriously on the streets in St.  
4 Louis. But what it does mean is you stop hanging  
5 out with guys and you start hanging out with girls  
6 and you start trying to get -- and all of that turns  
7 out to have real career-criminal change  
8 opportunities in community settings so that the  
9 risks that the juvenile system are really making are  
10 risks involved in letting kids have second and third  
11 and fourth chances. That's how you get those  
12 statistical patterns, to grow out of it. Which, by  
13 the way, most of them do. And that is a very  
14 expensive process because you have to tolerate very  
15 high individual rearrest projectors, but it is a  
16 tolerance process that at least makes sense.

17           We did have, in the early 1990s, an emergency  
18 with respect to youth crime that was quite  
19 distinct -- and I just actually finished writing an  
20 account of it, which I will inflict on your  
21 office -- when all of a sudden the number of kids  
22 arrested for killing people tripled in nine years  
23 and then went down just as fast.

24           When what happens is that you really have a  
25 serious body count associated with the very young

1 ends of an offender population, you have to throw  
2 away the wait-for-them-to-grow-up playbook. That  
3 did happen for a while in the United States and then  
4 got undone. Not as the result of justice policies  
5 but what looks very much as the regression toward  
6 the need. We all changed our transfer and  
7 notification policies but the only thing that  
8 happened is that the percentage of homicides,  
9 committed by young offenders, went back to what it  
10 had always been in the previous 50 years. It didn't  
11 break any new low ground.

12 So that my guess is that if the conditions of  
13 2013 persist, we can still locate the style of our  
14 involvement with most of the young offenders, high  
15 rates of recidivism notwithstanding, in community  
16 areas. That gives them a chance to grow out of  
17 processes which lead to those extremely high  
18 transitional rates. It's not a chance that they're  
19 going to succeed in all situations but it's exactly  
20 like one other group here where the imprisonment  
21 turns out not to be a policy of first choice.

22 Drug treatment for cocaine and heroine  
23 offenders. When you look at the individual success  
24 rates of anybody going to any drug treatment  
25 program, they look lousy. Two-thirds fail. But if

1 you keep trying -- do we have any former smokers in  
2 this room, cigarette smokers? Other than me, just  
3 one or two. Oh. Well, funny thing is Mark Twain  
4 once said quitting smoke is easy, I've done it  
5 hundreds of times. But if you keep trying you quit  
6 smoking. And the rate of adult cigarette smoking in  
7 the United States has gone down by a little bit more  
8 than half over 35 years. We've also buried an awful  
9 lot of people from lung cancer and heart disease who  
10 didn't quit.

11 So like youth crime and drug treatment, it  
12 has its costs but it is a story. It is a strategy  
13 that we have that is somewhat less expensive than  
14 imprisonment and which doesn't sacrifice as much of  
15 the life chances of the population at risk.

16 ATTORNEY GENERAL KOSTER: Chief Forte'?

17 POLICE CHIEF FORTE': I just want to say  
18 thank you. You've caused me to challenge some of my  
19 assumptions. This is the first time I have heard  
20 some of that, so I appreciate that and I'll contact  
21 you, I would like to discuss some more things.

22 MR. ZIMRING: Super. Could you write a  
23 note to my students?

24 ATTORNEY GENERAL KOSTER: Chief Fitch?

25 POLICE CHIEF FITCH: How about a

1 hypothetical? So you're a police chief tomorrow and  
2 you have a violent crime problem in your community,  
3 what one thing -- if you're unbridled by expense or  
4 staffing issues -- what one thing would you do if  
5 you're a new police chief tomorrow to address that  
6 problem in your community, based on all your  
7 research and knowledge?

8 MR. ZIMRING: Okay. Well, now see, I  
9 have been studying violent crime for a long time and  
10 they come in all sorts, so tell me a more specific  
11 story.

12 POLICE CHIEF FITCH: You have young  
13 people running around your community with illegal  
14 guns shooting each other.

15 MR. ZIMRING: Okay. That's -- the first  
16 thing that I do, without using the Robert's Rules of  
17 Order, is to go after the guns and go after the guns  
18 big time. And I was teasing ceasefire by saying,  
19 you know, there are three different kinds but it's  
20 very funny, particularly if we're talking about that  
21 spike in youth gun -- that spike in youth killings  
22 in the period from 1985 to 1994 when it all tripled.  
23 105 percent of it was guns. That is to say -- the  
24 number of knife killings actually went down  
25 slightly. That is a terrible combination and that's

1 the combination where, even with very high removal  
2 costs, even if it costs me \$50,000 in my budget to  
3 remove one loaded handgun from a young offender  
4 situation, I would spend it. That's almost a full  
5 man year of effort because the problem is when you  
6 have that combination, the odds of that weapon  
7 getting in serious trouble are very high. I'm  
8 talking not about guns that are in people's homes  
9 now. I'm talking about guns that get on the street.

10 POLICE CHIEF FITCH: I'm talking about  
11 idiots with illegal guns.

12 MR. ZIMRING: You have to remove them  
13 from the kids. Now, how do you do that? First of  
14 all, you're going to trade a lot of immunities for  
15 other things to the kids to get them to rat on where  
16 the guns are. Then you're going to have to spend  
17 lots of manpower. Lots of manpower.

18 Third thing is it's very frustrating because  
19 you take one gun and how long does it take for a  
20 another one to show up? Although, it's not quite as  
21 easy. Thank God most young offenders aren't  
22 geniuses. I take it that's a secret.

23 POLICE CHIEF FITCH: It's the same way  
24 everywhere.

25 MR. ZIMRING: But it's very frustrating,

1 but if you're in this life-saving business, that's  
2 what it is.

3 POLICE CHIEF FITCH: So I can assume,  
4 based on what you said, you're okay with the  
5 stop-question-frisk issue?

6 MR. ZIMRING: I will give you a piece I  
7 wrote the day the decision came out. I support the  
8 concentrations and they have to be 90 percent  
9 minority because that's exactly where the  
10 life-threatening violence is. What New York City  
11 was probably doing wrong, as far as I'm concerned,  
12 is two things they didn't have to do.

13 One is that those stops became exercises in  
14 testosterone domination. If you've ever heard the  
15 tapes of what the New York City cops were saying to  
16 the offenders, there was a lot of what would be  
17 considered gratuitous disrespect that went on.

18 Secondly, it's an awful lot of like all sorts  
19 of police situations. There are two separate  
20 questions in training cops. One is can you start,  
21 can you start a stop? And I think the answer is  
22 yes. Secondly, if there are a lot of guns in an  
23 environment, lots of stops are going to involve  
24 frisks because of officer safety but then the  
25 question is: Do they stop in time or do they

1 continue on?

2           And the second thing, which my reading of the  
3 New York enterprise leads me to worry about it, is  
4 that the cops kept going in circumstances where they  
5 could be trained to not only be more polite but to  
6 disengage, in the cases where the results were  
7 negative, earlier and more politely. But, yes, I  
8 would keep doing it.

9           ATTORNEY GENERAL KOSTER: Mayor James?

10           MAYOR JAMES: Well, I kind of share your  
11 idea about going after the guns, but in this State  
12 we can't go after guns, at least not at the city  
13 level. Our authority at the city level is preempted  
14 by the state, which, let's just say, has a tendency  
15 to revert back to the old Wild West except for the  
16 fact that in some Wild West cities they made you  
17 leave your guns at the sheriff's office when you  
18 went into town. We don't do that.

19           So going after the guns, although it sounds  
20 like and I believe is a logical thing to do when  
21 we're talking about gun-related violence, that is an  
22 impossibility under the current set of law here.

23           MR. ZIMRING: But not for young  
24 offenders because they're always -- if they're  
25 carrying, they're violating.

1                   MAYOR JAMES: Well, not -- I'm sorry,  
2 what did you say, previous offenders?

3                   MR. ZIMRING: I said also young  
4 offenders.

5                   MAYOR JAMES: Well, if they have a  
6 previous record and you can show that they're in  
7 possession of a weapon, yes, but if they don't have  
8 a previous record and they're of age they can be --

9                   MR. ZIMRING: Carrying a concealed  
10 weapon without a permit?

11                   MAYOR JAMES: Yeah, you can have a  
12 concealed -- you can have a weapon in your vehicle  
13 with no license, no carry permit at the age of 21  
14 and drive around with it on your seat and there's  
15 nothing that the law could do.

16                   MR. ZIMRING: Well, at that point I  
17 might be looking at law enforcement help-wanted ads  
18 in other jurisdictions. That's tough.

19                   MAYOR JAMES: That's kind of the  
20 thought. So, we need to look at how do we go after  
21 guns within the matrix but it would only be a matrix  
22 if there were actually laws but how do we go after  
23 the guns in the circumstance of the State of  
24 Missouri where basically everybody has a right to  
25 carry a gun above the age of 19?

1 ATTORNEY GENERAL KOSTER: Twenty-one.

2 MAYOR JAMES: Twenty-one.

3 MR. ZIMRING: You see, that's a big  
4 difference. That's a big difference. Then you go  
5 after the under 21. But what I'm not going to tell  
6 you is that that's going to make your life any  
7 easier.

8 MAYOR JAMES: Right.

9 ATTORNEY GENERAL KOSTER: Mayor Slay?

10 MAYOR SLAY: Yes. Professor, it's good  
11 to have you in St. Louis, really enjoyed your  
12 presentation and a number of surprises as you  
13 described them.

14 In your work, in terms of measuring the  
15 increase in the effectiveness -- measuring the  
16 increase in the effectiveness of adding more police,  
17 and when there's a huge increase in the number of  
18 police, did you look at what other -- what impact  
19 that had on other components of the criminal justice  
20 system, specifically prosecutors, defense attorneys,  
21 the courts, those kinds of things?

22 MR. ZIMRING: Okay. Yeah. In New York  
23 it didn't have much and for two or three important  
24 reasons. Major felony arrests were relatively  
25 stable and prosecutors and apparatus -- remember

1 that I already told you that while the imprisonment  
2 rate was going up everywhere else, jail and  
3 imprisonment rate, all during that 19 years in New  
4 York at its peak, it was up 15 percent. So it was  
5 up about a third as much of the United States over  
6 time. So that you didn't get the classic  
7 push-throughs that would come with more cops, partly  
8 because of what the cops were doing and partly  
9 because there had been expansions in other parts of  
10 the system earlier in the late 1980s.

11 Remember that we went through probably the  
12 most disheartening period ever in American criminal  
13 justice was from 1985 to about 1990 because we had  
14 already doubled the prison population of the United  
15 States over the periods of the 1970s and the early  
16 1980s, crime had started down early in the 1980s and  
17 then turned around from 1985 to '90. So New York  
18 had already done that and New York had some really  
19 bad laws.

20 The Rockefeller Drug Laws were about as  
21 inflexibly sticky as any on the books of any state  
22 in the union. So -- and there wasn't much more  
23 being pushed through the system. What they did was  
24 spend more time on the street, stop a lot of  
25 citizens and here we have another problem and I can

1 say it outloud because Ray Kelly has gone back to  
2 New York, Rick Rosenfeld talked about rates of  
3 stopping and frisking by filled-out U250 forms and  
4 what you see is an explosive increase in the period  
5 after 2000. I am very suspicious of that for two  
6 reasons.

7 One of them is that's where cops were being  
8 laid off not added. The cops -- 41 percent of the  
9 cops that were added, were added in the 1990s. The  
10 peak number of officers was 1990.

11 The other reason I am suspicious is that a  
12 highly critical report on stop and frisk came out in  
13 the attorney general's office in, guess what, 1999.  
14 So what I think happened is that stops and frisks  
15 that were going on all the time became reported in  
16 the U250s much more frequently and were missing the  
17 timing of it.

18 And that gets back to your question because  
19 it might suggest that we may not really be studying  
20 the right period to see what those down-screen  
21 implications would be if what we're doing is just  
22 talking about the policing statistics.

23 MAYOR SLAY: Because it seems to me, and  
24 I'm not a criminologist or statistician, but the  
25 thing that, you know, just for me is hard to

1 understand is how if you put so many more cops out  
2 on the street, they're doing more investigations,  
3 they're going to be catching criminals, they're  
4 going to be charging more of them, I assume, with  
5 offenses, yet crime is going down and there are  
6 going to be more of them in the system that are  
7 going to have to be prosecuted, that are going to  
8 have to be defended, that are going to have to go to  
9 court or trial and I just want to get your thoughts  
10 on that.

11 MR. ZIMRING: By in large, that didn't  
12 happen. What you got was there were two different  
13 sets of arrest numbers. Misdemeanor arrests doubled  
14 in New York City over this period of time. That  
15 would be your theory. But the problem is that  
16 neither cops or the prosecutors cared much about  
17 them. The reason the cops were doing it -- for  
18 instance, marijuana arrests went from 1400 to 55,000  
19 in eight years and New York had a very weird  
20 marijuana law. You had to be publically displaying  
21 it in some way for it to be illegal.

22 Now, why did the police make those arrests?  
23 For very good reason that had nothing to do with  
24 marijuana. They wanted to get the fingerprints of  
25 people, that looked to them like robbers and

1 burglars, to see if there were warrants out. So  
2 that they use that arrest pretextually.

3 Now, that did create a real pressure on one  
4 set of criminal justice resources: jail. Because if  
5 you book somebody, then they're going to spend the  
6 night in jail. After that, why on Earth should a  
7 prosecutor care about that case? If the guy had a  
8 felony warrant, they'll go after the felony. If he  
9 didn't, game over.

10 So because the misdemeanor process was so  
11 highly concentrated there, it didn't create a lot of  
12 judicial or punishment resource pushes. The felony  
13 charges started going down by about 1993 or '94.  
14 And one of the areas where the cops took off the  
15 pressure was possession of narcotics felonies.  
16 Those are the ones that can expand infinitely if you  
17 want them to. But they did not.

18 Now, what I would say, given the New York  
19 experience in terms of what's on your mind, is this:

20 If St. Louis were to behave like New York, you  
21 wouldn't see that. But there's no reason to believe  
22 that the local system would behave that way and so  
23 the kinds of down-screen pressures that you're  
24 talking about if you get a different pattern of  
25 police activities and a larger number of felony

1 prosecutions, particularly in areas which are very  
2 sensitive to police resources -- now, drugs is a  
3 wonderful one there because, you know, drug  
4 offenders -- you find out about a burglary because  
5 the victim calls it in. You find out about  
6 possession of heroine because the police have got to  
7 find somebody possessing heroine. So that's much  
8 more sensitive to police resources. If that's what  
9 the cops are going to do, then I think you can  
10 expect that. That's not what Bill Bratton's  
11 CompStat program did and, therefore, those impacts  
12 didn't happen.

13 ATTORNEY GENERAL KOSTER: County  
14 Executive Dooley, final question?

15 MR. DOOLEY: Let me say a couple of  
16 things. (Inaudible. Microphone was not turned on.)  
17 Then you said that at some point kids are going to  
18 be kids, they're going to grow out of it. That's a  
19 large statement of society as well. They grow out  
20 of the situation.

21 Then you indicated that -- certain things I'm  
22 opposed to. Question and frisk, I think it's too  
23 intrusive. I think that's not where we need to go.  
24 But I think as a community you got to figure out  
25 what it is we're trying to accomplish and what the

1 end result is going to be. If it's gun legislation  
2 or gun issues, violence or if it's drugs or if it's  
3 poverty or sometimes people say you can clean up a  
4 community by just, for example, make sure the vacant  
5 houses are torn down, not being utilized or clean up  
6 the place. I'm trying to figure out there must be a  
7 comprehensive strategy.

8           Some people indicate that if a kid can't read  
9 by the age of -- by the grade of four, they're going  
10 to be in prison. All of these things went through  
11 my mind as you were talking about all these  
12 scenarios. So I'm thinking, in my own mind, there  
13 has to be comprehensive scenarios that you have on  
14 different levels to not only affect what's going on  
15 right now but what it's going to affect in the  
16 future. Comment?

17           MR. ZIMRING: I guess if we were having  
18 this discussion 20 years ago, I would have agreed  
19 with you but there's a real hazard in being an  
20 empirical -- the social science and that is that I  
21 think what I learned from New York is -- look, if  
22 you think that New York City had a comprehensive  
23 plan on crime, I have got a wonderful book for you  
24 to read.

25           They were absolutely desperate and they

1 didn't know anything about what day one was going to  
2 be. They expanded, with help from the governor, the  
3 police force by 5,000 officers. So how many St.  
4 Louis' did they add to their police force? Okay.  
5 They did that because they were desperate and they  
6 didn't know what was going to happen and this stuff  
7 evolved. That's the first step.

8           The second one is there's a lot of stuff that  
9 didn't change in New York. The schools are lousy in  
10 New York City and they are just as bad now as they  
11 were then. The job market, particularly outside of  
12 Manhattan -- and remember more than 80 percent of  
13 New York City isn't Manhattan -- the job market for  
14 poor, young men was dreadful all during this period.

15           The changes that took place in this city were  
16 very superficial in people's lives but those very  
17 superficial changes dropped robberies: 84 percent;  
18 burglaries: 86 percent; homicides: 82 percent, when  
19 the book came out, and now closer to 86 percent  
20 because they kept dropping.

21           So what I found out, what I think I have  
22 learned, is that you don't have to have a  
23 comprehensive plan. The bad news is that life is  
24 only better in New York City because crime isn't a  
25 problem. It isn't better for the poor in New York

1 City and a lot of other dimensions. But it turns  
2 out that violent crime is a very regressive tax on  
3 the poor anyway. And that the life -- the death  
4 rate between 15 and 24 for black and Hispanic young  
5 men dropped by more than half, not the homicide  
6 rate, the death rate from all causes because of how  
7 high their homicide rates had been and how much they  
8 dropped. So that even superficial changes made  
9 tremendous changes in crime.

10 It is not a fact, apparently, that our levels  
11 of violent crime are an organic expression of  
12 something deep and structural in the social urban  
13 fabric. If they were, you couldn't get these  
14 results with only superficial changes.

15 So now, obviously, the data has got to be  
16 right. Obviously, this is something we should start  
17 testing rigorously in other settings. But if it is  
18 right, in many ways given how hard it is to be  
19 comprehensive, Lord, it's good news to find out that  
20 crime is a superficial problem.

21 ATTORNEY GENERAL KOSTER: Professor,  
22 thank you so much for an extraordinary presentation.  
23 We are honored by your presence.

24 A lot of people went into bringing this  
25 conference together over the last four days. A few

1 of them: Joan Gummels, Lauren Barrett, Nancy and  
2 Eric from the press office. Thank you to everyone  
3 at St. Louis University and everyone else who had a  
4 hand in this.

5 Thank you to the panelists for taking so much  
6 time making this possible. And thank you to all of  
7 you for your interests. We will have the -- all of  
8 the testimony on the web within about a week and a  
9 half. We will have a report done by the end of  
10 November.

11 And, again, I just want to express my  
12 gratitude to everyone on the panel for the time that  
13 you have put into this. We will get back together  
14 soon. Thank you, everyone.

15 - - - - -

16 (Conference concluded at 1:43 p.m.)

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CERTIFICATE OF REPORTER

I, Suzanne Zes, within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

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Court Reporter

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