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1 IN THE SENATE

BY RODEY, SZYMANSKI, ABOOD, KELLY,
FAIKS AND ELIASON

2

SENATE BILL NO. 80

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to fingerprinting and photographing
runaway minors; and amending Alaska Rule of Chil-
dren's Procedure 24."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. AS 47.10.141(b) is amended to read: *Runaway*

11

(b) A peace officer shall take into protective custody a minor

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described in (a) of this section if the minor is not otherwise subject

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to arrest or detention. The peace officer shall honor the minor's

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preference to either (1) return the minor to the legal custodian or

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(2) take the minor to an office specified by the Department of Health

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and Social Services or a facility or contract agency of the depart-

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ment. If an office specified by the department or a facility or

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contract agency of the department does not exist in the community, the

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officer shall take the minor to another suitable location and promptly

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notify the department. A minor under protective custody may not be

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housed in a jail or other detention facility. Immediately upon taking

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a minor into protective custody the officer shall advise the minor

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orally and in writing of the right to social services under AS 47.10.-

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142(b), and, if known, the officer shall advise the legal custodian

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that the minor has been taken into protective custody. AS soon as

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practicable after taking a minor into protective custody, and before

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returning the minor to the legal custodian, a peace officer shall

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accompany the minor to a location specified by the department and

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shall have the minor fingerprinted and photographed. The fingerprints

no in automated systems

1 and photograph shall be retained by the peace officer's law enforce-
2 ment agency.

needs to be automated

3 * Sec. 2. AS 47.10.141(b), as amended in sec. 1 of this Act has the
4 effect of amending Alaska Rule of Children's Procedure 24, by allowing
5 fingerprinting without court order of minors in custody.

TITLE: An Act relating to fingerprinting and photographing runaway minors. CONTACT: James D. Vaden Deputy Commissioner

DEPARTMENT OF PUBLIC SAFETY

Passage of this legislation would allow law enforcement agencies to fingerprint and photograph runaway minors taken into protective custody. The apparent intent of SB 80 is to provide law enforcement with a means of quickly identifying repeat runaway minors so that they may be returned to their homes or a facility specified by the Department of Health and Social Services.

During 1986, approximately 1,033 children under 18 years of age could have been fingerprinted under the provisions of SB 80 (information provided by our Criminal Investigations Bureau and the Anchorage Police Department's Missing Children's Unit). There is no central recording of statistics on minors; therefore, the information is sketchy and difficult to obtain.

Children under the age of 14	215
Children 14 to 18 years of age . . .	818
	<u>1,033</u>

Fingerprints of children under the age of 14 would be maintained in a manual file system. These prints will not be entered into the AAFIS data base, as children under the age of 14 grow rapidly, and the programming of AAFIS will only accept an 18 percent difference in size when making identification.

Prints of children between the ages of 14 and 18 would be stored in the AAFIS data base and generally handled the same as any other fingerprint card.

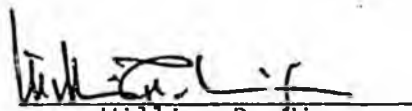
These fingerprint cards and photographs would be maintained in a central location -- with the AAFIS.

The department feels that fingerprints and photographs maintained under SB 80 would only be useful in identifying chronic runaways. This is because fingerprints and photographs would be taken only after finding and taking a runaway into custody.

Further, the department would need to obtain permission from the courts prior to distributing these documents. AS 47.10.090 would limit distribution of fingerprints and photographs.

The department feels that the usefulness of fingerprints and photographs maintained under SB 80 would be severely limited, and therefore not cost effective.

At present, police agencies can request photographs from the parents. The Department of Law should be contacted to determine the constitutionality of fingerprinting someone who has not committed or been accused of committing a crime.


William R. Nix
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 80

Publish Date: _____

REQUEST

Revision Date: _____

Title: An Act relating to finger-
printing & photographing of minors

Sponsor: Sen. Rodey

Requestor: Senate HESS

Agency Affected: Public Safety

BRU: Administration & Support

Components: Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	13.0	13.4	13.8	14.2	14.6
TRAVEL						
CONTRACTUAL		.4	.4	.4	.4	.5
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	13.5	13.9	14.3	14.7	15.1
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS	0	13.5	13.9	14.3	14.7	15.1
FEDERAL FUNDS						
OTHER						
TOTAL	0	13.5	13.9	14.3	14.7	15.1

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary) This Clerk III, permanent part-time, will be used to process, analyze and maintain fingerprints associated with the increased workload that will be created in AAFIS if SB80 is enacted.

Prepared by: JM Jos Mapranath, Director

Division: Administrative Services

Phone: 465-4336

Date: 2/27/87

Approved by Commissioner: [Signature]

Agency: Public Safety

Date: 2/27/87

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

Position Title Clerk III		No. of Positions 1	Range/Step 8/A	Barg. Unit GCJ
Time Status PPT	Staff Months 6.0 months	Location Anchorage		Election District 7-12
Justification				<p>This Clerk III, permanent part-time position, will be used to process, analyze and maintain fingerprints associated with the increased workload that will be created in AAFIS if SB 80 is enacted.</p> <p>In addition to Personal Services, \$400 is projected for minimal contractual communication costs and \$100 is projected for minimal office supply costs.</p>
Type of Expenditure		Amount		
1	2	3		
Salary	9.8	////////////////////		
Benefits	3.2	////////////////////		
Premium Pay		////////////////////		
Other		////////////////////		
Other Personal Services	////////////////////	13.0		
Travel				
Contractual		.4		
Commodities		.1		
Equipment				
Other				
Total Cost		13.5		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	13.5		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
////////////////////				
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REQUEST FOR
NEW POSITION

Agency Public Safety
 BRU Admin & Support
 Component Administrative Services

Page 2 of 2
 Revised Date

FY 88

POSITION PAPER

SENATE BILL NO. 80

For an Act entitled: "An Act relating to fingerprinting and photographing runaway minors; and amending Alaska Rule of Children's Procedure 24."

The apparent intent of SB 80 is to make runaways easier for law enforcement agencies to locate and identify so that they may be returned safely and promptly to their homes. Additionally, the bill seems intended to facilitate positive identification of child victims of violent crimes by making fingerprint and photograph records of certain high risk youth available to police. The method employed to accomplish these goals would be fingerprinting and photographing of runaway youth who have been located and taken into protective custody by police.

Analysis

SB 80 would fail to achieve its apparent intent for several reasons:

1. Identifying information would not be available to police in searching for runaways because police would fingerprint and photograph youths only after they were found and taken into custody;
2. identifying records on the vast majority of runaways would not be available to police because police locate and take into protective custody only a small fraction of runaway and missing youth; and
3. police could not routinely disseminate identifying records or enter them into the Alaska Automated Fingerprint Identification System or nationwide computer network without first obtaining court permission. Though court permission would likely be readily obtained, confidentiality requirements of AS 47.10.090 limit routing dissemination of information.

In general, the usefulness of fingerprint information obtained under the provisions of SB 80 would be limited to identifying child victims of violent crimes. And, the usefulness of fingerprint records as positive identifiers of children under age 18 is limited on a long term basis due to size and changes which occur in the growth process. Few, if any, runaway youth are located on the basis of fingerprints. Photographs would be more useful in locating runaways but because police would photograph only those youth taken into custody these records would be useful only in locating chronic runaways.

Department Position

The Department supports the provision of timely and useful information to police agencies to aid them in locating runaway youth. However, such information could be better provided under present law on a voluntary basis. Parents may now have fingerprint records and photographs of their children made voluntarily as a precautionary measure and may provide them

to police if necessary to aid in locating a runaway or missing child. These actions, if taken by parents, would make identifying information available to actually help police locate the child rather than being available to police only after the child is found as contemplated under SB 80. In addition, records may be made voluntarily on any child, not only those who are chronic runaways or are taken into custody by police, These voluntary measures then are more useful and have potential for application to a far greater number of children than those proposed in SB 80.

Also, fingerprints and photographs of children may be taken involuntarily under current law and Children's Rule 24 with court permission "... where identification of the child appears necessary for the safety of the child..." This presently allows police agencies to obtain records to identify chronic runaways where parental permission cannot be obtained or is refused. It also achieves the same purpose intended by SB 80.

The Department opposes SB 80 as unnecessary and an ineffective means of locating runaway or missing youth. The purpose intended by SB 80 can be achieved better under present law on a voluntary basis. When necessary, records to aid in location and identification of high risk youth or victims of violent crimes can be made involuntarily.

RECOMMENDED:

Yvonne M. Chase
Yvonne M. Chase, Director
Division of Family
and Youth Services

DATE:

March 6, 1987

APPROVED:

Myra M. Munson
Myra M. Munson, Commissioner
Department of Health
and Social Services

DATE:

March 6, 1987

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: Senate Bill No: 80
Publish Date: _____

REQUEST: _____

Revision Date: _____

Title: An Act relating to the finger-
printing and photographing of runaway minors.

Sponsor: Rodey, et al.

Requestor: _____

Agency Affected: Health & Social Services

BRU: Social Services

Youth Services

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This fiscal note is based on the understanding that the Department will not have to fingerprint and photograph runaways. If the Department has to fingerprint and photograph all runaways, then a revised fiscal not would be submitted.

Prepared by: Yvonne M. Chase, Director *VMC* Phone: 465-3170
Division: Division of Family and Youth Services Date: 03-06-87

Approved by Commissioner: *Myra M. Munson*
Myra M. Munson, Commissioner Date: 3-6-87
Agency: Department of Health and Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 80
Publish Date: _____

Revision Date: _____

Agency Affected: Administration
BRU: Office of Public Advocacy

Title: "An Act relating to finger-printing & photographing runaway..."

Sponsor: Rodey, Et. Al.

Components: _____

Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-684
Date: 2/22/87

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 2/27/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version : SB30
Publish Date : _____

REQUEST: _____

Revision Date: _____ Agency Affected: Department of Administration
Title: "An Act relating to fingerprinting and photographing runaway minors;" BRU: Public Defender Agency
Sponsor: Rodey, et al. Components: _____
Requestor: Senate Judiciary/Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER						
TOTAL		-0-				

POSITIONS:

FULL-TIME		-0-				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: Dana Fabe, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: February 20, 1987

Approved by Commissioner: [Signature]
Agency: Dept. of Administration

Date: 2/22/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

POSITION PAPER
SB 80

This bill mandates that minors taken into protective custody shall be fingerprinted and photographed.

The enactment of this legislation would have no impact upon Office of Public Advocacy programs.

The Office of Public Advocacy takes no position with respect to this legislation.

Brant McGee

Brant McGee
Public Advocate

2/23/87

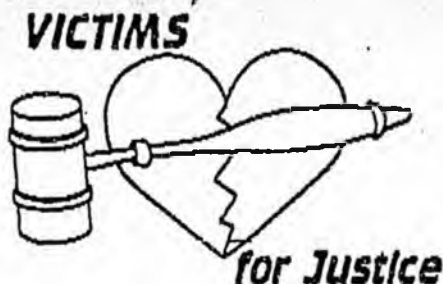
Date

Garrey Peska

Commissioner Garrey Peska
Department of Administration

2/27/87

Date



March 5, 1987

The Honorable Senator Pat Rodey
 Pouch V
 Capitol Building
 Juneau, Alaska 99811

Dear Senator Rodey,

The Associated Press printed a study that predicted that in the 1990's youth violence will rise. It is up to you legislators to start moving towards legislation that will prevent such statistics. Many castaway youth begins when they start to run and learn how to survive on the street. This is a relatively small percentage of the population. The havoc they cause for themselves and others can be tragic. Lets deter these youth when they begin this lifestyle not wait until they become criminals.

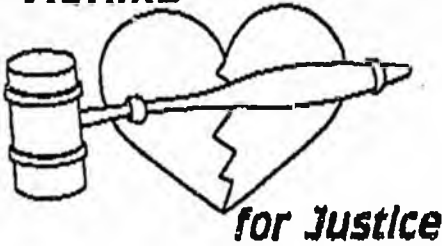
Our philosophy of rehabilitation is not working because we are trying to protect these youth offenders from their own demise. They do not have to pay an effective consequence for their overt actions of running away, stealing, drugs etc.

Youth offenders can only be helped when they have to face up to their problems. These offenders particularly will not be stopped unless the consequences are embarrassing or severe enough. Youth offenders want and need peramitors. If the family does not give them any peramitors than our laws better, especially when they start effecting innocent people.

Please lets stop our youth offenders when crime begins not after the fact.

SB 80 is the beginning of crime prevention and showing we care for these young people. Many young offenders will be stopped at this point because we will be able to catch those who runaway, which often leads to drugs, which leads to burglaries, etc. 80% of our burglaries are committed by under 18 year olds.

VICTIMS



Page 2 of SB 80 section 2 reads, "fingerprints and photograph shall be retained by the peace officer's law enforcement agency." These fingerprints need to be put into the main system. Our police have the most effective computerized fingerprinting system. The purpose is to deter and save our youth not another devise to protect them. I trust you will revise this section.

Thank you for your support and help in these serious issues.

Sincerely,

Janice Lienhart

Janice Lienhart

Janice

VICTIMS



GOVERNOR COWPER'S ADMINISTRATION WANTS TO:

...CUT THE DISTRICT ATTORNEYS BUDGET - prosecutes the criminal.

...GIVE MONEY TO THE PUBLIC DEFENDER - protects the criminal.

...LET CRIMINALS OUT OF JAIL EARLY - Officer Hanson was murdered last July by an early release prisoner.

...LAST YEAR

.....MURDERS UP 36%

.....CRIME UP 6.4% This is prosecuting criminals.

What will these statistics be next year if we cut back on the number of criminals prosecuted?

SAVE YOUR FAMILY BY GETTING INVOLVED

1. CALL GOVERNOR COWPER'S PUBLIC OPINION MESSAGE AT:
561-4228

2. WRITE: STEVE COWPER; GOVERNOR
P.O. BOX A
JUNEAU, ALASKA 99811

Other legislation most of Victims for Justice supporters feels is important for deterring crime:

We are working on getting a Violent Person's Act introduced which will not allow the state to release a 19 year old who is still considered unsafe to return to the community.

HB 55 Recriminalization of marijuana.

HB 2, SB 7, SB 31 Allows the voters to vote on the capitol punishment decision.

HB 106 Act relating to the payment of criminal fines and restitution.

VICTIMS



ANCHORAGE

...Has three times more runaways than other state of similar size.

...Average age is 14 1/2 years old.

...Becoming epidemic in Junior high schools- spreading to 6th grade.

...If a child decides he doesn't want to live at home or he doesn't want to go to school we have no way to force him to do so. Many have chosen not to and are living on the streets.

Our town has had many tragic murders committed by juveniles, such as the Faccio triple murders, Landsman murderer, youth raped and killed mother who was fishing...

...We need to communicate to our youth it is not safe for them to be loose on the streets.

...THE BEGINNING SOLUTION: SB 79 "An act relating to runaway children.

BURGLARIES

...Up 10% the first 6 months of last year.

...80% of burglaries committed by under 18 year olds.

...Our police have the most sophisticated equipment to trace burglaries. Until we can fingerprint felonious youth we cannot help stop crime where it begins nor protect you and me.

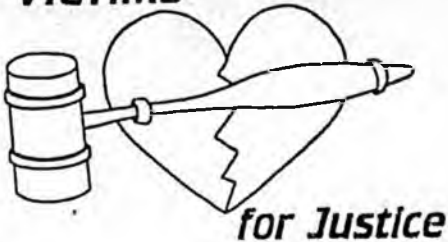
...THE BEGINNING SOLUTION: SB 37 Fingerprint felonious minors. SB 80 Fingerprint & photograph of runaway minors.

SAVE YOUR FAMILY BY GETTING INVOLVED

1. Call your legislator at 278-3668. They will tell you who he is if you are not sure.

2. Follow up with a hand written letter to:
Your Legislator
Pouch V
Juneau, Alaska 99811

VICTIMS



VICTIMS RIGHTS

The victims of violent crimes should have the same equal rights as the criminals.

1. If a crime is committed by a juvenile, the victim should have equal court access and access to the records for their healing.
2. A person who is convicted of a felon should forfeit his permanent fund money to help pay his court expenses.
3. The state should have the right to appeal a too lenient sentence as the defendant.

JUVENILE LEGISLATION

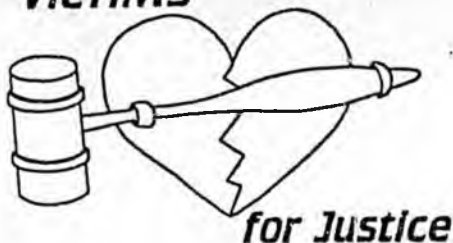
Juvenile fingerprinting

1. Over 80% of burglaries are committed by persons under 18. When picked up they should be fingerprinted and their fingerprints should be kept on file for burglary identification. When turned 18 if no further arrests the fingerprints would not be held against them for future employment, etc.
2. A youth with over two or more felony convictions should be detained, upon the third conviction he/she should be tried as an adult using the following criterion.

Criminologist, Peter W. Greenwood, recommends a repeated felon should draw a long-term sentence with any four of these seven variables:

1. Convicted prior to age 16.
2. Committed to a juvenile facility.
3. Used heroin or barbiturates within two years before the current arrest.
4. Used heroin or barbiturates as a juvenile.
5. Held a job less than one of the two years before his current arrest.
6. Had a prior robbery or burglary conviction.
7. Spent more than half the preceding two years in jail.

VICTIMS



RUNAWAYS

1. The Alaska Statutes concerning juvenile issues must establish criteria to define which child is running from responsibility apposed to the child who is running from abuse.

2. The young child under seventeen that is running from responsibility must be in protective custody. The family should have immediate counseling.

3. There needs to be a central place where the police can take runaways and would also become known to the children-in-need-of -aid. This facility should be open but also include a lock-down area. This facility should screen the child and than place them in the proper agency.

4. The Alaska Statutes must be revised so that the youth can no longer get the message that they make their own decisions above mom, dad, or guardian.

5. A child on the run who breaks into their parents home and steals from them can be prosecuted if the parents chose to do so.

DANGEROUS PERSONS ACT

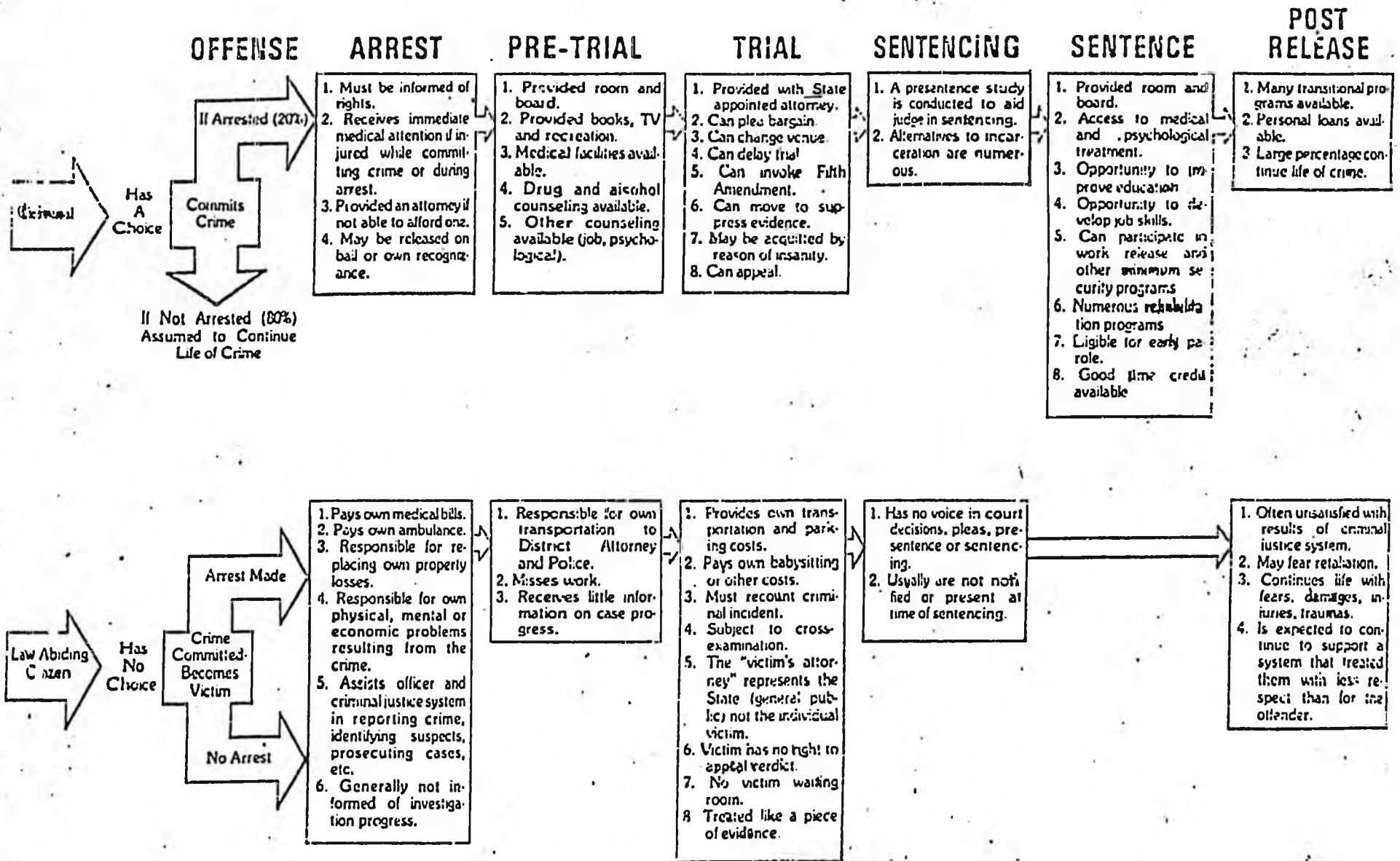
"If the date of discharge occurs before the expiration of a period of control equal to the maximum term prescribed by law for the offense of which he or she was convicted, and if the Youthful Offender Parole Board believes that unrestrained freedom for said person would be dangerous to the public, the board shall petition the court by which the commitment was made.

The petition shall be accompanied by a written statement of the facts upon which the board bases its opinion that discharge from its control at the time stated would be dangerous to the public, but no such petition shall be dismissed merely because of its form or an asserted insufficiency of its allegations; every order shall be reviewed upon its merits." From the California Welfare and Institutions Code Juvenile Court Law.

1. Any juvenile who is institutionalized for murder, rape, aggravated assault, or other forms of violence must be re-evaluated before released from the juvenile detention.

2. If not considered safe to return to the community, then the youth should be waived to adult facilities.

THE CRIMINAL INJUSTICE SYSTEM



Crime is still outrageously high, but now we have the means to reduce it

THE PROVEN KEY TO CRIME CONTROL

By EUGENE H. METHVIN

NEW YORK CITY Deputy Police Inspector John J. Hill was fuming as he studied the map of his new command, a two-square-mile, 130,000-population precinct in Brooklyn. He saw hundreds of red pins, each one denoting a robbery.

In October 1981, Hill ordered 90th Precinct officers to collect photographs and records of everyone arrested in the previous two years for robbery, or any other serious felony, who was now back "on the street." To focus more effectively on these criminals, the officers divided their rogues' gallery into seven neighborhood albums and added indexes of physical char-

acteristics, aliases and residences.

Analyzing these data, officers realized they were arresting the same offenders repeatedly, usually in the same neighborhoods. Soon robbery victims, instead of waiting days to view thousands of photos at the central police headquarters, were whisked to the 90th Precinct to study a few dozen pictures. Almost overnight, the precinct's officers were making arrests in an astounding *half* of all reported robberies, $2\frac{1}{2}$ times the New York Police Department's average.

Within six months, the 90th Precinct's robberies dropped over 40 percent. The plunge has now continued for four straight years, from 2223 in 1981 to 1187 in 1985. Bur-

*Hi Janice,
Thought you
might find this
of interest
Terry*

READER'S DIGEST

gularies and rapes have also declined sharply.

NATIONWIDE, America experienced an 11.5-percent drop in serious crime reported in the three years 1982-84—believed to be the largest decrease since FBI uniform crime reporting began more than 50 years ago. Several factors are involved in this decline. One is the Neighborhood Watch program in which citizens throughout the country are helping police fight crime. Another is that the crime-prone population of 15- to 19-year-olds has declined in the last decade. Most important, however, is our increasing attention to career criminals—identifying them as early as possible and locking them up. We have almost doubled our prison population in the last ten years.

But crime is still outrageously high. The rate per 100,000 people is nearly 50-percent greater than it was 20 years ago. Why? Because our legislators and law-enforcement officials have been slow to respond to new and proven methods of crime control. The nation has learned a number of strategic lessons about coping with lawlessness, and evidence suggests that we can achieve even greater reductions if we act vigorously.

Nasty, Brutal. Ten years ago, little was known about the rates at which individual criminals commit crimes. Since then, research has revealed that far more crime is committed by a smaller fraction of

offenders than anyone had suspected. This knowledge has helped police, prosecutors and judges sharpen methods for nailing these violent predators.

In 1978, University of Pennsylvania criminologist Marvin Wolfgang completed a first-of-a-kind study of virtually the entire population of 9945 males born in 1945 and raised in Philadelphia. Wolfgang's findings electrified the law-enforcement world: 627 of these young men, just under seven percent of the group, had collected at least five arrests before age 18, and they accounted for nearly two-thirds of all the violent crimes committed by the "Class of '45." Worse, these hard-core criminals admitted that, for each arrest, they got away with from 8 to 11 other serious crimes. Incredibly, even the 14 murderers among them averaged only four years behind bars.

When Wolfgang repeated the study on the 13,160 Philadelphia males born in 1958, the proportion of chronic offenders was virtually the same: 982 young men, 7.5 percent, collected five or more arrests before age 18. But there was a difference. The "Class of '58" was far more violent. Compared with the Class of '45, these youths had almost double the offense rate for rape and aggravated assault, triple for murder and a whopping five-fold for robbery. They are, says Wolfgang, "a very violent criminal population of a small number of nasty, brutal offenders. They begin

THE PROVEN KEY TO CRIME CONTROL

early in life and should be controlled equally early."

Superfelons. It would seem simple to say, "Lock 'em up," but the fact is the nation cannot afford to put them all away. If the Philadelphia ratios hold for the entire nation, we would have to keep 1.23 million young men in prison—more than double the present crowded population.

But research by the Rand Corporation indicates a way out of this dilemma, by providing a further breakdown of the crime-prone minority. Of 12190 prisoners questioned by Rand researchers, nearly all admitted to many more crimes than those for which they were convicted. But a tiny fraction of these career criminals proved to be extraordinarily high-rate offenders—superfelons. Half the burglars averaged fewer than six burglaries a year, while ten percent committed more than 230. Half the robbers committed five robberies a year, but ten percent averaged 87. Drug dealing was the most radically skewed: half the offenders averaged 100 deals a year; the upper tenth averaged 3251.

Thus, even chronic criminals are not a homogeneous lot; locking up one high-rate burglar for a year will prevent as many crimes as locking up 40 of the intermittent burglars.

Can we tell them apart? Experts say yes. The age at which offenders enter a life of crime and their use of drugs are two keys to identifying superfelons.

Males under age 18 commit perhaps as much as half of all serious crime in the United States. Arrest-record analyses and prisoner surveys demonstrate that high-rate predators begin by age 13 and hit their peak rates as robbers and burglars around 16. To Wolfgang, the factor that jumps out is the age at which these high-rate offenders commit their second serious offense. If they do it before 15, the probability is high they will commit dozens of offenses by age 30. He concludes: "After the third conviction, serious juvenile offenders should be considered adult criminals and treated accordingly."

Add Jan and Marcia Chaiken, who researched criminal behavior for Rand, "Offenders who support \$50 a-day heroin addictions or who use both alcohol and barbiturates heavily are especially likely to be persistent, serious, high-rate criminals."

Criminologists from Temple and Maryland universities agree. They found that 243 Baltimore addicts committed about half a million crimes over 11 years, averaging 2058 apiece, 187 a year.

Using the inmate responses from the Rand survey, criminologist Peter W. Greenwood has refined the superfelon profile. He believes that a convicted robber or burglar should draw long-term imprisonment if he matches any four of these seven variables: 1. Convicted prior to age 16. 2. Committed to a juvenile facility. 3. Used heroin or barbiturates

READER'S DIGEST

within two years before the current arrest. 4. Used heroin or barbiturates as a juvenile. 5. Held a job less than one of the two years before his current arrest. 6. Had a prior robbery or burglary conviction. 7. Spent more than half the preceding two years in jail.

Greenwood tested the validity of his seven-point profile against the sentences judges had given the 781 convicted robbers and burglars among Rand interviewees in California. His scale miscast as high-rate offenders only four percent of the intermittent offenders (who averaged five robberies a year) and mislabeled as low-rate offenders only three percent of the superfelons (who averaged 87 robberies a year). The judges, however, gave many more low-rate offenders long terms and superfelons short terms. Greenwood argues that his strategy of "selective incapacitation" would have allowed California in 1981 to keep 700 fewer convicted robbers behind bars, while reducing street crime by 27,150 robberies and saving \$10 million.

Encouraging Results. Impressed by the Rand and Wolfgang studies, many police departments and prosecutors are intensifying their efforts to arrest and convict young "heavies" who fit the violent-predator profile. Though some are resisting the idea, legislators in 20 states and the District of Columbia have made it easier to try young criminals as adults, subjecting them to tougher prosecution and longer incarceration.

The new emphasis is paying off. Consider these successes:

Washington State legislators, infuriated by cases such as the Seattle youngster released by juvenile judges 35 times after felony arrests, enacted a strict code in 1978. They ordered youngsters fingerprinted and photographed at each felony arrest, opened juvenile-arrest records to adult-court prosecutors and judges, and imposed stern sentences for repeaters. Before the 1978 reform, juveniles ran up an average of 7.5 felony arrests before incarceration. Now they go to prison after 3.5 arrests, and the number behind bars has doubled.

In 1983 the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) enlisted five police departments and 13 prosecutors in a campaign to identify and incarcerate high-rate juvenile offenders. Police interview school authorities and social workers, then consolidate police, court and probation records, and identify teen-agers who have multiple arrests but so far have managed to slip through the revolving-door juvenile-court and family-services systems. The preliminary results are encouraging.

The five police departments—ranging from Oxnard, Calif., (pop. 121,000) to Jacksonville, Fla., (pop. 578,000)—find they are repeatedly arresting a tiny minority of very active young criminals: only about 30 per 100,000 population. These individuals average just under 16

THE PROVEN KEY TO CRIME CONTROL

years old, generally have their first police contact at age 9, and rarely go three months without some collision with police. More than half commit violent crimes. A majority come from "crime families," in which parents and siblings have criminal records, and a large proportion are on drugs.

In Oxnard, for example, crime analyst Lynne Thayer traced robberies, burglaries and assaults for three months on a map of a 35-block high-crime neighborhood, using orange dots to represent residences of five identified high-rate juvenile offenders. Toward the end of the period, four of the five repeaters were jailed; the fifth went to jail two months later. In the second three months, the neighborhood's robberies, burglaries and assaults plummeted from 69 to 27.

Prison Works. City College of New York sociologist Robert Martinson tracked 400,000 criminals who went through special rehabilitation programs over a 25-year period. His stunning finding: seven out of ten who are convicted and then imprisoned or put on proba-

tion will never be arrested again; but none of the rehabilitation programs themselves curbed recidivism.

A century ago, Americans sent virtually every felon to prison. Today, even with our increasing use of imprisonment, only nine out of a hundred who are caught and convicted land behind bars. Declared Martinson: "That's where we went wrong. We abandoned a largely successful system of certain punishment in favor of all kinds of happy experiments where we told ourselves we did not have to be so nasty as to punish anybody."

More and more, studies like Martinson's are showing that while prisons may not rehabilitate, they do work as a deterrent. They also reduce crime by keeping the worst criminals away from society.

Concludes Alfred Regnery, administrator of the OJJDP: "The criminologists have given us important knowledge about who commits crime. If police, prosecutors and judges put it to work, we can vastly improve the fairness and effectiveness of our criminal-justice system, ease prison crowding and enjoy safer streets and homes."

To: Sen. Rick Halford
From: Maureen Weeks
Re: SB 80, SB 37 (Fingerprinting juveniles)

These bills are up in Senate HESS Friday.

You have read Janice Faccio Lienhart's comments about this bill.

Pudge Kleinkauf called to tell you her side:

Both bills are awful. Both violate the child's right to privacy. The child can be fingerprinted when arrested, without adjudication of any kind.

Pudge says Myra Munson is very concerned.

However, she says Myra has discussed a compromise with Sen. Fischer: once a child is adjudicated a delinquent, he can be finger printed. Munson is also working out language that differentiates between children under and over 16. The question is how long fingerprints can stay in the computer. The statutes at present purge records at age 18. The fingerprint bill is unclear about when records are purged, Pudge says.

Social workers cannot support the bill without two changes: right to privacy and purging records at age 18.

To: Sen. Rick Halford
From: Maureen Weeks
Re: Conversation with Janice Lienhart, Victims for Justice

Janice Faccio Lienhart is lobbying for the Runaway bill. She is concerned that runaways are learning that it is OK to commit burglaries and more serious crimes. She said Winona Fletcher had had contact with the law 7 times before she murdered Janice's parents.

She is concerned that 80% of burglaries are committed by juveniles and that we have no way to fingerprint and identify them.

She is also lobbying for someone to introduce a bill that would keep juveniles in prison after the age of 19 if they show tendencies toward violence and danger to the community. She told about two people -- a juvenile and an adult -- who robbed someone; the juvenile said "Let's kill her so she can't identify us". The adult said, "No. I don't want to spend the rest of my life in jail." She has language from California that does this.

She has five children. Over the years has taken in three "wounded" foster children. Her youngest child is the adopted baby of one of the foster girls who got pregnant 10 years ago.

She's an old friend - very nice woman.

*follow
up*

*we need to talk about
this one*