

SB

267

**Municipality
of
Anchorage**



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4433

Rick Mystrom, Mayor

OFFICE OF THE MUNICIPAL MANAGER

February 9, 1996

Senator Drue Pearce
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: S. B. 267

Dear Senator Pearce:

Thank you for sponsoring S. B. 267, regarding court hearings involving minors.

This bill offers an important reform to the way in which juvenile criminal activity is addressed.

Attached is an issue summary supporting the need for the proposed change.

Thank you again for sponsoring this legislation. If we can offer further information, please let me know.

Sincerely,

Tim Rogers
Legislative Program Coordinator

Letter from MOA

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUE**

Provide that hearings dealing with juvenile criminal offenders are generally open to the public but subject to closure, sealing and expungement after rehabilitation.

The Municipality of Anchorage seeks to change the presumption on which the keeping of juvenile criminal records and conduct of hearings rests.

Currently, the system works on a presumption that these records and hearings should be kept confidential and closed. Confidential records and closure of hearings is disfavored as public access will further the important goals of the system accountability; the insurance of truthful testimony; public education and awareness, particularly among the young whose belief in their invincibility is fostered by ignorance of the consequences to others; protection of victim's rights; and subsequent accountability for repeat offenders.

Those goals can be better fostered by a system that begins with the presumption that open record keeping and hearings should be the norm rather than the exception. Individuals who simply commit foolish mistakes or who are rehabilitated will be suitably protected by allowing after the fact sealing of the records.

Sponsor Statement

FISCAL NOTE

BILL NO. SB267

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Court Hearings Involving BRU: Family and Youth Services
 Minors _____ Component: Southeastern Region
 Sponsor: Senator Pearce COMPONENT SERIAL NO. 358
 Requestor: Senate (JUD) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	286.0	286.0	286.0	286.0	286.0	286.0
1003 GF Match						
1004 GF	286.0	286.0	286.0	286.0	286.0	286.0
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: 80.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.070 opening all juvenile delinquency hearings to the public would place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a) (8)). The state would lose \$286.0 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in the Southeast Region. The total cost to the Division of Family & Youth Services if this bill were to pass is \$7,625.9.

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 03/08/96

Approved by Commissioner: Karen Perdue, Commissioner Date: _____
 Agency: Department of Health & Social Services

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 For the Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB267

Revision Date: _____
 Title: Relating to Court Hearings Involving
Minors
 Sponsor: Senator Pearce
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Northern Region
 COMPONENT SERIAL NO. 255
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(507.4)	(507.4)	(507.4)	(507.4)	(507.4)	(507.4)
1003 GF Match						
1004 GF	507.4	507.4	507.4	507.4	507.4	507.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.070 opening all juvenile delinquency hearings to the public would place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a) (8)). The state would lose \$507.4 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in the Northern Region. The total cost to the Division of Family & Youth Services if this bill were to pass is \$7,625.9.

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services

Phone: 465-3191
 Date: 03/08/96

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: _____

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB267

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Court Hearings Involving BRU: Family and Youth Services
 Minors: _____ Component: DFYS Central Office
 Sponsor: Senator Pearce COMPONENT SERIAL NO. 259
 Requestor: Senate (JUD) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)
1003 GF Match						
1004 GF	1,393.2	1,393.2	1,393.2	1,393.2	1,393.2	1,393.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.070 opening all juvenile delinquency hearings to the public would place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a) (8)). The state would lose \$1393.2 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in the Central Office. The total cost to the Division of Family & Youth Services if this bill were to pass is \$7,625.9.

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 03/06/96

Approved by Commissioner: Karen Prdue, Commissioner Date: _____
 Agency: Department of Health & Social Services

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FISCAL NOTE

BILL NO. SB267

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Court Hearings Involving BRU: Purchased Services
 Minors: _____ Component: Family Preservation
 Sponsor: Senator Pearce COMPONENT SERIAL NO. 162M
 Requestor: Senate (JUD) See also (SNM): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)
1003 GF Match						
1004 GF	1,022.9	1,022.9	1,022.9	1,022.9	1,022.9	1,022.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.070 opening all juvenile delinquency hearings to the public would place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a) (8)). The state would lose \$1022.9 in Title IVE federal funds for Family Preservation. The total cost to the Division of Family & Youth Services if this bill were to pass is \$7,625.9.

Prepared by: L. Diane Warley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 03/08/96

Approved by Commissioner: Karen Perdue, Commissioner Date: _____
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB267

Revision Date: _____
 Title: Relating to Court Hearings Involving
 Minors _____
 Sponsor: Senator Pearce
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Purchased Services
 Component: Residential Child Care
 COMPONENT SERIAL NO. 253
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(568.0)	(568.0)	(568.0)	(568.0)	(568.0)	(568.0)
1003 GF Match						
1004 GF	568.0	568.0	568.0	568.0	568.0	568.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.070 opening all juvenile delinquency hearings to the public would place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a) (8)). The state would lose \$568.0. in Title IVE federal funds for Residential Child Care. The total cost to the Division of Family & Youth Services if this bill were to pass is \$7,625.9.

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 03/08/96

Approved by Commissioner: Karen Perdue, Commissioner Date: _____
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB267

Revision Date: _____
Title: Relating to Court Hearings Involving
Minors
Sponsor: Senator Pearce
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Purchased Services
Component: Foster Care
COMPONENT SERIAL NO. 252
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	1,330.01	1,330.01	1,330.01	1,330.01	1,330.01	1,330.01
1003 GF Match						
1004 GF	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0
1005 GF/Program Receipts						
1006 GF/MMTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 90.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.070 opening all juvenile delinquency hearings to the public would place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a) (8)). The state would lose \$1330. in Title IVE federal funds for Foster Care. The total cost to the Division of Family & Youth Services if this bill were to pass is \$7,625.9.

Prepared by: L. Diane Worley, Director
Division: Family & Youth Services

Phone: 465-3191
Date: 03/08/96

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: _____

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB267

Revision Date: _____
 Title: Relating to Court Hearings Involving
 Minors
 Sponsor: Senator Pearce
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BKU: Purchased Services
 Component: Sub Adoption & Guardianship
 COMPONENT SERIAL NO. 1962
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)
1003 GF Match						
1004 GF	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.070 opening all juvenile delinquency hearings to the public would place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a) (8)). The state would lose \$1364.6 in Title IVE federal funds for Subsidized Adoption & Guardianship. The total cost to the Division of Family & Youth Services if this bill were to pass is \$7,625.9.

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 03/08/96

Approved by Commissioner: Karen Perdue, Commissioner Date: _____
 Agency: Department of Health & Social Services

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MAR 11 1996

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 267

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to court hearings involving minors; and amending Rule 3(c), Alaska Delinquency Rules." BRU: Criminal Division/Civil Division
 Sponsor: Senator Pearce Component: Criminal Division/General Legal Services
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 47.10.070 to establish a presumption that court hearings on delinquency proceedings will be open to the public except when ordered closed by the court. The bill specifically provides that on a petition to adjudicate a minor as a delinquent based on a criminal offense that the minor is alleged to have committed the public may attend the hearing. However, the bill provides that the court may, on application by a party, exclude the public from the hearing or a portion of it. The bill further provides that the court may order a closure or partial closure to exclude the public from the hearing under the following circumstances: (1) if the court determines that a closure or partial closure is necessary to protect the minor or the victim of the offense from physical harm or from severe emotional harm; (2) to maintain order in the courtroom; (3) to ensure truthful testimony; or (4) to meet any other interest of a party or of the court that the court finds to be compelling.

The bill will probably not have a fiscal impact for the Department of Law, because it is concerned with who may view a delinquency proceeding. However, we hasten to point out that public disclosure of delinquency

Prepared by: Richard L. Peques, Director Phone: 465-3872
 Division: Administrative Services Division Date: 3/8/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/8/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 267

ANALYSIS CONTINUATION:

proceedings will cause the state to lose about \$7.6 million annually in federal welfare monies from Title IVB and Title IVE grants under the Social Security Act. †

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 267 MAR 11 1996

Revision Date: _____ Dept. Affected: Public Safety
 Title: Minor Delinquency Hearings Public BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Pearce
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 98) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill does not affect the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: March 8, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: _____
 Agency: Ronald L. Otte, Department of Public Safety

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Bills Previously Heard

~~HB 370 Legal Services Provided at Public Expense~~

Rescheduled form Wednesday

SB 268 Pretrial Release of Drug Offenders

Current Agenda

~~SB 188 Videotape Interviews with Abused Minors~~

~~SB 257 Taking of Fish and Game for Public Safety~~

~~SB 261 Unemployment Compensation~~

State of California

Board of Prison Terms
420 I Street, 6th Floor
Sacramento, CA 95833



John W. Gillis
Commissioner

Message Center
(916) 323-1600
Ext. 111-585

THE COUNCIL ON CRIME IN AMERICA

1150 17TH ST., NW, SUITE 510
WASHINGTON, DC 20036

PHONE: (202) 822-8333
FAX: (202) 822-8325

February 20, 1996

Senator Robin Taylor
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

CO-CHAIRS:

GRIFFIN B. BELL

WILLIAM J. BENNETT

Dear Senator Taylor:

Enclosed is a copy of the first report on violent crime in America prepared by the *Council on Crime in America*.

COUNCIL MEMBERS:

LYNNE M. ABRAHAM

WILLIAM P. BARR

ROBERT A. BUTTERWORTH

JOHN F. DIJULIO, JR.

JOHN W. GILLIS

STEPHEN GOLDSMITH

GALE A. NORTON

The *Council* expects to release approximately two more reports after holding public hearings in several states. The specific locations of the hearings will be determined at a later date.

I have also enclosed a copy of the *Council's* January 5 press release and an article from the Philadelphia Inquirer that was reprinted in the Editorial Section of the Sacramento Bee. I hope you find the report and enclosures informative. I would definitely appreciate any feedback, or recommendations, you may have for the *Council*. You can reach me at:

EXECUTIVE DIRECTOR:

JOHN P. WALTERS

P. O. Box 1745
Sacramento, CA 95812
(916) 354-1781

Sincerely,


John W. Gillis

Enclosures

*Hope to see you at the AACC
meeting next month.*

A PROGRAM OF:

**the New
Citizenship Project**

THE COUNCIL ON CRIME IN AMERICA

1150 17TH ST., NW
SUITE 510
WASHINGTON, DC 20036

PHONE: (202) 822-8333
FAX: (202) 822-8325

EMBARGOED FOR RELEASE FRIDAY, JANUARY 5, 1996, 10:00AM

Contact: Jessica Gavora
202/822-8333 Fax: 202/822-8325

400,000 MURDERS SINCE 1977 MAY BE TIP OF ICEBERG, BIPARTISAN TASKFORCE WARNS

CO-CHAIRS:

GRIFFIN B. BELL

WILLIAM J. BENNETT

COUNCIL MEMBERS:

LYNNE M. ABRAHAM

WILLIAM P. BARR

ROBERT A. BUTTERWORTH

JOHN J. DILULIO, JR.

JOHN W. GILLIS

STEPHEN GOLDSMITH

GALE A. NORTON

EXECUTIVE DIRECTOR:

JOHN P. WALTERS

WASHINGTON— The first report of a bipartisan commission on violent crime revealed today that, despite a welcome decline in crime rates in certain U.S. cities, the likelihood that Americans will be victims of violent crime remains at an historic high.

The report also offers a disturbing portrait of a "revolving door" American criminal justice system in which one in three criminals are under the "supervision" of the justice system at the very time that they murder, rape and attack.

The report, entitled *The State of Violent Crime In America*, was issued by the Council on Crime in America, which is co-chaired by former U.S. Attorney General Griffin B. Bell and former Drug Czar William J. Bennett.

Other Council members are Philadelphia District Attorney Lynne M. Abraham, former U.S. Attorney General William P. Barr, Florida Attorney General Robert A. Butterworth, Princeton University Professor of Politics and Public Affairs John J. Dilulio, Jr., California Board of Prison Terms Commissioner and victims rights advocate John W. Gillis, Indianapolis Mayor Stephen Goldsmith and Colorado Attorney General Gale A. Norton.

According to the report, the risk of becoming a victim of violent crime today exceeds many significant life risks, including injury in a motor vehicle accident and death from heart disease. Much violent crime, moreover, goes unreported. The actual number of violent crimes in 1993 (10.8 million) was 5.6 times higher than the number of violent crimes reported to the police (1.9 million).

The report reveals that over 400,000 Americans have been murdered since 1977 – almost seven times the number of Americans killed in the Vietnam War. Overall, according to the report, violent crime accounted for one-fourth of the 43.6 criminal victimizations in America in 1993, costing the nation about \$426 billion.

"This study paints a realistic and sobering picture of violent crime in America," said Bennett, "but it is not without its rays of hope. If the success that cities such as New York and Houston have had in reducing crime rates teaches us anything, it is that the common sense of the American people is right when it comes to crime: tough law enforcement is part of the solution, not the problem."

The report also warns of a coming storm of juvenile crime that will be

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more violent and more random than anything Americans have experienced to date. Between now and the year 2005, the number of males aged 14-to-17 will increase by 23 percent. These juveniles will be more crime prone than their predecessors; they will commit more crimes with guns; and they will commit more crimes against strangers.

"The difference between the juvenile criminals of the 1950s and those of the 1970s and early 1980s was the difference between the Sharks and Jets of 'West Side Story' and the Bloods and the Crips," said Council member John J. DiIulio, Jr., Professor of Politics and Public Affairs at Princeton University. "It's not inconceivable that the demographic surge of the next ten years will bring with it young criminals who make the Bloods and the Crips look tame."

Council on Crime in America members said the report would correct much of the misinformation in the popular press about violent crime and law enforcement. Some of the examples they cited were:

Myth: America incarcerates too many people.

Fact: The American justice system imprisons barely one criminal for every 100 violent crimes. Over half of convicted violent felons are not even sentenced to prison. On any given day, seven offenders are on the street for every three who are behind bars.

Myth: "Three strikes" laws and other tough sentencing measures are filling our prisons with nonviolent offenders.

Fact: Since 1974 over 90 percent of all state prisoners have been violent offenders or recidivists.

Myth: The cost of prisons vastly outweighs their benefits to society.

Fact: State prisoners commit a median of 12 felonies in the year prior to their imprisonment – excluding drug crimes. A single rape costs its victim and society an average of \$87,000 – many times greater than the cost of keeping a rapist in prison for a year.

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For copies of the report, please contact Lara Stead by fax at 202-822-8328.

Crime study says prisons work better than parole

David Boldt is a columnist for the Philadelphia Inquirer.

By David R. Boldt

IF INCARCERATION is not the answer, then what exactly is the question? That is the conundrum put forward in a report on "The State of Violent Crime in America." In it, a star-studded, bipartisan commission of criminal-justice authorities attacks the widely held belief there are too many criminals behind bars.

The report says the amazing thing is not that there are so many people in prison in the United States. The amazing thing is that there are so few. Moreover, it argues, with logic and statistics, an explosion in violent crime is on the way that will make things infinitely worse.

Americans are going to have to do a lot of things to protect themselves, the report says, including developing new ways to prevent "at risk" youngsters from becoming violent criminals. But it concludes that there is no getting around the fact that to preserve a civil society, we will have to put a greater number of violent criminals in jail for longer periods.

The information gathered by the Council on Crime in America is not new, but gives a more coherent picture of the crisis ahead than had been available. In addition, the information carries added weight because it has been validated by a panel that was co-chaired by Griffin Bell, who was attorney general under President Carter, and William Bennett, President Reagan's drug czar.

Philadelphia District Attorney Lynne Abraham, who underscores the report's conclusion that most Americans correctly see the criminal-justice system as a "joke." "It doesn't work," she says. "We are just struggling to keep our heads above high water."

The report starts by saying the recent apparent declines in violent crime are small, and reflect mainly new, aggressive policing tactics in a few big cities, notably New York and Houston. At best, the declines show a lull before a coming storm.

Next, it points out that surprisingly few criminals actually go to jail. Many, to begin with, are never caught. Out of every 100 violent crimes committed, only one will result in the perpetrator's being arrested, tried and convicted.

Among those violent felony defendants who do get arrested, nearly two-thirds will be released prior to trial, and many of them will get no prison time even if convicted. Even among criminals who have been convicted of three or more felonies, nearly a quarter get no prison time.

Those state defendants who do get sent to prison serve, on average, about half the sentence imposed and are then paroled. On any given day in 1991, a leading criminologist calculated, there were more violent criminals on parole or probation than there were in prison. And many of them were continuing to commit crimes. One-third of the violent crime committed in the United States is attributable to people on probation, parole or pretrial release, the report says.

The report says the recent apparent declines in violent crime are small, and reflect mainly new policing tactics in a few big cities. Surprisingly few criminals actually go to jail. Out of every 100 violent crimes committed, only one will result in the perpetrator's being arrested, tried and convicted.

PRISONS, MOREOVER, are not jammed with nonviolent, first-time offenders, as is often asserted. More than 90 percent of prison inmates are either violent criminals or repeat offenders, the report says.

Even those few inmates who are ostensibly in prison for nonviolent crimes and have no prior convictions usually turn out, on closer inspection, to have long histories of criminal involvement, it says.

What's more, prisons work. That is, very few inmates commit crimes against the general public. And the costs of incarceration are a small fraction of the costs to society of the crimes the inmates would typically commit if they were on the loose.

The prediction of an explosion in violent crime is based on the fact that over the next 15 years, there will be a huge increase of adolescent males who will have grown up without a father in inner-city environments where they were exposed to violence, drugs and alcohol at an early age. From this group, at present, comes a disproportionate number of violent criminals.

Abraham says that in Philadelphia, the explosion has already begun. "We are seeing rising levels of unspeakable violence," she says, "carried out by children at incredibly young ages."

Knight-Ridder Newspapers

Society wins 4 ways when convicts are behind bars

John J. Dilulio Jr. is professor of politics and public affairs at Princeton University.

By John J. Dilulio Jr.

PRINCETON, N.J. — All 30 Republican governors elected or re-elected in 1994 promised to get tough on crime.

Most, such as George Pataki of New York, are keeping their word. But several, such as Tommy Thompson of Wisconsin, who has said he would build no more prisons, are quietly promoting plans to put more convicted criminals back on the streets.

Most experts applaud Thompson's new-found "wisdom" and lament Pataki's "hard-line" approach. As these experts love to repeat, "incarceration is not the answer."

If incarceration is not the answer, what, precisely, is the question? If the question is how to prevent at-risk youths from becoming stone-cold predators in the first place, then, of course, incarceration is no solution.

But if the question is how to restrain known convicted criminals from murdering, raping, robbing, assaulting and stealing, then incarceration is a solution, and a highly cost-effective one.

On average, it costs about \$25,000 a year to keep a convicted criminal in prison. For that money, society gets four benefits:

- Imprisonment punishes offenders and expresses society's moral disapproval.
- It teaches felons and would-be felons a lesson: Do crime, do time.
- Prisoners get drug treatment and education.
- And, as the columnist Ben Wattenberg has noted, "A thug in prison can't shoot your sister."

All four benefits count. Increased incarceration explains part of the drop in crime in New York and other cities. As some recent studies show, prisons pay big dividends even if all they deliver is relief from the murder and mayhem that incarcerated felons would be committing if free.

IN TWO Brookings Institution studies, in 1991 and 1995, the Harvard economist Anne Piehl and I found that prisoners in New Jersey and Wisconsin committed an average of 12 crimes a year when free, excluding all drug crimes.

In other studies, the economist Steven D. Levitt of the National Bureau of Economic Research estimated that "incarcerating one additional prisoner reduces the number of crimes by approximately 13 per year."

Economists Thomas Marvell and Carlisle Moody of the College of William and Mary found that "a better estimate may be 21 crimes averted per additional prisoner."

Patrick A. Langan, senior statistician at the Justice Department's Bureau of Justice Statistics, calculated that tripling the prison population from 1975 to 1989 may have reduced "violent crime by 10 to 15 percent below what it would have been," thereby preventing a "conservatively estimated 390,000 murders, rapes, robberies and aggravated assaults in 1989 alone."

Studies by the Bureau of Justice Statistics found that 94 percent of state prisoners in 1991 had committed a violent crime or been incarcerated or on probation before. Forty-five percent of them had committed their latest crimes while free on probation or parole.

When "supervised" on the streets, they inflicted at least 218,000 violent crimes, including 13,200 murders and 11,600 rapes — more than half of the rapes against children.

Most Americans are more likely to be a victim of violent crime than to suffer injury in a car accident. As estimated in a forthcoming National Institute of Justice study, the violent crimes committed each year will cost victims and society more than \$400 billion in medical bills, lost days from work, lost quality of life — and lost life.

Here's the revolving-door rub: Known felons whom the system has put back on the streets are responsible for about one in three violent crimes, and barely one violent crime in a hundred results in imprisonment.

On any given day in 1994, about 690,000 people were on parole and 2.96 million were on probation. About 1.5 times as many convicted violent felons were on probation or parole as were in prison.

ALL TOLD, research shows it costs society at least twice as much to let a prisoner loose than to lock him up. Compared with the human and financial toll of revolving-door justice, prisons are a real bargain.

Prison definitely pays, but there's one class of criminal that is an arguable exception: low-level, first-time drug offenders. Most drug felons in state prisons do not fit that description. Instead, they have long adult and juvenile records involving plenty of serious non-drug crimes. And most federal drug traffickers are not black kids caught with a little crack cocaine or white executives arrested for a small stash of powder cocaine.

The average amount of drugs involved in federal cocaine-trafficking cases is 183 pounds, and the average amount involved in federal marijuana trafficking cases is 3.5 tons.

Still, though the numbers of petty drug offenders may prove small, it makes no sense to lock away even one drug offender whose case could be adjudicated in special drug courts and handled less expensively through intensively supervised probation featuring no-nonsense drug treatment and community service.

Thus, Pataki needs to repeal indiscriminating Rockefeller-era drug laws as part of his campaign to keep violent and repeat criminals where they can't harm the rest of us.

Meanwhile, Thompson should pursue whatever "alternative to incarceration" policies he fancies subject to one condition: He should agree to make public in a timely fashion the complete histories of all criminals released from custody because of his "reforms."

All elected leaders should reckon that those who break their promises to protect society from career criminals can count on voters to shorten their political careers.

New York Times

THE STATE OF VIOLENT CRIME IN AMERICA

January 1996

First Report of

THE COUNCIL ON CRIME IN AMERICA

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The Council on Crime in America was established in November 1995 to examine violent crime, crime prevention and law enforcement. It seeks to provide rigorous, factual information on the scope of violent crime to individuals, citizen-based groups, and officials who wish to develop effective, community-based anti-crime strategies. The bipartisan Council is comprised of leading experts on fighting crime at the federal, state and local levels. The views expressed in the Council's publications do not necessarily reflect the official views of the members of the Council.

The Council on Crime in America

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The Council on Crime in America is a program of the New Citizenship Project (NCP), a Washington-based public policy organization. The NCP was founded in June 1994 to help forge a cohesive agenda for reinvigorating citizenship in an era marked by growing skepticism toward big government. For further information on the Council on Crime in America or on the NCP, please contact:

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TEN HIGHLIGHTS

The American people are basically right about violent crime. The facts and figures support the public's principle fears of crime: **Revolving-door justice is a reality.** About one-third of all persons arrested for a violent crime (murder, rape, robbery, assault) are on probation, parole, or pretrial release; the vast majority of convicted criminals are *not* incarcerated; barely one criminal goes to prison for every 100 violent victimizations; and most violent prisoners serve less than half their time behind bars before being released. **Most prisoners are violent or repeat criminals.** Since 1974 over 90 percent of state prisoners have committed a violent crime or been sentenced to incarceration or probation one or more times in the past; even most "nonviolent" prisoners have long adult and juvenile criminal histories; and many state prisoners are probation or parole violators whose latest convictions were for violent crimes including murder and rape. **Prisons do cut crime.** Millions of violent and property crimes are averted each year by keeping plea-bargained convicted criminals behind bars; tens of thousands of Americans have been killed or maimed by prisoners who were released early; and, as both empirical studies and common sense clearly suggest, if we freed any significant number of imprisoned felons tonight, we would have more murder and mayhem on the streets tomorrow.

Americans must search for better, more cost-effective ways of **preventing** violent crime and **protecting** themselves and their loved ones from violent and repeat criminals, adult and juvenile. But our first order of business must be **restraining** known, convicted, violent and repeat criminals. **Restraining violent criminals** is a necessary but insufficient condition for meeting America's crime challenges, reforming the justice system, and **restoring public trust** in the system and in representative democracy itself.

We hope that people will take the time to read this report from cover to cover. The national media have generally ignored the truth about the extent and dire consequences of revolving-door justice and the social benefits of incarceration. But in deference to convention and the needs of busy readers, we offer the following ten highlights from the pages ahead:

1. Despite recent reports of a decline in crime, crime rates remain at historic highs. America is a ticking violent crime bomb. In 1993 the actual number of completed violent crimes (10.8 million) was 5.6 times higher than the number of violent crimes reported to the police (1.9 million). In particular, rates of violent juvenile crime and weapons offenses have been increasing dramatically and by the year 2000 could spiral out of control.
2. There were 43.6 million criminal victimizations in America in 1993. One out of four criminal victimizations in America today is violent. Violent crimes committed in a single year will cost Americans about \$426 billion. The risk of being victimized by violent crime exceeds many other significant life risks. Violent crime in America is increasingly concentrated by race, place, and age.
3. Public understanding of violent crime is far greater than is often supposed. Those citizens who are objectively most likely to be victimized are most worried about being victimized.
4. Americans are plagued by revolving-door justice. The justice system imprisons barely one criminal for every 100 violent crimes. Over half of convicted violent felons are not even sentenced to prison. About one in three violent crimes are committed by persons "under supervision" in the community at the time that they murder, rape, or attack.

5. On any given day, seven offenders are on the street for every three who are behind bars. During 1994 about 4.2 million cases were handled on probation and 1.1 million were processed on parole. On any given day, there are about 1.5 times more convicted violent offenders out on the streets on probation or parole than behind bars.

6. Since 1977 over 400,000 Americans have been murdered. Recent evidence shows that community-based offenders on probation, parole, pretrial release, or other types of "supervision" have been responsible for a third of all violent crimes including murders. Adding bureaucratic insult to human tragedy, the federal government and most state corrections agencies keep plenty of data such as the kind and amount of "treatment" received by imprisoned rapists, but do not compile or retain comprehensive data on such questions as the ages of rape victims or how many convicted murderers were on probation, parole, or some other form of "supervision" at the very moment they killed.

7. In 1991, 45 percent of state prisoners were persons who, at the very time they committed their latest crimes, were on probation or parole. While free in the community, they committed at least 218,000 violent crimes including 13,200 murders and 11,600 rapes (over half of the rapes against children).

8. Since 1974 over 90 percent of all state prisoners have been violent offenders or recidivists. Between 1980 and 1993, the number of persons in state prisons for violent crimes grew by 221,000, 1.3 times the growth in imprisoned "drug offenders." Over 80 percent of imprisoned state and federal drug offenders are drug traffickers with multiple-offense histories. The average quantity of drugs involved in federal cocaine trafficking cases is 183 pounds. In the year prior to their imprisonment, half or more of all prisoners commit at least a dozen serious crimes, excluding all drug crimes. Even if measured only in terms of enhanced public safety, the cost to society of letting most violent or repeat prisoners out early is at least twice as much as keeping them in prison for all or most of their terms.

9. Most violent prisoners serve less than half their time in prison before being released. Most prisons are neither severely "overcrowded" nor without substantial programs for inmates. On average, murderers released from state prisons in 1992 served only 5.9 years. Despite the enactment of mandatory minimum laws, between 1985 and 1992 the average maximum sentences of prisoners declined about 15 percent from 78 months to 67 months. In 1992 the actual time served by violent felons (both jail credits and prison) was 43 months. Since it has been in effect, slightly over 1,000 three-convicted felons have been sentenced under California's "three strikes" law, not all of them for life. The full facts of their cases--including the much-publicized case of the "pizza thief"--do far more to underline than to undercut the case for imprisoning violent and repeat felons.

10. The juvenile justice system operates as the first revolving door. In 1991 about 51,000 male juveniles were in custody, a third of them for violent offenses. In 1992 alone, there were over 110,000 juvenile arrests for violent crimes and over 1.6 million juvenile arrests for other crimes. Stronger law enforcement and incarceration can work to restrain violent juvenile and adult criminals, enhance public safety, and restore public trust in the justice system--and in representative government itself.

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THE STATE OF VIOLENT CRIME IN AMERICA

I. America's Three Crime Challenges

Americans face at least three distinct but related crime challenges. First is the challenge of *preventing* at-risk children from becoming juveniles or adults who criminally violate the life, liberty and property of others by murdering, assaulting, raping, robbing, burglarizing, or dealing deadly drugs. Second is the challenge of *protecting* ourselves from victimization at the hands of juvenile and adult criminals. Third is the challenge of *restraining* convicted but community-based juvenile and adult criminals so that they cannot commit additional crimes against persons or property.

Facing up to the first challenge--preventing at-risk children from becoming criminals--means focusing our attention on the earliest stages of youth development. As every study shows, after all is said and done, the most serious criminals are males who begin committing crimes at a very early age. Many crime-prone boys, including the most violent ones, embark on their criminal careers well before they reach puberty; few wait until they are old enough to vote or legally take a drink before committing their first serious crimes. In thinking about the root causes of crime, conservatives stress such factors as fatherlessness and extreme moral poverty, while liberals stress such factors as hopelessness and extreme economic poverty. But nearly everyone now agrees that society's best anti-crime insurance policy would be to produce children who are born to loving, responsible parents or guardians, and raised in homes, schools, and neighborhoods where their life prospects--becoming literate, graduating from high school, escaping abuse and neglect, avoiding serious criminal victimization, landing a decent job--increase rather than diminish from birth into their 20's.

Facing up to the second challenge--protecting ourselves from juvenile and adult street criminals--means acknowledging that our vulnerability to criminal victimization varies according to a mix of at least three sets of factors: the quantity and quality of government law enforcement resources; the extent and efficacy of community-based anti-crime initiatives; and the size and scope of individual efforts to make the localities where we live, work, worship, recreate, attend school, shop, or do business relatively impervious to crime. At the extremes, and other things being equal, the residents of a well-policed neighborhood with an active town-watch association and many people or businesses who invest in security hardware or services will be much better protected from crime than the residents of an under-policed community where neighbors remain strangers and few people or businesses are able or willing to make such private investments.

Facing up to the third challenge--restraining convicted criminals from committing more crimes--means recognizing that a large fraction of all serious crime, including a large fraction of all violent crime, is committed by repeat criminals who have had numerous contacts with the justice system. In effect, much of crime in America is a self-inflicted wound. Each year a significant number of murders, rapes, robberies, assaults, burglaries, and drug crimes are committed by criminals whom the system has repeatedly had in hand but repeatedly let go, offenders who are serially placed in custody and released back to the streets under-supervised, ill-supervised, or not supervised at all.

As this great nation nears the 21st century, Americans can and should seek to achieve all three goals--prevention, protection, and restraint. As is perfectly obvious, progress on any one of these goals may well constitute progress on either or both of the other two goals as well. For example, fewer at-risk children who become criminals translates directly into fewer at-large criminals against whom we need to protect ourselves and fewer convicted criminals who need to be restrained. Likewise, better

community-based anti-crime efforts or more rigorous restraints on convicted predators spells fewer deviant, delinquent, or criminal influences on the lives of severely at-risk children.

But it is a mistake--in some cases, as we shall document below, quite literally a fatal mistake--to suppose that substantial progress on any one of these goals is necessary to making substantial progress on either or both of the other two.

For example, in debates over crime policy, one often hears it said that "Incarceration is not the answer." But if incarceration is not the answer, then what, precisely, is the question? If the question is how Americans can achieve substantially higher levels of crime prevention, then incarcerating convicted violent or repeat criminals who have been committing murder or wreaking mayhem on the streets for years is hardly the answer. But if the question is how Americans can achieve substantially greater levels of restraint against such offenders, then incarceration is most definitely a large part (though by no means the sum total) of the answer.

Likewise, one often sees crime experts quoted approvingly by journalists and pundits to the effect that "More incarceration does not cut crime." But as these self-same experts like to stress, crime rates are a function of complex linkages among demographic trends, socio-economic variables, and public policies. Given the multi-variate character of crime, it would be bizarre if crime rates did move in lockstep with incarceration rates. At the same time, it would be doubly curious if incarcerating violent or repeat criminals, most of whom commit many more serious crimes than they are ever prosecuted or punished for committing, did not cut crime. While imprisoned, a high-rate violent or repeat criminal cannot commit new crimes against anyone except other prisoners, staff, or visitors. In fact, as we shall document in detail below, incarceration does have a significant marginal reduction-effect on crime, and is well worth the cost in the vast majority (though not all) cases.

By the same token, some much-cited commentators and tough-on-crime lawmakers reflexively disparage community-based substance abuse treatment programs, gang-violence prevention networks, teen-pregnancy counseling centers, church-run "safe havens," and diversionary recreational programs for youth offenders (for example, the much-maligned "midnight basketball"). Such "touchy-feely" programs, they insist, do more to coddle or coax delinquents and criminals than to cut crime. Yet many of these same voices will acknowledge that most serious crime is indeed committed by very bad boys from very bad neighborhoods. To be worthwhile, such community-based programs (precious few of which are funded by Washington or receive other public funds, and most of which operate on shoestring budgets) need not decimate juvenile crime rates; they need only to divert a small number of youth who would otherwise be headed for a gang, a gun, a prison, or a premature death.

Indeed, it is a grave conceptual error--and an even worse practical mistake--to conclude that because few such programs have withstood the tests of scientific scrutiny, because they are so very hard to replicate widely, or because they do not ultimately take every bad guy off the streets, all we can and should do is wait to arrest and incarcerate.

To offer just one illustration, almost everyone reveres the 91-year-old voluntary Big Brothers/Big Sisters (BB/BS) program. In 1995, BB/BS maintained 75,000 active matches between an adult volunteer and a child. A recent scientific study tracked 959 10- to 16-year-olds who applied to BB/BS in 1992 and 1993. Over 60 percent of the youth were boys and more than half were minority group members (70 percent African-American).

Almost all lived with a single parent, 80 percent were from low-income households, and 30 percent had witnessed or experienced domestic violence. Half of the applicants got into the program; the other half were placed on a waiting list. On average, the adult-youth pairs met for three to four hours three times a month for at least a year. Each group was tracked for eighteen months. The study found that the simple addition of a Big Brother or Big Sister to a youngster's life cut first-time drug use by 46 percent (and reduced alcohol use as well), lowered school absenteeism by 52 percent (and improved school performance), and, perhaps best of all, reduced violent behavior (assaults) by 33 percent.¹

Does anyone truly doubt that in at least some cases such prevention programs might succeed in diverting at least some youth away from crime, or that additional human and financial resources devoted to BB/BS or kindred programs would constitute a wise anti-crime investment? And does anyone truly doubt that in too many cases, and despite every social program intervention, a number of at-risk boys will go on to terrorize their families, neighbors, and total strangers and will need to be incarcerated, both for the sake of public safety and because they deserve punishment? We doubt neither set of propositions.

1. Prevention, Protection, Restraint

Above all else, Americans and their leaders must be totally honest and realistic about the state of our applied policy knowledge with respect to crime, and, in turn, about government's capacities as an agent of crime prevention, protection, and restraint.

On prevention, we all know that at-risk youth of whatever race, region, religion, demographic description, or socio-economic status who are born healthy to good families and are fortunate to have good teachers, coaches, clergy, and other caring adults in their lives are much less likely than otherwise comparable children to become either crime victims or victimizers. And we all know that not all children are born so lucky.

The hard social fact is that America is now home to nearly 70 million children age 18 or younger, one of the largest youth cohorts in decades. As many as 15 million of these youngsters are growing up in relative poverty, many in places where the institutions of civil society--families, schools, churches, voluntary associations--are proving too weak to keep them on the straight and narrow.

The tragic and frightening numbers on juvenile crime contained in this report counsel that neither more spending by Washington, the states, or the cities, nor the mere withdrawal of government, can prevent today's at-risk four- to seven-year-old boys from becoming the next decade's 14- to 17-year-old predatory street felons or the next century's first big class of adult career criminals.

On protection, we are convinced that the drops in serious crime that occurred in the first half of the 1990's in New York City, Houston, and several other cities were due in no small measure to innovative community-based policing strategies, concomitant community-based citizen anti-crime initiatives, and continued target-hardening by private individuals and businesses. In this report, we conclude by briefly summarizing some of the best and latest empirical evidence on the efficacy of policing, and draw some preliminary but highly positive crime-protection lessons from recent success stories.

¹Joseph P. Tierney and Jean Baldwin Grossman with Nancy L. Resch, *Making A Difference: An Impact Study of Big Brothers/Big Sisters* (Philadelphia: Public/Private Ventures, November 1995).

Through the Council's forthcoming hearings in several cities, we look forward to learning more about such successes, and how, if at all, they can be replicated and sustained.

But make no mistake: Recent drops in serious crime are but the lull before the coming crime storm. As this report forecasts, this storm is gathering in the form of a demographic bulge of young, highly crime-prone males. Between now and the year 2005, enormous upward pressure will be exerted on crime rates. Redoubling crime protection efforts will not keep the storm off shore. But it can help to keep its human and financial damage to a minimum.

On restraint, the facts, figures, and findings detailed in this report amply justify the frustrations and fears of crime-weary Americans, most especially their profound displeasure with a justice system that is not doing nearly enough to restrain convicted violent and repeat criminals from committing more crimes, including crimes committed while on probation, parole, or pretrial release. As things now stand, each and every day, and in far too many ways, the justice system institutionalizes crime without punishment, and invites convicted offenders, adult and juvenile, to return to crime without restraint.

2. Revolving-Door Justice Versus Representative Democracy

As some of the best empirical political science research of the last thirty years plainly suggests, "Voters are not fools."² On crime and most other issues, the American people are far more capable than not of relating their beliefs and interests to electoral and policy choices, far more rational than reactionary, far more informed than ignorant, and far more savvy than simple-minded about the relative social costs and benefits of competing policy options.

Most average Americans understand perfectly well that government cannot "solve" the nation's crime problem. They understand that government's capacity to prevent crime and protect them from criminals is limited, not limitless. They stand ready to spend more on prisons and other means of restraint, and are aware of the opportunity costs of doing so. They even accept, albeit begrudgingly, that some arrested criminals are bound to escape justice on legal technicalities, and that every so many felons out on pretrial release, probation, or parole are bound to elude supervision and commit new crimes.

But what the American people do not accept, and ought not to have to accept, is government's prolonged and persistent failure to restrain convicted violent and repeat criminals. Nothing could be more fundamental to the government's holding up its end of the social contract. A government incapable of restraining known criminals in its custody cannot be trusted to do any number of inherently more complicated and costly public chores, domestic or international. A government that passes wave after wave of "get-tough" anti-crime laws but often proves toothless in the execution of those laws is a

²V. O. Key, *The Responsible Electorate* (Harvard University Press, 1966). Also see Benjamin I. Page and Robert Y. Shapiro, *The Rational Public: Fifty Years of Trends in Americans' Policy Preferences* (University of Chicago Press, 1992); John Zaller, *The Nature and Origins of Mass Opinion* (Cambridge University Press, 1992); William G. Mayer, *The Changing American Mind* (University of Michigan Press, 1992); and Morris Fiorina, *Retrospective Voting in American National Elections* (Yale University Press, 1981). Milton Lodge et al., "The Responsive Voter: Campaign Information and the Dynamics of Candidate Evaluation," *American Political Science Review*, June 1995, pp. 309-326; and Donald E. Stokes and John J. DiIulio, Jr., "The Setting: Valence Politics in Modern Presidential Elections," in Michael J. Nelson, ed., *The 1992 Elections* (Congressional Quarterly Press, 1993), chapter 1.

government well on its way to destroying public confidence in the integrity of lawmakers, in the prudence of judges, and in the competence of public administrators.

In 1993 and again in 1994, there was but one public institution in which the people had less confidence than they did in the U.S. Congress, namely, the criminal justice system.¹ Such poll results merely serve to reinforce our keen collective sense, bred by our combined years of public service, personal and professional experience, and intensive study, that government's failure to restrain convicted violent or repeat criminals has done as much as any other policy failure of the last thirty years to bring about the loss of public trust and confidence in our political institutions.

3. About This Report

In this, our first report, we begin with the challenge of restraining convicted criminals. We do so for at least four reasons. First, of the three crime challenges facing America, restraint is the most urgent, immediate, and tractable within the solitary compass of public policy and governmental authority. Second, we find overwhelming evidence that great gains to public safety can be realized by keeping violent or repeat criminals behind bars longer, by tightening enforcement of the terms of their community-based supervision, or (as we prefer) by doing both. Third, we feel that it is morally wrong to continue administering justice in ways that radically discount both how dangerous many community-based felons truly are, and how much punishment they truly deserve when measured by the full weight of their criminal acts, adult and juvenile, against life, liberty, and property.

But the fourth and overarching reason we begin with restraint is because no representative democracy, not even America's, can long survive the sort of deep and disheartening lack of public trust that swirls about the bleak reality of revolving-door justice. It is long past time to speak the truth, the whole truth, and nothing but the truth to the American people about revolving-door justice, especially as it relates to violent criminals.

Thus, in the remainder of this report we offer a detailed overview of the following: recent criminal victimization trends, with a special focus on violent juvenile crime today and tomorrow; the present extent and heavy toll of revolving-door justice; recent evidence on the efficacy of incarceration as a crime-restraint tool; and recent evidence on the efficacy of policing as a crime-protection tool.

We intend for this report to inform the American public, elected leaders, justice system professionals, judges, journalists, and others who are engaged in the civic discourse on crime policy. We hope that it will help to shape future deliberations on the challenges of crime prevention, protection, and restraint, and echo as a bipartisan moral call to arms.

¹The Gallup Poll News Service, April 25, 1994. According to the Gallup data, in both 1993 and 1994, 18 percent of poll respondents expressed a "great deal" or "quite a lot" of confidence in the U.S. Congress, versus 17 percent in 1993 and 15 percent in 1994 for the criminal justice system. But the police were an exception, enjoying over 50 percent public confidence in both years, on a par with organized religion and a distant third to the military.

II. America's Ticking Crime Bomb

The title of a recent story in the *New York Times* almost got it right: "Crime Continues to Decline, but Experts Warn of Coming 'Storm' of Juvenile Violence."⁴ We say "almost" right rather than exactly right for at least four reasons.

First, national crime rates have been dropping in the 1990's, but that decrease has been heavily concentrated in a handful of high-crime big cities like New York City and Houston. Second, even if the large drops in crime in New York City and elsewhere continued for the next five years (and, as we shall see, they most definitely will not), the people of New York City and the rest of the nation would still face levels of homicide and other serious crime that are many times higher than pre-1970 norms. Third, not only is the storm of juvenile violence coming, it has already touched down in some places. And, fourth, like most popular accounts of crime and punishment in America, the *Times* story focused on crime data gathered by the Federal Bureau of Investigation (FBI), which counts only certain crimes reported to the police, and significantly underestimates the fraction of all crime that is violent crime.

Still, the story captured the big point. As all the best and most recent data make plain, America is a ticking violent crime bomb, and there is little time remaining to prepare for the blast.

1. Violent Crime By The Numbers: UCR and NCVS

There are two main sources of information about crime in America. The oldest and still the one cited most widely is the FBI's annual Uniform Crime Reports (UCR). Begun in 1929, the UCR tallies crimes reported to state and local law enforcement agencies. The UCR counts seven reported "index crimes," which, in turn, are often divided into "violent" crimes and "property crimes." The violent crimes in the UCR include murders and non-negligent manslaughters, forcible rapes, robberies, and aggravated assaults, while the property crimes are burglaries, larceny, thefts, and motor vehicle thefts. The overall crime rate rose steadily from 1960 to 1980, by each of these measures. Since 1980, the property crime rate has stabilized somewhat, while the rate of violent crime continued to increase during the 1980s but may have leveled off in the early 1990s.

But there are at least three limits to the FBI's crime data. First, remember that the UCR is based only on crimes reported to the police. Second, local police departments determine how to compile their statistics, which has given rise to informed suspicions of systematic undercounting in given periods by some big-city departments intent on reporting a reduction in crime. Third, the FBI uses a method of "hierarchical" counting in which only the "most serious" act in any one incident is recorded. If a woman is raped and her wallet is stolen, for example, the FBI records the rape but not the theft.

Although efforts to enrich the FBI's crime data are underway, it is not clear how successful they will be. For example, a number of states and localities are now experimenting with the FBI's National Incident-Based Crime Reporting System, or NIBRS. Under NIBRS, data are collected on 46 specific crimes. For each incident, there are a half-dozen categories of reporting, including details about the crime, the victim, and the offender. NIBRS includes a multiple-offense option in order to avoid the problem

⁴Fox Butterfield, "Crime Continues to Decline, but Experts Warn of Coming 'Storm' of Juvenile Violence," *New York Times*, November 19, 1995, p. A18.

mentioned a moment ago. But the software problems with NIBRS have yet to be cracked, and the day when this complex database will be operational in 16,000 separate law enforcement agencies remains a long way off.

The other main source of crime data is the National Crime Victimization Survey (NCVS) of the U.S. Bureau of Justice Statistics (BJS). About 50,000 households and over 100,000 individuals have participated in the NCVS each year since 1973, making it the second largest household survey conducted by the federal government. The NCVS counts violent crimes (rapes, sexual assaults, robberies, aggravated assaults, simple assaults) and property crimes (burglaries, motor vehicle thefts, and thefts of other property). The survey reports that the overall level of crime has decreased since its peak in 1981. But rates for most types of crime have tended to fluctuate from year to year.

Generally speaking, the NCVS is a more reliable measure of crime than the UCR. And in recent years, the NCVS and the UCR trend lines have become more parallel (which tells us, in effect, that the UCR has been getting better). But the NCVS has been far from perfect. For example, the NCVS has undercounted the actual incidence of and increase in several types of violent crime. After consultations over the last decade with a consortium of experts in criminology, survey design, and statistics, the BJS has recently redesigned its survey to address this problem. It has also greatly improved the NCVS in other ways, including computer-assisted telephone interviewing and "short cues"--examples of specific people, places, objects, or actions which may have been associated with a victimization--used to jog respondents' memories of events.

The first survey to make use of this redesign was the BJS report on criminal victimization in 1993, released in May 1995. It is only a slight exaggeration to say that this BJS report is the first reliable tally of crime in America committed in a single calendar year.

Table 1 summarizes the NCVS crime data for 1993. It shows that in 1993, U.S. residents age 12 or older experienced a total of 43.6 million crimes, including nearly 11 million violent crimes (25 percent), and over 32 million property crimes (75 percent). That year there were 51.5 violent victimizations per 1,000 persons and 322 property crimes per 1,000 persons.

Table 1. Criminal victimizations and victimization rates, 1993: Estimates from the redesigned National Crime Victimization Survey

Type of crime	Number of victimizations (1,000's)	Victimization rates (per 1,000 persons age 12 or older)
<i>All crimes</i>	43,622	...
<i>Personal crimes*</i>	11,409	53.9
Crimes of violence	10,896	51.5
Completed violence	3,226	15.3
Attempted/threatened violence	7,670	36.3
Rape/Sexual assault	485	2.3
Rape/attempted rape	313	1.5
Rape	160	.8
Attempted rape	152	.7
Sexual assault	173	.8
Robbery	1,307	6.2
Completed property taken	826	3.9
With injury	276	1.3
Without injury	549	2.6
Attempted to take property	481	2.3
With injury	100	.5
Without injur	381	1.8
Assault	9,104	43.0
Aggravated	2,578	12.2
With injury	713	3.4
Threatened with weapon	1,865	8.8
Simple	6,525	30.8
With minor injury	1,358	6.4
Without injury	5,167	24.4
<i>Property crimes</i>	32,213	322.4
Household burglary	5,995	60.0
Completed	4,835	48.4
Forcible entry	1,858	18.6
Unlawful entry without force	2,977	29.8
Attempted forcible entry	1,160	11.6
Motor vehicle theft	1,967	19.7
Completed	1,297	13.0
Attempted	670	6.7
Theft	24,250	242.7
Completed [†]	23,033	230.5
Less than \$50	9,642	96.5
\$50-\$249	7,688	76.9
\$250 or more	4,264	42.7
Attempted	1,217	12.2

Note: These data are preliminary and may vary slightly from the final estimates. Completed violent crimes include completed rape, sexual assault, completed robbery with and without injury, aggravated assault with injury, and simple assault with minor injury. The total population age 12 or older was 209,352,860 in 1992; in 1993 it was 211,524,770. The total number of households in 1992 was 99,046,200, in 1993 it was 99,926,400.

... Not applicable.

*The victimization survey cannot measure murder because of the inability to question the victim. Personal crimes include purse snatching and pocket picking, not shown separately.

[†]Includes thefts in which the amount taken was not ascertained.

Source: *Criminal Victimization 1993* (Bureau of Justice Statistics, May 1995), p. 2.

Table 2 summarizes the UCR crime data for 1993. It shows that the total number of reported crimes in 1993 recorded by the FBI was 14.1 million, including 1.9 million violent crimes (13 percent) and 12.2 million property crimes (87 percent). In 1993, there were 7.46 reported violent crimes per 1,000 persons and 47.3 reported property crimes per 1,000 persons.

Table 2. Reported crimes and reported crime rates, 1993: Data from the Uniform Crime Reports

Type of reported crimes	Number of reported crimes (1,000's)	Reported crime rates per 1,000 persons
All index crimes	14,141	54.82
Violent crimes	1,924	7.46
Murder	24.5	.095
Rape	104	.406
Robbery	659	25.5
Assault	1,135	4.40
Property crimes	12,216	47.36
Burglary	2,384	10.99
Larceny	7,820	30.32
Motor theft	1,561	6.05

Note: Offense totals are rounded. Rates calculated based on Bureau of Census estimate for total national population in 1990: 257,908,000. Complete data for 1993 were not available for the states of Illinois and Kansas; their crime counts were estimated.

Source: *Crime in the United States, 1993* (Federal Bureau of Investigation, 1994), p. 58.

Comparing the NCVS and UCR data on violent crimes in 1993 yields at least four important insights. First, in 1993 there were at least 5.7 times more violent crime victimizations than were reported to the police and recorded by the FBI. Second, contrary to the much-repeated notion that "fewer than 1 in 10 crimes is a violent crime," the NCVS suggests that 1 in 4 criminal victimizations are violent, while the UCR indicates that 1.3 in 10 reported crimes are violent. Third, by both measures, and despite recent drops in reported crimes, Americans suffer from a great deal of violent and other serious crime, both in absolute terms and relative to the best estimates of crime rates before 1970.

Fourth and finally, as table 3 indicates, the rate of violent criminal victimization for Americans age 12 and older (51.5 per 1,000) is substantially higher than the rate of many other serious life risks, including injury from a car accident and death from heart disease. Violent crime is now at least as much of a real danger to Americans as many other widely recognized threats to our individual and societal health and safety. Indeed, as a forthcoming National Institute of Justice study has found, the cost of crime to

victims is about \$450 billion annually, \$426 billion of which is due to violent crime. As the study reports:

- * Violent crime causes 3 percent of U.S. medical spending.
- * Violent crime results in wage losses equal to 1 percent of American earnings.
- * A single rape costs its victim and society an average of \$87,000--many times greater than the cost of keeping a rapist in prison for a year.⁵

Table 3. Rates of violent criminal victimization compared to rates of other life risks

Risks	Rates per 1,000 adults per year
Accidental injury, all causes	220
Accidental injury at home	66
Violent Victimization	51.5
Injury in vehicle accident	22
Heart disease death	5
Injury in aggravated assault	3.4
Cancer death	3
Rape	.8
Accidental death, all causes	.4
Pneumonia/influenza death	.4
Vehicle accident death	.4
HIV infection death	.1
Murder	.095

Sources: *Highlights from 20 Years of Surveying Crime Victims* (Bureau of Justice Statistics, October 1993), p. 6; *Criminal Victimization 1993* (Bureau of Justice Statistics, May 1995), p. 2; and *Crime in the United States* (Federal Bureau of Investigation, 1994), p. 58.

2. Violent Crime: Concentrated By Race, Place, and Age

The costs of violent crime fall disproportionately on certain citizens. Violent crime in America is concentrated by race, place, and age. As early as 1969, the report of the National Commission on the Causes and Prevention of Violence explained that crime is "chiefly a problem of the cities of the nation, and there violent crimes are committed mainly by the young, poor, male inhabitants of the ghetto slum . . . increasingly powerful social forces are generating rising levels of violent crime which, unless checked, threaten to turn our cities into defensive, fearful societies."⁶ As much of the data reported below make all too clear, over the last three decades this nightmarish prediction has largely come true.

But we do not wish to be misunderstood. For, while violent crime in America is heavily concentrated in the nation's inner-cities, it is hardly confined to the nation's inner-cities. The NCVS data indicate that while the violent crime victimization rate per 1,000 is a whopping 73.8 in urban America, it is a significant 47.8 in suburban America

⁵Ted R. Miller et al., *Crime in the United States: Victim Costs and Consequences*, Final Report to the National Institute of Justice, May 1995, p.1.

⁶National Commission on the Causes and Prevention of Violence, *Violent Crime: The Challenge to Our Cities* (George Brziller, 1969), p. 82.

and 43.4 in rural America.⁷ It is not unreasonable to be concerned that, over time, the inner-city violent crime problem could spill over more and more into gentrified central city districts, inner-ring suburbs, edge cities, and even the rural heartlands. It is already disturbingly apparent that more and more violent crime involves strangers and teenage "wolf packs." As the International Association of Chiefs of Police has concluded, whereas most murders were once committed among persons who knew each other, today most murders in America are between strangers (53 percent of the 23,760 murders committed in 1992), while juvenile gang killings are the fastest growing type of murder (increasing 371 percent from 1980 to 1992).⁸ Indeed, juveniles now commit about a third of all homicides against strangers, often murdering their victims in groups of two or more.⁹

By the same token, while it remains true that violent crime in America is predominantly *intra*-racial, not inter-racial, black-on-white violent crime has reached significant levels, most especially with respect to multiple-offender violent victimizations. Table 4 summarizes 1993 NCVS data on victim-offender relationships by type of crime and the perceived race of the offender. From these data, it would appear that in 1993 over 1.54 million violent crimes committed against whites (about 18 percent of all violent victimizations committed against whites) were committed by blacks, while in the same year over 1.29 million violent crimes committed against blacks (about 80 percent of all violent crimes committed against blacks) were committed by blacks. The black-on-white crime problem is more acute with respect to violent crimes committed by juveniles. For example, in 1991, 95 percent of all violent crimes committed by white juveniles were committed against whites, while 57 percent of all violent crimes committed by black juveniles were committed against whites.¹⁰

Nonetheless, it remains true that at this moment in time, America's violent crime problem, especially the rage of homicidal and near-homicidal violence, is extremely concentrated among young urban minority males who figure disproportionately as both violent crime victims and violent crime victimizers.

⁷*Criminal Victimization 1993* (Bureau of Justice Statistics, May 1995), p. 3.

⁸*Murder in America* (International Association of Chiefs of Police, May 1995), p. 6.

⁹James Alan Fox, "Teenage Males are Committing Murder at an Increasing Rate," a report prepared for the National Center for Juvenile Justice, Pittsburgh, PA, April 1993.

¹⁰*Juvenile Offenders and Victims* (Office of Juvenile Justice and Delinquency Prevention, August 1995), p. 47.

Table 4. Estimated numbers and percentages of violent victimizations by race of victims and perceived race of offenders, 1993

	Numbers	Percentages
<i>Single-offender against whites</i>		
Single-offender by blacks against whites	1,071,867	15.8
Single-offender by whites against whites	5,006,596	73.8
Single-offender by other against whites	583,421	8.6
Single-offender by unknown against whites	122,111	1.8
Total single-offender against whites	6.783 million	100
<i>Multiple-offender against whites</i>		
Multiple-offender by all blacks against whites	472,536	24.6
Multiple-offender by all whites against whites	918,180	47.8
Multiple-offender by all other against whites	474,457	24.7
Multiple-offender by unknown against whites	55,705	2.9
Total multiple-offender against whites	1.920 million	100
<i>Single-offender against blacks</i>		
Single-offender by whites against blacks	161,813	13.3
Single-offender by blacks against blacks	986,695	81.1
Single-offender by all other against blacks	42,582	3.5
Single-offender by unknown against blacks	25,599	2.1
Total single-offender against blacks	1.216 million	100
<i>Multiple-offender against blacks</i>		
Multiple-offender by all whites against blacks	24,527	6.0
Multiple-offender by all blacks against blacks	308,636	75.5
Multiple-offender by all other against blacks	66,632	16.3
Multiple-offender by unknown against blacks	8,993	2.2
Total multiple-offender against blacks	408,788	100
<i>Violent crimes against whites</i>		
Total black against white	1.54 million	18
Total white against white	5.92 million	68
Grand total all against white	8.70 million	100
<i>Violent crimes against blacks</i>		
Total white against black	186,000	11
Total black against black	1.29 million	80
Grand total all against black	1.62 million	100

Note: Multiple-offender calculations for category "all other" adds categories "all other" and "mixed races" from original survey.
 Source: Calculated from *Criminal Victimization in the United States, 1993* (Bureau of Justice Statistics, forthcoming), tables 42 and 48.

For example, a BJS study of murders committed in 1988 in the nation's 75 most populous counties found that blacks were 52 percent of all murder victims and 62 percent of all murder defendants, but they were only 20 percent of the general population in these metropolitan jurisdictions. By comparison, whites were 44 percent of all murder victims and 36 percent of all defendants, but they were over 77 percent of the general population in these urban areas. About 93 percent of all black murder victims and 83 percent of all white victims were killed by someone of the same race.¹¹

Likewise, between 1985 and 1992 the rate at which males ages 14 through 17 committed murder increased by about 50 percent for whites and over 300 percent for blacks.¹² Between 1973 and 1992, the rate of violent victimizations of black males ages 12 to 24 increased about 25 percent; for example, black males ages 16 to 19 sustained one violent crime for 11 persons in 1973 versus one for every six in 1992.¹³ In 1992, black males between the ages of 16 and 24 were one percent of the population age 12 or over and experienced five percent of all violent victimizations. By comparison, white males in this age group were six percent of the population and were victims in 17 percent of violent crimes. Moreover, the "violent crimes" experienced by young black males tended to be far more serious than those experienced by young white males; for example, aggravated assaults rather than simple assaults, and violence involving gunfire rather than weaponless attacks.¹⁴

Indeed, 23 percent of those arrested for weapons offenses during 1993 were younger than 18 years old, and overall weapons arrest rates were five times greater for blacks than for whites.¹⁵ As summarized in table 5, from 1987 to 1992 the average annual rate of handgun victimization per 1,000 young black males was three to four times higher than for young white males. Likewise, between 1987 and 1991 the annual arrest rate per 100,000 for murder among white males ages 14 to 17 rose from 7.6 to 13.6, but for black males of the same ages it more than doubled from 50.4 to 111.8.¹⁶

¹¹*Sourcebook of Criminal Justice Statistics, 1994* (Bureau of Justice Statistics 1995), p. 343 (only single offender, single victim incidents); and *Murder in Large Urban Counties* (Bureau of Justice Statistics, May 1993).

¹²Alfred Blumstein, "Prisons," in James Q. Wilson and Joan R. Petersilia, eds., *Crime* (Institute for Contemporary Studies, 1995), pp. 397-419.

¹³*Young Black Male Victims* (Bureau of Justice Statistics, December 1994).

¹⁴*Ibid.*

¹⁵*Weapons Offenses and Offenders* (Bureau of Justice Statistics, November 1995).

¹⁶Alfred Blumstein, "Violence By Young People: Why the Deadly Nexus?," *National Institute of Justice Journal*, August 1995.

Table 5. Average annual rate of crime, 1987 to 1992, committed with handguns per 1,000 males, by age and race of victims

Age of victim	Race of victim	
	White	Black
12-15	3.1	14.1
16-19	9.5	39.5
20-24	9.2	29.4
25-34	4.9	12.3

Note: Rates do not include murder or non-negligent manslaughter committed with handguns.
Source: *Young Black Male Victims* (Bureau of Justice Statistics, December 1994).

As suggestive as they are, such national data on the concentration of violent crime by race, place, and age need to be brought down to the street-level in order to be understood. Consider the case of Philadelphia. For many years, crime rates in Philadelphia have been lower than in the rest of the nation's ten largest cities. Still, as measured by the UCR, in 1990 Philadelphia's total crime rate was about twice that of the four surrounding suburban Pennsylvania counties, and its violent crime rate was over three times that of those counties. Forty-two percent of all violent crimes committed in Pennsylvania occurred in Philadelphia, which contained only 14 percent of the state's total population.¹⁷

In 1994, 433 people were murdered in the City of Brotherly Love, 340 of them black. Blacks were 39 percent of the city's population but 78.5 percent of its murder victims. More than half of the victims were males between the ages of 16 and 31. All but five of the 89 victims under 20 were non-white. Citywide, the number of murders per 100,000 residents was 23 (the national average since 1990 has hovered around 9.5). But in the predominantly white, working-class Greater Northeast region of the city, the murder rate was about two per 100,000; in predominantly poor, black North Philadelphia, the rate was 66; and in the heart of North Philadelphia, in an area known to residents and police as "the Badlands," the rate was over 100.¹⁸ The picture on the next page is probably worth 1,000 words.

Like other big cities, Philadelphia's concentrated violent crime problem is exacerbated by street-gang activity. But compared to the gang problems of Los Angeles County and some other cities, Philadelphia should count its blessings. L.A. has some 400 street gangs organized mainly along racial and ethnic lines: 200 Latino, 150 black, the

¹⁷ *Uniform Crime Report, Commonwealth of Pennsylvania, Annual Report, 1990* (Pennsylvania State Police, 1991), pp. A2-A4.

¹⁸ Don Russell and Bob Warner, "Fairhill, City's Deadliest Turf in '94," *The Philadelphia Daily News*, January 9, 1995, pp. 4-5. Also see Craig R. McCoy et al., "Crime in the City," *The Philadelphia Inquirer*, September 25, 1995, pp. A6-A7.

rest white or Asian. Together these gangs claim over 50,000 members. In 1994 their known members committed 370 murders and over 3,300 felony assaults.¹⁹

3. Violent Crime Demographics

Demographic trends make it virtually certain that these gangs in L.A. and other cities will have plenty of potential recruits between now and the year 2005. As table 6 indicates, in 1990 the country had about 64 million children age 17 or younger. By the year 2010 that number will increase by 15 percent, eight percent for whites, 26 percent for blacks, and 71 percent for Latinos.

Table 6. U.S. Juvenile Population, 1990 and projected 2010

	Population		Increase	
	1990	2010	Number	Percent
<i>All juveniles</i>	64,185,000	73,617,000	9,432,000	15%
Ages 0-4	18,874,000	20,017,000	1,143,000	6%
Ages 5-9	18,064,000	19,722,000	1,658,000	9%
Ages 10-14	17,191,000	20,724,000	3,533,000	21%
Ages 15-17	10,056,000	13,154,000	3,098,000	31%
<i>White</i>	51,336,000	55,280,000	3,944,000	8%
<i>Black</i>	9,896,000	12,475,000	2,579,000	26%
<i>Latino</i>	7,886,000	13,543,000	5,657,000	71%

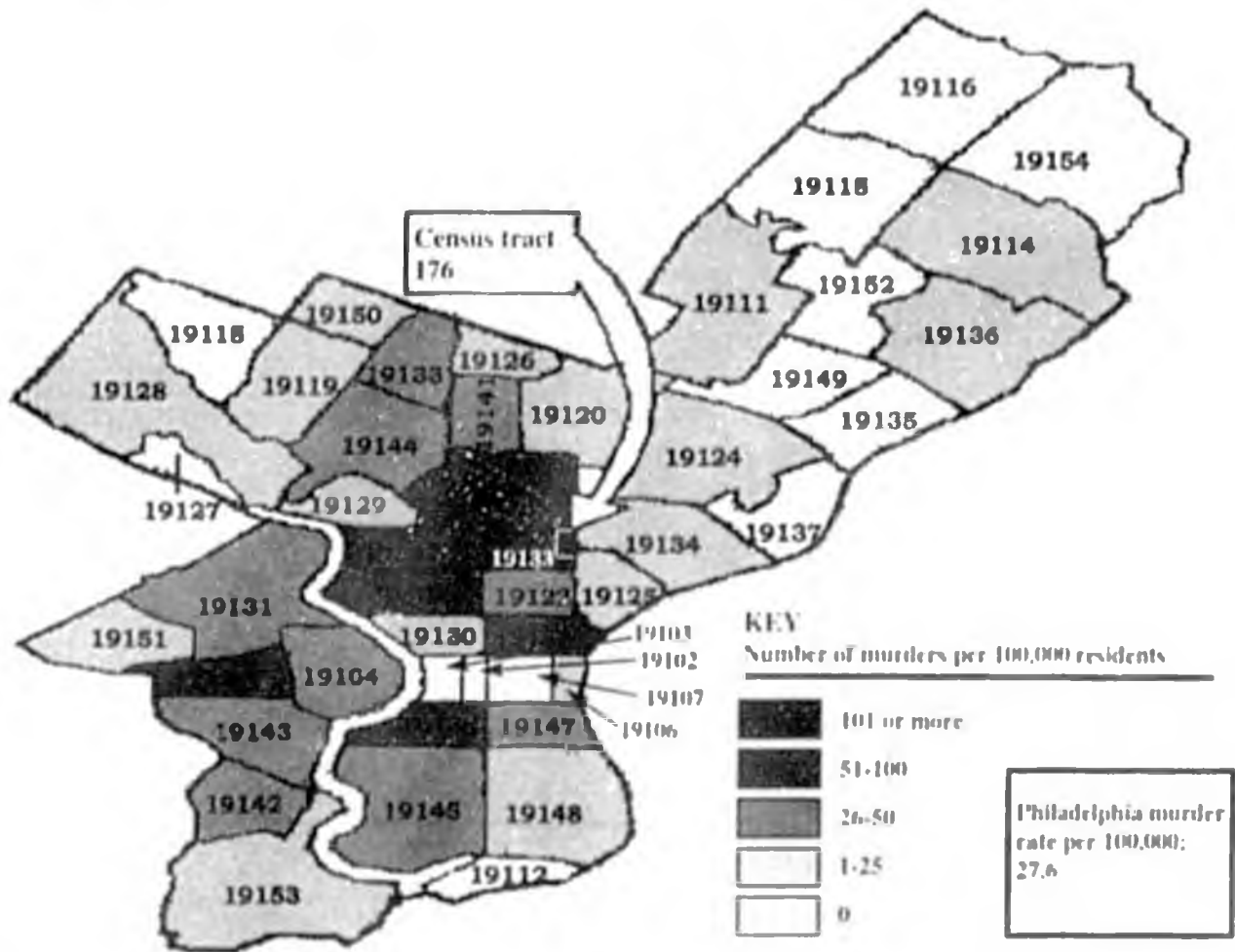
Source: Bureau of the Census, 1993, Office of Juvenile Justice and Delinquency Prevention, 1995.

Today America is home to about 7.5 million males between the ages of 14 to 17. That crime-significant cohort will increase by roughly 500,000 between now and the year 2000. Between now and the year 2005, the number of 14-to-17-year-old males will increase by 23 percent, with increases of 28 percent and 50 percent for blacks and Latinos, respectively.²⁰

¹⁹Pehr Luedtke, *Gang Politics in Los Angeles County* (Senior Thesis, Woodrow Wilson School, Princeton University, 1995).

²⁰James Alan Fox, "Homicide Offending Patterns: A Grim Look Ahead," paper presented at the American Academy for the Advancement of Science Annual Meeting, Atlanta, Georgia, February 16-21, 1995.

Figure 1. Murder in Philadelphia, according to ZIP code



Sources: Philadelphia Police Department, 1990 U.S. census, Philadelphia Daily News analysis.

Justice system officials are generally aware of these demographic shifts. For example, the New York City police department forecasts that between now and the year 2000, the number of males in the city between the ages of five and 14 will rise by over 50,000.²¹ Likewise, California officials project that the state's number of juveniles ages 11 through 17 (the ages responsible for 99 percent of juvenile arrests) will increase 33 percent in the next decade.²²

Still, it is worth stressing that this increase in young males may not simply be a matter of rising numbers in terms of violent crime rates in the years ahead; instead, it is likely that, on average, tomorrow's new young felons will commit more serious crimes than today's juvenile offenders do.

For starters, consider the results of a famous study of all 10,000 males born in 1945 who lived in Philadelphia between their tenth and eighteenth birthdays.²³ Over one-third had at least one recorded arrest by the time they were eighteen. Most of the arrests occurred when the boys were fifteen, sixteen, or seventeen. Half of the boys were arrested more than once; once a boy had been arrested three times, the chances that he would be arrested again were over 70 percent. But perhaps the most significant finding of the study was that six percent of the boys committed five or more crimes before they were eighteen, accounting for over half of all the crimes, and about two-thirds of all the violent crimes, committed by the entire cohort. This "six percent do 50 percent" statistic has been replicated in a series of subsequent longitudinal studies on Philadelphia and other cities.

But even more important, this same literature indicates that each generation of crime-prone boys is several times more dangerous than the one before it, and that over 80 percent of the most serious and frequent offenders escape detection and arrest. For example, crime-prone boys born in 1958 who resided in Philadelphia between their tenth and eighteenth birthdays did about three times as much crime as their older cousins in the class of '45. But about 60 percent of the most serious offenders in the former cohort were never known to the police, and it is probable that an even larger fraction of the serious offenders in the latter cohort had no official record.

Taken as a whole, the data suggest that the difference between the juvenile criminals of the 1950s and those of the 1970s and early '80s was about the difference between the Sharks and Jets of "West Side Story" and the Bloods and Crips of L.A. County fame. It is not inconceivable that the demographic surge of the next ten years will bring with it young male criminals who make the "O.G.s" (original gangsters) of the Bloods and Crips look tame by comparison. And it is all too likely that most of the worst of the worst offenders will escape detection, arrest, and punishment—clearance rates for murder dropped to a record low of 65 percent in 1992, and in a few cities where juvenile crime is already spiraling, half of all murders go unsolved for a year or more.²⁴

²¹Data supplied by Office of the Commissioner, New York City Police Department, September 26, 1995.

²²Elizabeth G. Hill, *Juvenile Crime Outlook for California* (Legislative Analyst's Office, State of California, May 1995), p. 22.

²³Marvin E. Wolfgang et al., *Delinquency in a Birth Cohort* (University of Chicago Press, 1972).

²⁴Murder in America (International Association of Chiefs of Police, May 1995), p. 6; Monica Rhor et al., "Hall of Camden's '94 Homicides Unsolved," *The Philadelphia Inquirer*, March 12, 1995, pp. A1, A22-A23; Marvin Wolfgang et al., *From Boy to Man: From Delinquency to Crime* (University of Chicago Press, 1987).

4. Violent Crime Dynamics

No one fully understands the causal dynamics behind crime demographics. In the aggregate, it is easy to explain and predict differences in predatory criminal propensities between, say, well-off boys from intact families residing in good neighborhoods, and impoverished boys from single-parent families living in drug- and crime-infested places. But under what conditions do otherwise comparable young males vary in their propensities to commit violent crimes (remember, not every "bad home" produces a "bad boy" or a career street predator)? And why has each recent cohort of serious young male offenders been, on average, more prone to homicidal and violent crime than the one before it?

Many researchers in criminology, the social sciences, and even the bio-medical sciences are doing studies that may (or may not) yield definitive policy-relevant answers to such questions. For example, a number of analysts have been at work on the "project on human development in Chicago neighborhoods," described in a recent National Institute of Justice report as "an unprecedented, long-range program of research designed to study a broad range of factors at the level of the community, the family, and the individual believed to be important in explaining early aggression and delinquency, substance abuse, and criminal behavior, including violence."²⁵ Table 7 lists the thirty different "contexts" and "factors" being investigated in the Chicago project.

Marvin Wolfgang et al., *Delinquency Careers in Two Birth Cohorts* (Plenum, 1980), D.S. Elliott et al., "Self-reported Violent Offending," *Journal of Interpersonal Violence* (1986), pp. 472-514, D.S. Elliott, "Serious Violent Offenders," *Criminology*, 1992, pp. 1-21, Alfred Blumstein et al., *Criminal Careers and Career Criminals* (National Academy Press, 1985), James Q. Wilson et al., *Understanding and Controlling Crime* (Springer-Verlag, 1986)

²⁵ Christy A. Visser, "Understanding the Roots of Crime: The Project on Human Development in Chicago Neighborhoods," *National Institute of Justice Journal*, November 1994, p. 9

Table 7. Thirty contexts and factors being studied as part of the Project on Human Development

1. Social, economic, and demographic structure.
2. Organizational/political structure.
3. Community standards and norms.
4. Informal social control.
5. Crime, victimization, and arrests.
6. Social cohesion.
7. Residential turnover.
8. Level of involvement in drug and gang networks.
9. Academic achievement expectations.
10. School policies regarding social control.
11. School conflict.
12. Teacher-student relationships.
13. Strengths and weaknesses of the school environment.
14. Composition and size of social network.
15. Substance abuse and delinquency by peers.
16. Deviant and prosocial attitudes of peers.
17. Location of peer networks (school or community).
18. Changes in peer relationships over time.
19. Family structure.
20. Parent-child relationships.
21. Parental disciplinary practices.
22. Parent characteristics.
23. Family mental health.
24. Family history of criminal behavior and substance abuse.
25. Physical and mental health status.
26. Impulse control and sensation-seeking traits.
27. Cognitive and language development.
28. Ethnic identity and acculturation.
29. Leisure-time activities.
30. Self-perception, attitudes, and values.

Source: Christy A. Visher, "Understanding the Roots of Crime," *National Institute of Justice Journal*, November 1994, p. 14.

We have no doubt that this research will add something of intellectual interest to the already voluminous academic literature on understanding and reducing violence.²⁶ Likewise, we agree wholeheartedly that uncovering "the subtle interaction between individual characteristics and social circumstances requires policy-related research of a sort and on a scale that has not been attempted before."²⁷ And, as we stated in the first part of this report, Americans should strive to prevent crime by reducing the chances that given at-risk children will become delinquent or criminal in the first place.

²⁶For a sample of the recent literature, see *1993 Report of the Harry Frank Guggenheim Foundation: Research for Understanding and Reducing Violence, Aggression and Dominance* (The Harry Frank Guggenheim Foundation, 1993).

²⁷James Q. Wilson, *On Character* (American Enterprise Institute, 1991), p. 179.

But we would be as surprised, as we suspect most Americans would be, if these studies uncovered something fundamental about the dynamics of predatory street crime that we did not already know, or that strongly contradicted the common sense of the subject. For example, as every study shows--and as every family court judge knows--large fractions of highly violent juvenile offenders have suffered serious abuse or neglect by a family member, or have witnessed extreme violence, or both. Likewise, it has long been known that over half of state prisoners come from single-parent households, over one-quarter have parents who abused drugs or alcohol, and nearly a third have a brother with a prison or jail record.

Moreover, the human drama behind the statistics has been captured in numerous ethnographic accounts. One of the most recent of these accounts is Mark S. Fleisher's book on the lives of 194 West Coast urban street criminals, including several dozen who were juveniles at the time he did his primary field research (1988 to 1990). Almost without exception, the boys' families "were a social fabric of fragile and undependable social ties that weakly bound children to their parents and other socializers." Nearly all parents abused alcohol or drugs or both. Most had no father in the home; many had fathers who were criminals. Parents "beat their sons and daughters--whipped them with belts, punched them with fists, slapped them, and kicked them."²⁴

Likewise, in a recent book on race and class in America, Jennifer L. Hochschild acknowledges that "some lawbreakers hold different values than most other Americans," and are quite distant from "mainstream norms":

Asked for an alternative to killing another drug dealer, young murderers in Washington, D.C. speculate only that they could have shot their rival once rather than six times, or could have stabbed instead of shot at him. Their sole regret is that incarceration "took a lot of my life"; one went to his victims' funerals to assure himself that they were indeed dead. Most chillingly, some seem incapable of seeing the future as potentially different from the past; when asked, "what are your thoughts about the future?" several youth asked for an explanation of the question.²⁵

Does anyone actually doubt that poor, fatherless young males who are abused or neglected at home, vegetate or make trouble at school, hang out with deviant, delinquent, or criminal peers and live among people who abuse alcohol or drugs in neighborhoods dotted by malt-liquor outlets are substantially more likely to get into trouble with the law and commit violent crimes than otherwise comparable children who are less exposed to some or all of these criminogenic influences? Who among us still questions the increased criminal potential of children who are exposed to open-air drug markets; who lack attachment to religious, civic, or other communal associations; or who are simply never habituated by parents, guardians, relatives, friends, teachers, coaches, or clergy to control their aggressive impulses, defer immediate gratifications for the sake of future rewards, or respect the feelings, persons, and property of others?

Intellectually, it is worthwhile to strive for ever more analytically refined understandings of the conditions that spawn violent crime by spawning violent criminals.

²⁴Mark S. Fleisher, *Beggars and Thieves: Lives of Urban Street Criminals* (University of Wisconsin Press, 1995).

²⁵Jennifer L. Hochschild, *Facing Up to the American Dream* (Princeton University Press, 1995), p. 205.

But we already know where violent crime is most heavily concentrated, and which children are most at risk: namely, poor minority children growing up in drug- and crime-infested inner-city neighborhoods. In our forthcoming hearings and in other ways, we hope to identify meaningful, real-world examples of community-based programs intended to prevent at-risk kids from becoming violent criminals. For beyond academic theory and expert-derived, one-size-fits-all public policy approaches, Americans most desperately need civic rescue missions to save particular at-risk children when and where it really counts.

5. Violent Crime: Voters are Not Fools

Most Americans already possess the common sense and the compassion necessary to meet the challenges of violent crime prevention, protection, and restraint. Moreover, most Americans are keenly aware of the relative violent crime risks which they face, and are by no means as prone to exaggerate those risks—as many critics of the public's understanding of crime and punishment have asserted.

Of course, we do not mean to suggest that most citizens have on the tips of their tongues the crime statistics cited in the foregoing sections of this report. Nor do we mean to deny that, under some conditions, public fear of violent crime (and of other types of crime as well) can be heightened beyond reason by news events, television viewing habits, or other factors. But we do mean to stress the often-overlooked fact that the relative intensity of citizens' personal concerns about violent crime is more a mirror than a mirage of their relative objective risks of being victimized by violent crime.

For example, in just about every major public opinion survey since January 1994, crime has been ranked ahead of unemployment, the deficit, pollution, and other issues as the main problem facing the country today. But while nearly all Americans now feel more threatened by crime than they did in the past, urban Americans feel more threatened than suburban or rural Americans, and urban blacks feel more threatened than other urban residents. For example, in 1991 about 7.4 percent of all households, 16.5 percent of black households, and 22.7 percent of central city black households identified crime as a major neighborhood problem. Between 1985 and 1991, the fraction of rural households that identified crime as a major neighborhood problem remained fairly stable, rising from 1.4 percent to 1.9 percent. But the fraction of black central-city households that did so nearly doubled from 11.8 percent to 22.7 percent.³⁰

Likewise, a number of recent surveys, including one conducted by the Black Community Crusade for Children, have found that black urban children, who are far more likely than black urban adults to be murdered or victimized by many types of violent crime, ranked their top five present life concerns as follows: kids carrying guns (70 percent); violence in school (68 percent); living in a dangerous neighborhood (64 percent); involvement with gangs (63 percent); and involvement with people who cause trouble (63 percent).³¹ And as table 8 indicates, black teenagers, who are more likely than white teenagers to be murdered or victimized by many types of violent crime, feel more threatened.

³⁰*Crime and Neighborhoods* (Bureau of Justice Statistics, June 1994).

³¹Black Community Crusade for Children, *Overwhelming Majority of Black Adults Fear For Children's Safety and Future* (Children's Defense Fund, May 26, 1994).

More broadly, consider the implications of the fact that many anti-crime activities in this country are private, not governmental. They consist of the countless financial, locational, and organizational decisions made each day by families, businesses, and neighborhood groups in an effort to render the environments in which law-abiding people live, work, shop, attend school, and play relatively impervious to crime. We lock our doors and install burglar alarms. We counsel our teenagers to be careful and to avoid driving through "bad neighborhoods." We relocate our families and our businesses. We make crime-sensitive investment decisions. We watch the neighbors' homes when they are on vacation. We hire private security guards. We form neighborhood watch groups. Were it not for these private anti-crime efforts, America's violent crime problem would be far worse. Undoubtedly, part of the reason for such high rates of criminal victimization among inner-city blacks is that the law-abiding people of these communities experience a relative lack of the financial and political resources needed to protect their homes, stores, parks, and schools.

To our knowledge, no one has attempted to measure or monetize what Americans spend privately on crime protection. Loose estimates have been made that twice as much is now spent on private security services as on public police, but no rigorous work on the costs of "rent-a-cops," let alone of the entire range of private anti-crime activities, is presently available.

Table 8. Teenagers and the threat of violent crime

	White Teenagers	Black Teenagers
<i>How much of the time do you worry about being the victim of a crime?</i>		
A lot or some of the time	36%	54%
Hardly ever or never	64%	46%
<i>What kind of crime do you think is likely to happen to you?</i>		
Robbery/mugging	13%	10%
Shooting	5%	27%
Assault	6%	7%
Rape	7%	2%
Other	2%	3%
<i>Who do you think is more likely to commit that crime against you?</i>		
Teenager you know	7%	11%
Teenager you don't know	18%	37%
An adult	9%	4%
<i>Do you know someone who has been shot in the past five years?</i>		
Yes	31%	70%
<i>What is the biggest problem where you go to school?</i>		
Violence	19%	37%
Gangs	5%	8%
Drugs	14%	8%
Racism	8%	6%
All other	40%	23%
<i>Are organized gangs a problem in your school?</i>		
Yes	18%	33%

Source: *New York Times*, July 10, 1994, p. 16, based on New York Times CBS News Poll.

But we would not be surprised to learn that Americans are investing more of their own money, time, and effort in crime protection today than they did five, ten, or fifteen years ago. If that is so, then the public's crime fears are more understandable. For what average Americans seem to sense is that, for all of the private, corporate, and community-based anti-crime initiatives, for all of the disposable income spent on security devices, for all of the costly behavioral changes, and for all of the neighborhood rallies, they have to date gained only marginal and temporary relief from murder and mayhem on the streets.

III. The Reality of Revolving-Door Justice

A majority of Americans of every demographic description are convinced that existing government policies do not do nearly enough to complement private anti-crime efforts and protect law-abiding citizens from violent and repeat criminals. In stark contrast, many experts and criminals' rights advocates remain sanguine about how the system operates. In their view, the real problem is not revolving-door justice but its opposite--public policies that incarcerate too many convicted criminals for too long. The national media routinely side with the experts. A typical example is the 1994 *Time* magazine cover story which declared in bold letters that "outraged Americans" who favor "lock'em up" policies fail to see that "prisons have failed" and that "imposing longer sentences may only increase the crime rate."³²

There is plenty of reliable data that can be used to referee this dispute between the people and the experts. Almost all of it supports the views held by average Americans.

As table 9 indicates, there is quite a gap between how much time average citizens think convicted criminals should serve in prison and how much time the criminals actually serve. For over a decade, the justice system has been overloading the streets at least as fast as it has been filling up the prisons. As table 10 indicates, more than seven out of 10 of the 5.1 million people under correctional supervision on any given day in 1994 were *not* incarcerated. Nationally, about three million persons were on probation, one million were in prison, 690,000 were on parole, and 484,000 were in jail. Between 1980 and 1994, the parole population and the prison population both grew by 213 percent.

Indeed, in 1992, over 10.3 million *violent* crimes were committed, but just 3.3 million were reported to the police. About 641,000 led to arrests, barely 165,000 to convictions, and only 100,000 or so to state prison sentences, which on average ended before the convict had served even half his time behind bars.³³

How is it that the justice system imprisons barely one criminal for every 100 violent crimes? How is it that millions of convicted criminals with a history of violence end up on probation or parole rather than behind bars? Who really goes to prison, for how long, and under what conditions? What really happens on probation and parole? And how much violent crime is actually done by repeat violent criminals, including those who are legally "under supervision" at the very moment they find their latest victims?

³²Richard Lacayo, "Lock 'Em Up," *Time*, February 7, 1994, pp. 51, 55.

³³*Criminal Victimization 1993* (Bureau of Justice Statistics, May 1995), p. 2; *Sourcebook of Criminal Justice Statistics 1993* (Bureau of Justice Statistics, 1994), tables 4.9 and 5.73; *Felony Sentences in State Courts, 1992* (Bureau of Justice Statistics, January 1995), tables 1, 2, and 4.

Table 9. Actual vs. Recommended Sentences

<i>Offense</i>	<i>Actual average time served, released in 1992</i>	<i>Average recommended time in prison, 1987</i>
Rape	4 years, 11 months	
with no other injury		15 years, 5 months
with forced oral sex, no other injury		16 years, 10 months
Robbery	3 years, 3 months	
no weapon, threat of force, no injury, \$10		3 years, 8 months
threat of force with weapon, no injury, \$10		5 years, 8 months
shot victim with gun, hospitalization, \$1,000		10 years, 3 months
Assault	2 years	
intentional injury, treatment by doctor, no hospitalization		5 years, 7 months
intentional injury, treatment by doctor and hospitalization		7 years, 9 months
Burglary	1 year, 10 months	
burglary of a home with loss of \$1,000		4 years, 5 months
Drug trafficking	1 year, 6 months	
cocaine sold to others for resale		10 years, 6 months

Note: This table compares the actual time served for selected serious offenses by those released from prison in 1992 with the prison sentences recommended by a representative sample of Americans in 1987.

Source: Joseph M. Bessette, "Crime Justice, and Punishment," *Jobs and Capital*, Winter 1995, p. 22.

Table 10. Number of adults on probation, in jail or prison, or on parole, 1980-94

Year	Total estimated correctional population	Probation	Jail ^a	Prison	Parole
1980 ^b	1,840,400	1,118,097	182,288	319,598	220,438
1985	3,011,500	1,968,712	254,986	487,583	300,203
1990	4,348,000	2,670,234	403,019	743,382	531,407
1991	4,536,200	2,729,322	424,129	792,535	590,198
1992	4,763,200	2,811,611	441,781	851,205	658,601
1993	4,943,900	2,903,160	455,500	909,186	678,100
1994	5,135,900	2,962,166	483,717	999,808	690,159
Percent change,					
1993-94	4%	2%	6%	10%	2%
1980-94	179%	165%	165%	213%	213%

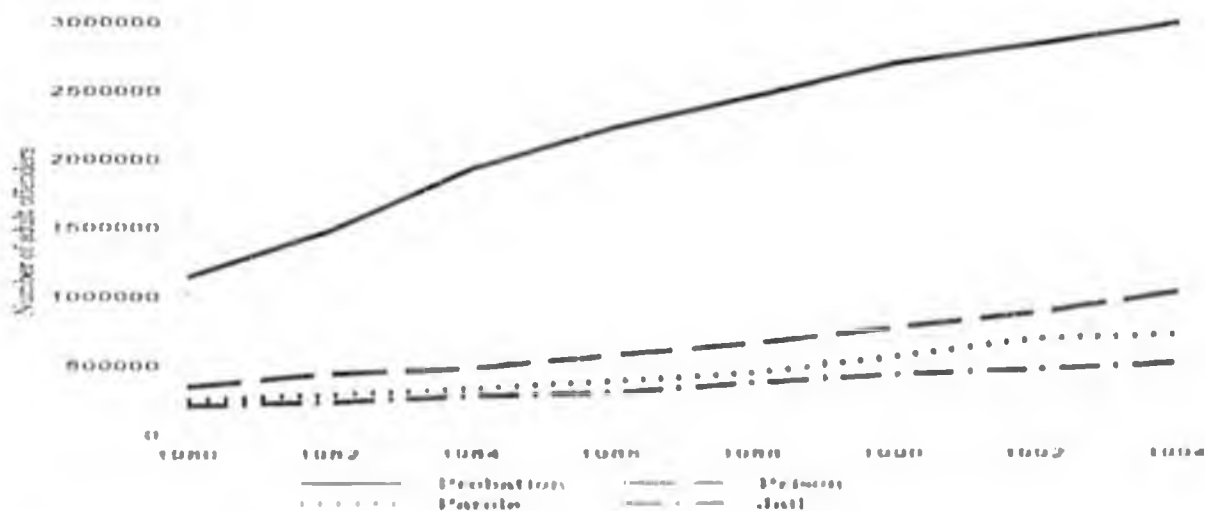
Note: Every year some states update their counts. Counts for probation, prisons, and parole population are for December 31 each year. Jail population counts are for June 30 each year. Prisoner counts are for those in custody only. Because some persons may have multiple statuses, the sum of the number of persons incarcerated or under community supervision overestimates the total correctional population.

^aIncludes convicted and unconvicted adult inmates.

^bJail count is based on estimates.

Source: Bureau of Justice Statistics, 1995.

Figure 2. Adults in jail, on probation, in prison, or on parole in the United States, 1980-93



Source: *Correctional Populations in the United States, 1993* (Bureau of Justice Statistics, October 1995); *Sourcebook of Criminal Justice Statistics, 1994* (Bureau of Justice Statistics, 1995).

1. Who Really Goes to Prison?

The revolving door is greased when 65 percent of all felony defendants, and 63 percent of all violent felony defendants, are released prior to the disposition of their case. As table 11 indicates, in 1990 in the nation's seventy-five largest counties, 44 percent of all released defendants, and 11 percent of all released violent felony defendants, had a history of prior convictions, including 31 percent of the former who had 1 or more prior convictions, and 5 percent who had 10 or more prior convictions. About 19 percent of released violent felony defendants simply fail to appear in court. About 16 percent of released violent felony defendants are rearrested again within the year, a quarter of them for another violent crime.³⁴ And in 1992, 71 percent of the defendants charged with felony weapons offenses were released prior to trial.³⁵

Table 11. Number of prior convictions of felony defendants, by whether released or detained and the most serious current arrest charge, 1990

Detention/release outcome and the most serious current arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		Total with			Number of prior convictions			
		Total	No prior convictions	Prior convictions	10 or more	5-9	2-4	1
<i>Released defendants</i>								
All offenses	33,085	100%	56%	44%	5%	9%	17%	13%
Violent offenses	8,452	26	15	11	1	2	4	4
Property offenses	11,481	35	26	15	2	3	5	4
Drug offenses	10,474	32	17	15	1	3	6	5
Public-order offenses	2,678	8	4	4	--	1	2	1
<i>Detained defendants</i>								
All offenses	18,348	100%	29%	71%	11%	20%	27%	13%
Violent offenses	4,933	27	9	18	2	5	7	4
Property offenses	6,143	33	10	24	4	7	8	4
Drug offenses	6,027	33	9	24	4	6	10	4
Public-order offenses	1,245	7	1	6	1	2	2	1

Source: *Pretrial Release of Felony Defendants, 1990* (Bureau of Justice Statistics, November 1992).

But it is at the point of sentencing that the revolving door for violent felons really begins to swing. As table 12 shows, in 1992 fully 47 percent of state felons convicted of one violent crime were not sentenced to prison, and nearly a quarter of those convicted of

³⁴*Pretrial Release of Felony Defendants, 1990* (Bureau of Justice Statistics, November 1992), tables 12 and 13.

³⁵*Weapons Offenses and Offenders* (Bureau of Justice Statistics, November 1995), p. 4.

three or more felony crimes, one or more of which was a violent crime, were not sentenced to prison.

Table 12. Convicted violent felons not sentenced to prison, by number of conviction offenses, 1992

Most serious conviction offense	Percent of convicted felons <i>not</i> sentenced to prison for 1, 2, or 3 or more felony conviction offenses		
	One	Two	Three or more
All violent offenses	47%	31%	23%
Murder	9%	5%	3%
Rape	39%	23%	20%
Robbery	30%	21%	14%
Aggravated assault	61%	45%	38%
Other violent*	65%	51%	36%

Note: This chart reflects prison non-sentencing rates for felons based on their most serious offenses. For example, if a felon is convicted for murder, larceny and drug possession, and not sentenced to prison, he would be represented in this chart under murder (the most serious offense) with three or more offenses.

*Includes offenses such as negligent manslaughter, sexual assault and kidnapping.

Source: Bureau of Justice Statistics, *Felony Sentences in State Courts*, January 1995, p. 6.

Given these facts, it is not surprising that virtually all convicted criminals who do go to prison are violent offenders, repeat offenders, or violent repeat offenders. Table 13 summarizes the number of prisoners in state prisons in 1991 by the most serious offenses (not the only offenses) for which they were convicted. Some 46.5 percent of the prisoners were in prison for violent offenses.

Table 13 Number of state prisoners in 1991, by most serious offense

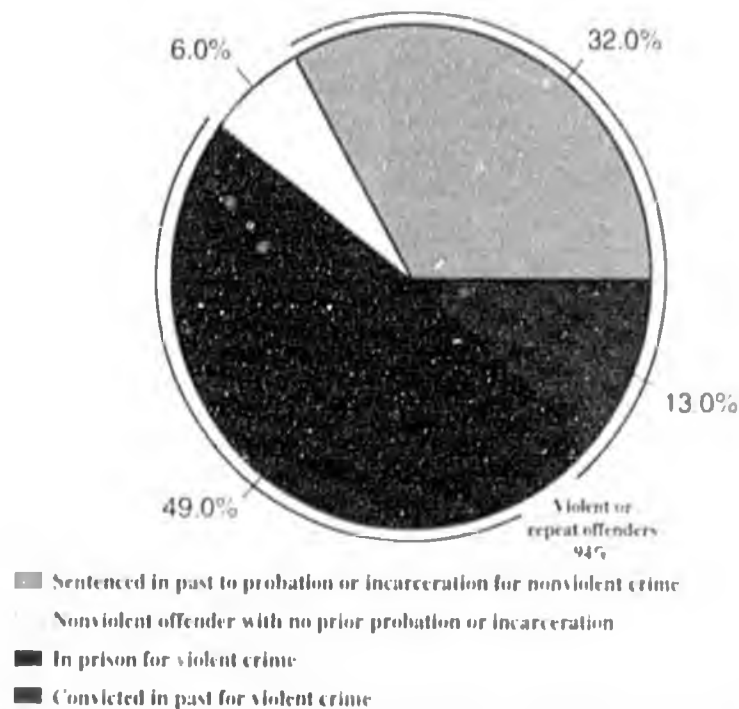
<i>All offenses</i>	728,605
<i>Violent offenses</i>	339,500
Murder	77,200
Manslaughter	13,100
Rape	25,500
Other sexual assault	43,000
Robbery	107,800
Assault	59,000
Other violent	13,100
<i>Property offenses</i>	180,700
Burglary	90,300
Larceny/theft	35,700
Motor vehicle theft	16,000
Fraud	20,400
Other property	18,200
<i>Drug offenses</i>	155,200
<i>Public-order offenses</i>	49,500
<i>Other/unspecified offenses</i>	2,900

Source: *Prisoners in 1994* (Bureau of Justice Statistics, August 1995).

It is a gross but common error to conclude from such data that half of all prisoners are "non-violent." In fact, as depicted in figure 3, based on a scientific survey representing 711,000 state prisoners in 1991, former BJS Acting Director Lawrence A. Greenfeld found that fully 62 percent of the prison population had a history of violence, and that 94 percent of state prisoners had committed one or more violent crimes or served a previous sentence to incarceration or probation.³⁶ In effect, this 94 percent statistic is a measure of the prison population's criminal "grade point average," accounting for the totality of prisoners' known adult and juvenile criminal acts against life, liberty, and property. Performing the same analysis on other large state prisoner data sets yields virtually the same results: since 1974 over 90 percent of all state prisoners have been violent offenders or recidivists.

³⁶*Survey of State Prison Inmates, 1991* (Bureau of Justice Statistics, March 1993), p. 11.

Figure 3. Profile of Prison Inmates, 1991



Source: *Survey of State Prison Inmates, 1991* (Bureau of Justice Statistics, 1992). Statistics based on a sample representing 711,000 adults in state prisons.

Indeed, between 1980 and 1993 the growth in state inmates was greatest among offenders whose most recent and serious conviction offense was violent. During that period, the number of violent offenders behind bars grew by 221,000, representing 1.3 times the growth in the number of offenders whose most recent and serious conviction offense was for a drug law violation, and 42 percent of the total growth in state prison populations.³⁷

In short, the closer one looks into the criminal and conviction histories of prisoners, the clearer it becomes that there are precious few petty, non-violent, or first-time felons behind bars who pose no real threat to public safety and who simply do not deserve to be incarcerated.

For example, in 1994 California's prison population rose to over 125,000 inmates. Since the mid-1980's, numerous experts and journalists have insisted that the state's prisons were overflowing with first-time offenders and harmless parole violators. And as California voters marched to the polls and overwhelmingly approved a three-strikes law, many analysts and commentators confidently warned that, within a year, the state's prisons would be bulging with petty criminals sentenced automatically to life without parole for any third felony conviction.

³⁷ *Prisoners in 1994* (Bureau of Justice Statistics, August 1995), p. 11

Table 14 summarizes the results of a California Department of Corrections analysis of the criminal histories of 16,520 randomly selected felony offenders admitted to the state's prisons in 1992 and classified as "nonviolent." The analysis reveals that 88.5 percent of these offenders had one or more prior adult convictions. The average number of prior convictions was 4.7. A fifth of these "nonviolent" felons had been committed to prison once or twice before.

Table 14. Felony offenders admitted to California prisons in 1992 and classified as nonviolent, by criminal histories

<i>Prior convictions</i>	
Juvenile (one or more)	18.2%
Adult (one or more)	88.5%
Adult - Average number	4.7
Adult - Violent (PC 667.5(c)) (one or more)	1.4%
<i>Prior probations</i>	
Prior Probation (one or more)	82.0%
Current Probation resulting in:	
Probation revocation with additional convictions(s)	24.2%
Probation revocation without additional conviction(s)	21.7%
<i>Prior juvenile hall incarcerations (one or more)</i>	5.8%
<i>Prior jail - adult incarcerations</i>	
One or more	65.9%
Three or more	32.8%
<i>Prior California youth authority commitments</i>	10.5%
<i>Prior prison commitments</i>	
One or more	20.6%
Three or more	1.8%

Source: Department of Corrections, State of California, March 1, 1994. Based on an analysis of 16,520 admissions.

Table 15 offers a detailed portrait of the 84,197 adults who were admitted to California prisons in 1991. It is based on a recent analysis by a former president of the American Society of Criminology, Joan R. Petersilia. It shows that only 3,116 of the prisoners (under 4 percent of total admissions) were, in fact, mere technical parole violators (the category "Administrative, non-criminal"). As Petersilia has concluded, these data disprove the notion that hordes of "parole violators are being returned for strictly technical violations. . . . The bottom line is that true technical violators do not currently represent a large portion of incoming inmates, nor do they serve very long prison terms."

More precisely, table 15 shows that about 45 percent of the prisoners were "Felons, New Court Admissions," meaning that they were sentenced by the courts for new crimes ranging from murders to drug deals. The rest were "Parole Violators," meaning that they were sentenced by the courts to additional terms ("Parole Violators With a New Term," 19 percent), or returned to prison by the Board of Prison Terms (the parole board) for having violated one or more conditions of their parole ("Parole Violators Returned to Prison," 36 percent). As the table's compilation of their offense records makes quite plain, the vast majority of both all new court admissions and all parole violators--in short, the vast majority of all persons admitted to California's prisons--were violent or repeat criminals, together responsible for literally tens of thousands of serious crimes including over 2,000 murder convictions.

**Table 15. Persons admitted to California prisons, 1991
By commitment offense and average prison term served**

	Number of Persons	% of Total Admissions	Median Months Served
Felons, New Court Admissions	38,240	45.41%	
Violent Offenses	10,616	12.61%	19.0
Homicide	1,840	2.19%	33.2
Robbery	3,701	4.40%	17.7
Assault	2,881	3.42%	16.2
Sex Crimes	1,936	2.30%	33.2
Kidnapping	258	0.31%	34.6
Property Offenses	10,537	12.51%	11.0
Burglary 1st	2,547	3.02%	20.5
Burglary 2nd	2,154	2.56%	9.9
Grand Theft	1,174	1.39%	10.0
Petty Theft with Pri.	1,520	1.81%	8.8
Rec. Stolen Property	1,003	1.19%	8.9
Auto Theft	1,384	1.64%	11.5
Forgery/Fraud	755	0.90%	9.9
Drug Offenses	12,459	14.80%	11.8
Possession	3,943	4.68%	7.7
Possession for Sale	4,173	4.96%	12.9
Drug Sale	3,052	3.62%	17.4
Drug Manufacture	376	0.45%	21.5
Marijuana	915	1.09%	10.4
Other Offenses	4,628	5.50%	8.9
Driving Under the Influence	2,911	3.46%	8.3
Weapons Possession	604	0.72%	10.6
Escape	68	0.08%	8.4
Arson	138	0.16%	13.6
Miscellaneous	907	1.08%	9.1
Parole Violators with New Term (PV-WNT)	16,010	19.01%	
Violent Offenses	2,705	3.21%	
Homicide	136	0.16%	33.2
Robbery	1,553	1.84%	17.7
Assault	751	0.89%	16.2
Sex Crimes	233	0.28%	33.2
Kidnapping	32	0.04%	34.6

Property Offenses	7,156	8.50%	11.0
Burglary 1st	1,106	1.31%	20.5
Burglary 2nd	1,776	2.11%	9.9
Grand Theft	516	0.61%	10.0
Petty Theft with Pri.	1,905	2.26%	8.8
Rec. Stolen Property	701	0.83%	8.9
Auto Theft	853	1.01%	11.5
Forgery, Fraud	299	0.36%	9.9
Drug Offenses	4,627	5.49%	11.8
Possession	2,205	2.62%	7.7
Possession for Sale	1,036	1.23%	12.9
Sale	890	1.06%	17.4
Manufacture	172	0.20%	21.5
Marijuana	324	0.38%	10.4
Other Offenses	1,522	1.81%	8.9
Driving Under the Influence	479	0.57%	8.3
Weapons	672	0.80%	10.6
Escape	34	0.04%	8.4
Arson	19	0.02%	13.6
Other	318	0.38%	9.1

Parole Violators Returned to Prison (PV-RTP)	29,944	35.56%	
Administrative, non-criminal (technical violations)	3,116	3.70%	4.0
Administrative, criminal	26,828	31.86%	7.0
Type 1	8,382	9.95%	4.0
Drug Use	3,035	3.60%	4.0
Drug Possession	2,427	2.88%	5.0
Misc., Minor	2,920	3.47%	5.0
Type 2	12,010	14.26%	8.0
Sex Offenses	535	0.64%	6.0
Assault	1,431	1.70%	8.0
Burglary	880	1.05%	9.0
Theft	3,714	4.41%	8.0
Drug Sales	1,449	1.72%	10.0
Weapons	386	0.45%	8.0
Driving Violation	1,334	1.58%	8.0
Misc. nonviolent	2,287	2.72%	6.0
Type 3	6,436	7.65%	12.0
Homicide	119	0.14%	12.0
Robbery	1,168	1.39%	12.0
Rape/Assault	353	0.42%	12.0
Battery	2,394	2.84%	12.0
Burglary	704	0.84%	10.0
Drug - Major	253	0.30%	10.0
Weapons	1,093	1.30%	12.0
Driving Violation	171	0.21%	10.0
Miscellaneous	181	0.21%	12.0
Total Admissions	84,197	100%	11.63

Note: Persons who were revoked by the Parole Board in 1991 but "continued on parole" (8700 persons) were not included in this table nor were those with missing offense data (2690 persons)

Source: Joan R. Petersilia, "Diverting Non-Violent Prisoners to Intermediate Sanctions," paper prepared for the California Policy Seminar, Berkeley, California, 1995, pp. 9-11.

From the day it took effect through November of 1995, some 1,020 repeat felons were sentenced under California's three strikes law. About 969 of them were sentenced during the law's first year; the remaining 61 were sentenced over the ensuing eight months.²⁸ Clearly, the state's prosecutors are exercising their discretion to use the law against repeat offenders who for the sake of either public safety, just deserts, or both,

²⁸Data provided by the California Department of Corrections, November 28, 1995.

need to be incarcerated. And, contrary to popular perceptions, not everyone sentenced under the law must serve life without the possibility of parole.

Consider the much-publicized case of the "pizza thief," the 29-year-old California man who was sentenced under the law for stealing a slice of pizza from children in a shopping mall.¹⁰ Although much of the national press spun this story as a self-evident example of the folly of three-strikes (and other "get-tough" legislation), the facts paint a different picture. The offender's adult criminal history dated back to 1985. He was convicted of five serious felonies inside of a decade. He was granted probation five times in five years for convictions on two misdemeanor charges and three felony charges. Between 1985 and 1990, he had five suspended sentences. At one point he moved to Washington State -and was arrested there on additional charges. During his criminal career, he used eight aliases, three different dates of birth, four different Social Security numbers, and marijuana, cocaine, alcohol, and PCP. Standing 6 foot 4 inches, his "third strike" occurred when he and another man frightened and intimidated four children (ages 7, 10, 12, and 14), stole their pizza, and then walked away laughing. He was not sentenced to life; he could be eligible for parole in the year 2014. As one California official quipped, this repeat felon was already "doing life on the installment plan. Three strikes simply reduced the number of future installments and the number of future victims."

2. How Much Hard Time Do Violent Prisoners Really Serve?

The unvarnished truth, therefore, is that America's prisons hold few petty, first-time, non-violent criminals. Moreover, even violent prisoners spend relatively little time behind bars before being released, and do so under conditions of confinement that are far more generous than cruel.

As table 16 indicates, violent offenders released from prison in 1992 served an average of 48 percent of their time behind bars (both jail credit and prison time)--43 months on sentences of 89 months. Between 1988 and 1992 the percent of time served in prisons by released violent offenders rose from 43 percent to 48 percent. But over the same period the average sentence dropped from 95 months to 89 months, meaning that the actual average time served increased only from 41 months to 43 months. Overall, therefore, between 1988 and 1992, there was little change in the amount of time or in the percentage of sentence served for different types of violent crimes.¹¹ Among those violent offenders released in 1992, even murderers served only 5.9 years of 12.4 year terms.

¹⁰Facts of the case supplied by the California Department of Corrections, May 26, 1995.

¹¹*Prison Sentences and Time Served for Violence* (Bureau of Justice Statistics, April 1995), p. 2.

Table 16. Time served on confinement by violent offenders released in 1992

Type of offense	Average sentence (months)	Average time served* (months)	Percent of sentence served
All violent	89	43	48%
Homicide	149	71	48%
Rape	117	65	56%
Kidnapping	104	52	50%
Robbery	95	44	46%
Sexual assault	72	35	49%
Assault	61	29	48%
Other	60	28	47%

*Includes jail credit and prison time.

Source: Bureau of Justice Statistics, *Prison Sentences and Time Served for Violence* (Bureau of Justice Statistics, April 1995), p. 1.

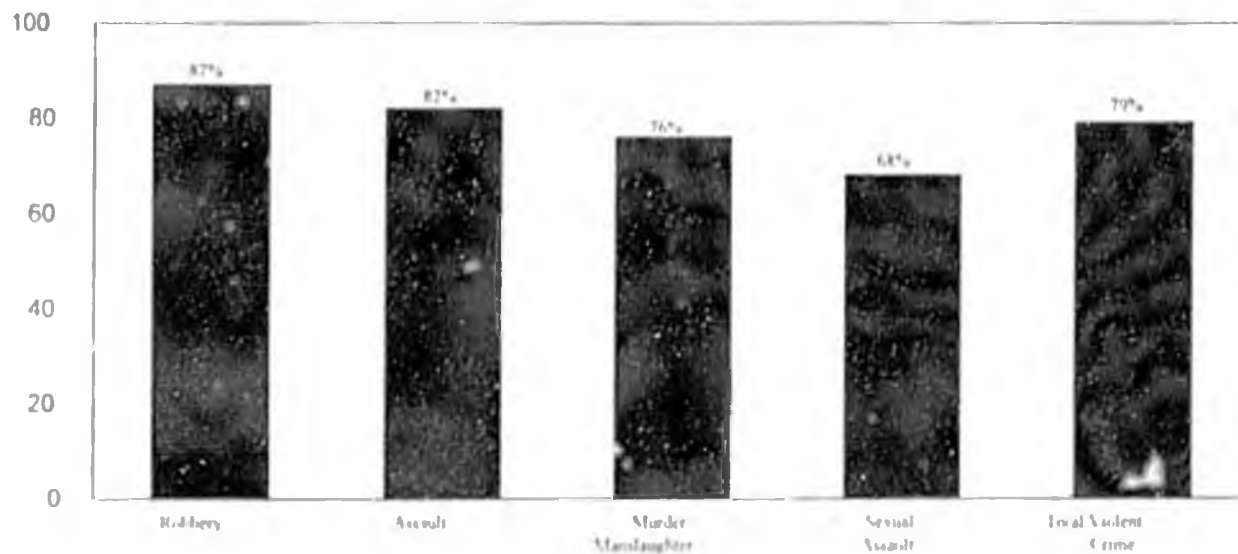
Much the same picture holds when the data on how much time violent felons actually serve in prison is broken down on a state-by-state basis. For example, figure 4 displays the percent of various categories of convicted violent felons in Virginia in 1992 who had at least one prior conviction. More than three-quarters of all violent criminals in Virginia prisons in 1992-93 had prior convictions. Figure 5 displays the average time served by Virginia felons released in 1993. Together, these two sets of data confirm that even most violent recidivists imprisoned for murder, rape, and robbery serve less than half of their sentenced time in confinement.⁴¹

It is possible, however, that truth-in-sentencing and related laws will succeed in increasing the amount of prison time actually served by violent offenders in Virginia and the rest of the nation. For example, the BJS estimates that state prisoners admitted in 1992 could serve an average of 62 months (versus 43 months for violent offenders released in 1992) and 60 percent of their sentences (versus 48 percent).⁴²

⁴¹George Allen, "The Courage of Our Convictions," *Policy Review*, Spring 1995, pp 4-7. Also see *Governor's Commission on Parole Abolition and Sentencing Reform: Final Report* (State of Virginia, August 1994).

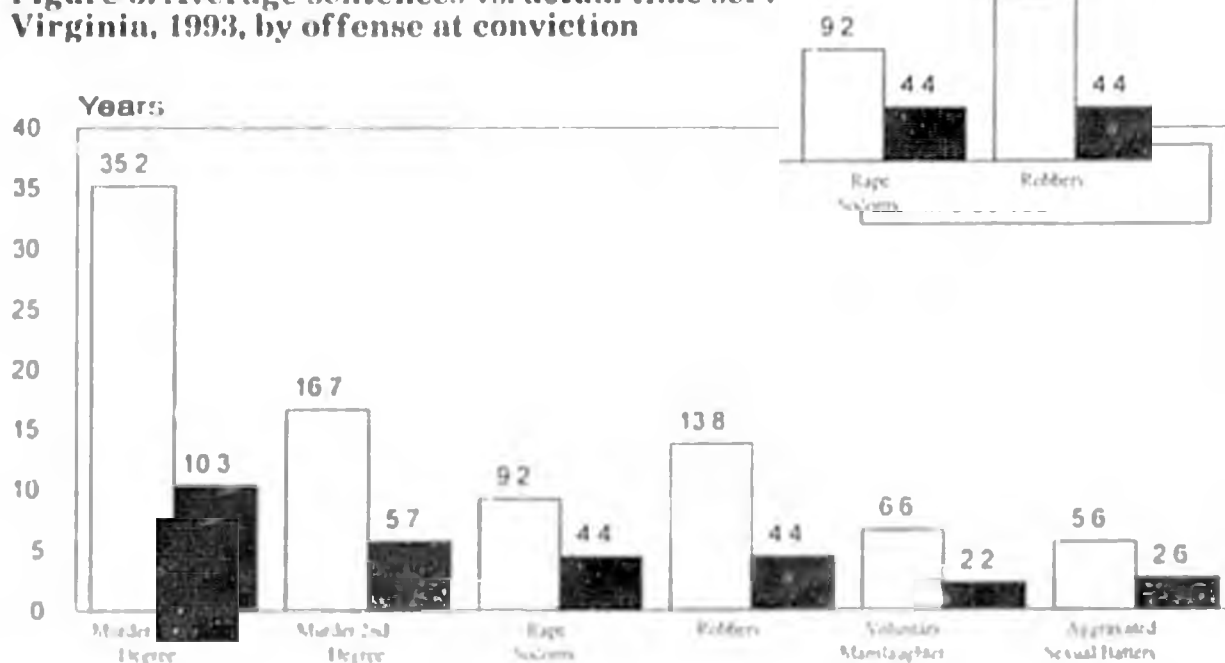
⁴²*Prison Sentences and Time Served for Violence* (Bureau of Justice Statistics, April 1995), p. 2.

Figure 4. Percent of convicted violent felons in Virginia with prior convictions, 1992



Source: George Allen, "The Courage of Our Convictions," *Policy Review*, Spring 1995, p. 5

Figure 5. Average sentences vs. actual time served by violent felons in Virginia, 1993, by offense at conviction



Source: George Allen, "The Courage of Our Convictions," *Policy Review*, Spring 1995, p. 6

While such increases in the amount of time actually served by violent felons would constitute welcome steps in the right sentencing policy direction, there is reason to be

cautious. For one thing, sentencing laws can change, and many states have yet to tighten their grip on convicted violent felons. Despite the universal use of mandatory sentencing laws for murder and many other crimes, state sentencing regimes vary widely. Relatively few states have enacted and implemented strict truth-in-sentencing laws or related measures that keep violent felons behind bars for all or most of their terms.

Also, even with tougher laws on the books, not much may change. Public policies are enunciated in rhetoric, but they are realized (or not) in action. What gets done in "get-tough" crime legislation can be undone or watered down in the administrative process (for example, an escalation in the use of generous automatic "good time" credits), or as the result of judicial intervention (for example, the imposition of prison or jail caps by court orders or via consent decrees).

This is one bitter lesson of the experience with mandatory sentencing laws enacted in the 1970's and 1980's. Sentence lengths did not expand between 1973 and 1986 even though mandatory sentencing laws authorized or required longer sentences. For example, in 1986 the median sentence for a felony conviction was 48 months, compared with 60 months for most of the period between 1960 and 1980. In 1986 the median time served in confinement was 15 months, the same as it was in 1976. And between 1985 and 1992, the mean maximum sentence of prisoners actually declined about 15 percent from 78 months to 67 months.⁴¹

One reason for this failure to increase the amount of time actually served in prison by violent and other serious offenders was judicial intervention into prisons and jails. In 1990, scores of prisons and jails were operating under judicially-imposed caps on their populations, not to mention orders governing staffing, food services, recreation, counseling programs, and other matters.⁴² Federal district court judges have often done whatever they felt was necessary to protect and expand prisoners' rights, including "ordering inmates released or facilities closed."⁴³

To cite just one recent example, in the space of a single year a federal judge forced the City of Philadelphia to release defendants in 15,000 cases rather than violate the population limit she had established for the city's jails. "Thanks to the court order, the city now has 50,000 fugitives from justice—defendants who have been charged with a crime but do not even bother to show up for trial."⁴⁴ As in most such cases, the court's orders have led to skyrocketing fiscal costs and a worse human toll exacted in murders, rapes, and other crimes committed by those released in order to ease "overcrowding" or to remedy other ostensible violations of constitutional rights.

⁴¹Patrick A. Langan, "America's Soaring Prison Population," *Science*, March 29, 1991, pp. 1568-1573; *Time Served in Prison and on Parole, 1984* (Bureau of Justice Statistics, December 1987); *Sentencing and Time Served* (Bureau of Justice Statistics, 1987); *Tracking Offenders, 1987* (Bureau of Justice Statistics, October 1990); *Prisoners in 1994* (Bureau of Justice Statistics, August 1995), p. 12.

⁴²*Census of State and Federal Correctional Facilities* (Bureau of Justice Statistics, 1992), p. 7.

⁴³William C. Collins, "A History of Recent Corrections is a History of Court Involvement," *Corrections Today*, August 1995, p. 150.

⁴⁴Sarah B. Vandenbraak, "Bail, Humbug! Why Criminals Would Really Rather Be in Philadelphia," *Policy Review*, Summer 1995, p. 73.

To be clear, we understand that since 1960 judges have done much to end horrible or abusive conditions behind bars. Too often, however, the courts have expanded prisoners' rights without due regard for such competing values as budgetary limits, institutional order, and public safety.⁴⁷ As the National District Attorneys Association has declared, "federal court orders in prison litigation often have severe adverse effects on public safety, law enforcement and local criminal justice systems."⁴⁸ And as ought never to be forgotten, government by consent decree is not the same as government by the consent of the governed.

Many of the most harmful court orders have married faulty constitutional interpretations to false empirical assumptions. For while some prisons are crowded, most prisons are not terribly "overcrowded." At the end of 1994, states reported that they were operating between 17 and 29 percent over their capacity (the maximum number of prisoners their facilities were designed or reconfigured to hold). Thirteen states and the District of Columbia were operating at or below 99 percent of their capacity. Because of new prison construction, the ratio of the inmate population to the capacity of state prisons has remained stable since 1990.⁴⁹

Moreover, despite the conventional wisdom about the harmful effects of "overcrowding," the statistical data simply do not support the belief that inmates suffer greater levels of violence, illness, or other problems when prisons operate over capacity or increase population densities. And there is no shortage of case studies which suggest that dedicated prison managers have run truly crowded prisons without any increases in critical incidents or other serious problems.⁵⁰ It is clear that the quality of prison management and other intervening variables determine the negative consequences, if any, that flow from having prisoners, few of whom are confined to their cells all day, share limited cell space or sleep in make-shift dormitories.

By the same token, while it is easy to exaggerate the extent of resort-like conditions behind bars, the fact is that most prisons do offer prisoners a wide array of basic amenities and services, and that some prisons do indeed resemble resorts. As table 17 shows, in 1991 over 97 percent of federal prisoners, and 91 percent of state prisoners, were involved in some type of training, program activity, or work assignment. For a large number of prisoners, health care services and the like are both better and more readily available on the inside than they were on the outside.

⁴⁷William D. Hagedorn and John J. Dilulio, Jr., "The People's Court?: Crime, Federal Judges, and Federalism," in Martha Derthick, ed., forthcoming, John J. Dilulio, Jr., ed., *Courts, Corrections, and the Constitution* (Oxford University Press, 1990).

⁴⁸National District Attorneys Association, Resolution, December 1994.

⁴⁹*Prisoners in 1994* (Bureau of Justice Statistics, August 1995), p. 8.

⁵⁰For a good recent summary of the statistical evidence, see Gerald G. Gaes, "Prison Crowding Research Examined," *The Prison Journal*, September 1994, pp. 329-363. For case studies, see John J. Dilulio, Jr., *Governing Prisons: A Comparative Study of Correctional Management* (Free Press, 1987), "Well-Governed Prisons Are Possible," in George Cole, ed., *Criminal Justice* (Wadsworth, 1993), chapter 23, "Prisons That Work: Management is the Key," *Federal Prison Journal*, Summer 1990, pp. 7-15, and "Principled Agents: The Cultural Bases of Behavior in a Federal Government Bureaucracy," *Journal of Public Administration Research and Theory*, July 1994, pp. 277-318.

Indeed, in many states half or more of every prison dollar is now spent not on custody or security basics but on prisoner medical services, education, "treatment programs," and other functions.⁵¹ In 1990 only 234 of the nation's 1,037 prisons were maximum-security prisons, and even in those facilities most prisoners enjoyed access to all manner of amenities and services, and were hardly confined to their living quarters all day. While there remains no evidence that most prison-based programs rehabilitate offenders, there is some evidence that certain types of prison-based substance abuse programs do some good, and that most prisoners who need drug treatment get it while incarcerated.⁵²

⁵¹*Sourcebook of Criminal Justice Statistics* (Bureau of Justice Statistics, 1994), p. 14.

⁵²Charles H. Logan and Gerald G. Gaes, "Meta-Analysis and the Rehabilitation of Punishment," *Justice Quarterly*, June 1993, pp. 245-263; Marcia R. Chaiken, *Prison Programs for Drug-Involved Offenders* (National Institute of Justice, October 1989); Susan Wallace, "Drug Treatment: Perspectives and Current Initiatives," *Federal Prisons Journal*, Summer 1991; M. Douglas Anglin, "Ensuring Success in Corrections-Based Interventions with Drug-Abusing Offenders," paper presented at the Conference on Growth and its Influence on Corrections Policy, University of California at Berkeley, May 10-11, 1990, *Sourcebook of Criminal Justice Statistics 1993* (Bureau of Justice Statistics, 1994), p. 637. It is worth noting here that in 1991 all state and federal government substance abuse treatment programs (prison- and community-based, both for offenders and others) had a utilization rate of 81.1 percent; see *Sourcebook*, p. 542.

Table 17. Training, programs, activities, and work assignment of sentenced federal and state prison inmates, by sex, 1991

	Percent of sentenced inmates					
	All		Male		Female	
	Federal	State	Federal	State	Federal	State
Any training, programs, activities, or work assignment	97.7	91.1	97.7	91.0	98.7	93.0
<i>Training</i>						
Academic	58.1	45.8	58.0	45.9	59.1	44.9
Basic < 9th grade	10.4	5.3	10.7	5.3	7.0	5.1
High school	27.3	27.4	26.6	27.5	35.3	25.6
College	18.9	14.0	19.0	14.0	17.2	13.7
Other	8.4	2.6	8.6	2.5	6.0	4.0
Vocational	29.4	31.4	29.5	31.4	28.8	31.5
<i>Programs/activities</i>						
Religious	38.5	32.0	37.2	31.2	53.9	44.5
Self-improvement	19.8	20.2	17.9	19.5	41.7	32.4
Alcohol/drug support group	9.2	17.1	8.6	17.1	15.5	22.7
Counseling	11.6	17.1	10.8	16.7	20.2	23.4
Pre-release	7.0	8.1	6.4	8.0	13.2	8.9
Arts and crafts	13.1	7.4	11.8	7.1	28.9	12.6
Outside community	2.7	2.7	2.4	2.7	5.8	2.8
Ethnic or racial	6.1	2.5	5.9	2.5	7.8	2.1
<i>Work assignment</i>						
Any	91.2	74.8	91.0	69.7	93.4	74.8
General janitorial	11.7	13.4	11.6	13.3	13.7	16.3
Food preparation	13.1	12.6	13.0	12.5	13.8	16.0
Maintenance, repair or construction	14.6	8.9	14.7	9.1	12.4	4.9
Grounds and road maintenance	6.4	8.2	6.3	8.2	7.2	8.4
Library, barbershop, office or other services	14.9	8.0	14.9	7.8	14.3	11.7
Goods production	2.9	4.3	2.8	4.3	3.7	5.2
Farming, forestry, or ranching	.4	3.9	.4	4.0	.4	2.6
Laundry	2.3	3.0	2.4	3.0	1.8	4.0
Hospital or medical	1.7	.5	1.7	.5	1.8	.9
Other	24.8	12.0	24.7	11.9	26.5	13.8
Number of inmates	53,764	701,775	49,548	663,619	4,216	38,156

Source: Bureau of Justice Statistics, 1994.

3. Crime By Community-Based Violent Convicts

It is clear that violent convicted offenders do not do much hard time behind bars. And it is equally clear that they do tremendous numbers of serious crimes when loose on the streets, including a frightening fraction of all murders. For starters, a recent BJS analysis reveals the following:²⁴

- * In 1991, 45 percent of state prisoners were persons who, at the very time they committed their latest conviction offenses, were on probation or parole.
- * Based only on the latest conviction offenses that brought them to prison, the 162,000 probation violators committed at least 6,400 murders, 7,400 rapes, 10,400 assaults, and 17,000 robberies while "under supervision" in the community an average of 17 months.
- * Based only on the latest conviction offenses that brought them back to prison, the 156,000 parole violators committed at least 6,800 murders, 5,500 rapes, 8,800 assaults, and 22,500 robberies while "under supervision" in the community an average of 13 months.
- * The prior conviction offense was violent for half of parole violators returned to prison for a violent offense. The prior conviction offense was violent for 43 percent of probation violators sent to prison for a violent offense.
- * Together, probation and parole violators committed 90,639 violent crimes while "under supervision" in the community.
- * Over half of the 13,200 murder victims were strangers.
- * Over a quarter of the 11,600 rape victims were under the age of 12, and over 55 percent of them were under 18.
- * Of all arrested murderers adjudicated in 1992 in urban courts, 38 percent were on probation, parole, pretrial release, or in some other criminal justice status at the time of the murder.
- * A fifth of all persons who were arrested for the murder of a law enforcement officer from 1988 to 1992 were on probation or parole at the time of the killing.

These numbers represent only the crimes done by probation and parole violators who were actually convicted of new crimes and sent to prison. They do not even begin to measure the total amount of murder and mayhem wrought by community-based violent criminals whom the system has had in custody one or more times but failed to restrain.

The number of persons who are on probation or parole in a given year exceeds the number who are on probation or parole on any given day. As table 18 indicates, while 690,000 convicted criminals were on parole at the end of 1994, over 1 million cases were handled on parole in the course of the year. Likewise, while 2.96 million convicted offenders were on probation at the end of 1994, over 4.2 million cases were handled on probation in the course of the year.

²⁴*Probation and Parole Violators in State Prison, 1991* (Bureau of Justice Statistics, August 1995)

Table 18. Adults on parole and probation, 1994

	1/1/94	Entries	Exits	1/31/94	Year
Parole	676,000	411,000	396,000	690,000	1,101,000
Probation	2,900,000	1,360,000	1,300,000	2,960,000	4,260,000

Note: Because of nonresponse or incomplete data, the population on 1/1/94 minus exits is not exactly equal to the 12/31/94 population. Also, both the yearly figures and the entry and exit counts may involve a small fraction of double-counting because an undetermined number of adults on probation and parole enter and exit the system more than once a year.

Source: Calculated from *Probation and Parole 1994* (Bureau of Justice Statistics, 1994), pp. 5, 6.

Large numbers of convicted violent criminals are on probation and parole--more, in fact, than are in prison. For example, as Joan R. Petersilia has found, "on any given day in the U.S. in 1991, there were an estimated 435,000 probationers and 155,000 parolees residing in local communities who have been convicted of violent crime--or over a half million offenders. If we compare that to the number of violent offenders residing in prison during the same year, we see that there were approximately 372,500 offenders convicted of violent crime in prison, an approximately 590,000 *outside* in the community on probation and parole!"⁶⁴

As table 19 indicates, in the nation's 75 largest counties in 1990, convicted offenders on probation and parole were 25 percent of all felony defendants, 23 percent of all those arrested for violent offenses, and 21 percent of all murder arrestees. Adding pretrial releases and others with a criminal justice status to these totals raises them to 38 percent, 36 percent, and 39 percent, respectively. Hence, about a third of all violent crime is traceable to persons who were on probation, parole, or pretrial release at the time of the offense.

⁶⁴Joan R. Petersilia, "A Crime Control Rationale for Reinvesting in Community Corrections," *Spectrum*, Summer 1995, p. 19.

Table 19. Criminal justice status of felony defendants at time of arrest, by most serious arrest charge, 1990

Most serious arrest charge	Number of defendants	Percent of felony defendants in the 75 largest counties						
		With criminal justice status at time of arrest						
		Total	Without criminal justice status	Total	Probation	Pretrial release for earlier case	Parole	Other
All offenses	42,895	100%	62%	38%	18%	11%	7%	1%
Violent offenses	10,914	100%	64%	36%	16%	12%	7%	2%
Murder	440	100	61	39	14	11	7	6
Rape	595	100	76	24	12	6	5	1
Robbery	3,192	100	50	50	20	17	13	2
Assault	5,415	100	68	32	15	11	5	1
Other violent	1,272	100	74	26	13	7	3	3
Property offenses	15,248	100%	62%	38%	18%	12%	7%	1%
Burglary	4,588	100	57	43	21	12	9	1
Theft	6,239	100	61	39	19	11	7	1
Other property	4,420	100	67	33	14	12	6	1
Drug offenses	13,210	100%	62%	38%	18%	11%	8%	1%
Sales/trafficking	8,687	100	63	37	16	12	7	1
Other drug	4,523	100	58	42	20	10	10	1
Public-order offenses	3,523	100%	58%	42%	25%	7%	6%	4%
Driving related	1,143	100	56	44	35	4	3	1
Other public-order	2,379	100	58	42	20	8	7	6

Note: Data on criminal justice status at time of arrest were available for 76% of all cases. Detail may not add to total because of rounding.

Source: *Pretrial Release of Felony Defendants, 1990* (Bureau of Justice Statistics, November 1992)

The revolving door numbers do not become any less disturbing when broken down by violent offense categories. If anything, the reverse is true. For example, 42 percent of felony weapons defendants in 1992 had a criminal status at the time of the offense--17 percent on probation, 10 percent on parole, and 14 percent on pretrial release. And of those felony

weapons defendants with a history of felony convictions, more than half had two or more such convictions.⁶⁵

Nor do the numbers look any more comforting when examined on a state-by-state basis. For example, table 20 tallies the crimes known to have been committed by prisoners released early from Florida prisons between January 1987 and October 1991--crimes committed during the period that the offenders would have been incarcerated had their prison sentences not been reduced. It shows that prisoners released early were responsible for 25,919 crimes, including 4,654 violent crimes. Among the violent crimes that would have been averted had these offenders remained behind bars rather than being released early were 346 murders and 185 sexual assaults.

Table 20. Crimes known to have been committed by convicted offenders released early from Florida prisons, 1/87 to 10/91

Category	Number	%	Offense	Number	%
Violent crimes	4,654	18.0	Murder, Manslaughter	346	1.3
			Sex Offenses	185	0.7
			Robbery	2,369	9.2
			Misc. Violent Offenses	1,754	6.8
Property crimes	11,834	45.9	Burglary	5,711	22.1
			Theft, Fraud, Forgery	4,777	18.5
			Weapons, Escape	969	3.8
			Misc. Property Offenses	377	1.5
Drugs	9,331	36.1	Drug offenses	9,331	36.1
Total	25,819	100		25,819	100

Source: SAC Notes (Florida Statistical Analysis Center, July 1993), p. 3.

Likewise, table 21 summarizes the data on how many persons convicted of murder in Virginia from 1990 through 1993 were on parole, probation, pretrial release, or had some other form of community-based legal status at the very moment they murdered. It shows that fully a third of the 1,411 convicted murders were "in custody" at the time they killed--91 on parole, 156 on probation, 81 on pretrial release, and 146 on electronic monitoring, with suspended sentences, or other forms of supervision.

⁶⁵ *Weapons Offenses and Offenders* (Bureau of Justice Statistics, November 1995), p. 5.

Table 21. Convicted murderers in Virginia, legal status at time they murdered, 1990-1993

Year	Probation	Parole	Pretrial Release	Other	None
1990	39	19	18	21	263
1991	36	21	17	40	231
1992	38	26	26	46	235
1993	43	25	20	39	208
1990-93	156	91	81	146	937

Note: Other includes unsupervised probation, community diversion, electronic monitoring and suspended sentences.

Source: Virginia Department of Corrections, Virginia Department of Criminal Justice Services, 1995.

The closer one examines the facts and figures about how much violent crime is done because of revolving-door justice, the plainer it becomes that the failure to restrain known criminals accounts for much of the predatory street crime that plagues our cities. For example, in 1994 a series of investigative reports by a local newspaper turned up plenty of facts about revolving-door justice in Dade County, Florida, which encompasses Miami. For example, only 671 of 4,615 identified local career criminals (average of 20 prior felony arrests and 6 convictions) were behind bars. From January 1992 to March 1994, 5,284 people were arrested twice or more and charged with violent or other serious felony crimes, including murders. Some 2,298 of them (43 percent) were rearrested for crimes worse than their first arrests. Only 9 percent (about 500) were convicted and sentenced to prison.⁵⁶

Similarly, a 1994 local newspaper investigation into crime and punishment in New Jersey revealed that in 1993, 217,347 cases entered the state's criminal justice pipeline. Four out of ten cases were reduced or screened out of the system. Only 24 percent of those arrested and indicted wound up behind bars. About 40 percent got probation. Of those convicted, under 30 percent saw the inside of a prison for six months or more.⁵⁷

In fact, many local newspapers around the country have done such investigative reports on the reality of revolving-door justice. But such reports are virtually unheard of in the national press, which spills incomparably more ink about how many convicted criminals are in prison rather than how many are not, and focuses little on how many released felons commit more crimes.

⁵⁶Jeff Lean et al., "Crime and Punishment," *The Miami Herald*, August 28-September 5, 1994 and December 18, 1994. Also see *Final Report of the Dade County Grand Jury* (Circuit Court of the Eleventh Judicial Circuit of Florida, May 11, 1994).

⁵⁷Dave Neese, "Plenty of Punishment, Little Crime in Jersey," *The Trentonian*, August 15, 1994, p. 3.

By the same token, it speaks legions that while one can easily find detailed information on such things as the number and kind of treatment programs afforded to convicted rapists,⁵⁸ most states compile no data on such things as the ages of rapists' victims,⁵⁹ or on how many convicted murderers were on probation, parole, or pretrial release at the time that they killed.⁶⁰ Some state probation and parole agencies do not even keep data on how many of their charges are returned to prison during the term of their supervision.⁶¹ Undoubtedly, most Americans would be more interested in knowing whether sex offenders are being punished and incapacitated, whether children are being raped, and whether convicted felons are being set free to murder, than in knowing whether notoriously hard-to-rehabilitate felons are enjoying a certain treatment regimen.

4. Reinventing Probation and Parole

Likewise, most citizens would be interested to know just why it is that probation and parole are failing to restrain so many violent criminals, and what, if anything, can be done to restrain them. It is all too obvious that hundreds of thousands of convicted criminals now on probation and parole need to be incarcerated; in the next section we will further document the costs and benefits of imprisonment.

But let us be absolutely clear: moving toward either blanket no-parole or no-probation policies would be completely unwise, totally unworkable, and impossibly expensive. Remember: even though millions of crimes are committed by community-based felons who recidivate, not everyone on probation or parole commits new crimes. For example, we know that within 3 years of sentencing, nearly half of all probationers and parolees commit a new crime or abscond.⁶² But we also thereby know something else of equal importance, namely, that half of these community-based convicts do *not* enter (or flee) through the revolving door.

But how, if at all, can the justice system do a much better job of determining "which half is which" *before* it is too late--that is, before released community-based felons commit more murder and mayhem on the streets? How can it sort offenders more intelligently so that those who need to be restrained in prison remain behind bars, those who need to be restrained by hands-on supervision on the streets are effectively supervised, and those who are highly unlikely to violate the terms of their community-based sentences are monitored accordingly?

⁵⁸For example, see *Sourcebook of Criminal Justice Statistics 1993* (Bureau of Justice Statistics, 1994), table 6.77.

⁵⁹*Child Rape Victims, 1992* (Bureau of Justice Statistics, June 1994), p. 1: "Thirty-six states responded that they did not keep such statistics. . . ." Also see Andre Henderson, "The Scariest Criminal," *Governing*, August 1995, pp. 35-38.

⁶⁰Twenty-nine states do not retain such data on murderers; most other states retain only some such data for selected years. Brookings Institution, Homicide Information Project, phone survey and correspondence, Summer 1995.

⁶¹For example, Anne Morrison Piehl, *Probation in Wisconsin* (Wisconsin Policy Research Institute, August 1992), p. 11: "The Wisconsin Division of Probation and Parole is uncomfortable thinking in terms of summary statistics and, therefore, does not record how many probationers go to prison during the term of their supervision."

⁶²*Recidivism of Felons on Probation, 1986-1989* (Bureau of Justice Statistics, 1992), pp. 1-6. *Prisons and Prisoners in the United States* (Bureau of Justice Statistics, 1992), p. xvi.

Those who in the 1960s made the initial push for the widespread use of "alternatives to incarceration" stressed that caseloads must be kept within manageable limits. A 1967 presidential commission on crime recommended "an average ratio of 35 offenders per officer."⁶¹ But in many jurisdictions today, officers "supervise" hundreds of "cases" at once. Those who in recent years have attempted to salvage the wreck of probation and parole have claimed that, by returning to intensive supervision, convicted criminals can be handled on the streets in ways that protect the public and its purse better than either routine probation and parole.

Unfortunately, however, more intensive programs have done little to remedy the problems of probationer and parolee noncompliance and recidivism. For example, a recent study found that over 90 percent of all probationers were already part of the very graduated punishment system called for by advocates of "intermediate sanctions"--substance abuse counseling, house arrest, community service, victim restitution programs, and so on. But about half of all probationers still did not comply with the terms of their probation, and only one-fifth of the violators ever went to jail for their noncompliance. As the study concluded, "intermediate sanctions are not rigorously enforced."⁶²

Even the most intensive forms of intermediate sanctions have not proven highly effective. For example, the most comprehensive experimental study of intensive supervision programs for high-risk probationers concluded that these programs "are not effective for high-risk offenders" and are "more expensive than routine probation and apparently provide no greater guarantees for public safety." Similarly, the best experimental study of intensive supervision programs for high-risk parolees found that the "results were the opposite of what was intended," as the programs were not associated with fewer crimes or lower costs than routine parole.⁶³

But it is important to note that even the "intensive" programs that failed were not all that intensive. For example, Joan R. Petersilia has recently found that most probationers get almost zero supervision, while even probationers who are categorized as high-risk offenders and slated for intensive monitoring receive little direct, face-to-face oversight. As she writes, if "probationers are growing in numbers and are increasingly more serious offenders, then they are in need of more supervision, not less. But less is exactly what they have been getting over the past decade."⁶⁴

⁶¹ Presidents' Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: Government Printing Office, 1967), p. 167.

⁶² Patrick A. Langan, "Between Prison and Probation: Intermediate Sanctions," *Science*, May 6, 1994, p. 791.

⁶³ Joan Petersilia and Susan Turner, *Intensive Supervision for High-Risk Probationers: Findings from Three California Experiments* (Santa Monica: RAND Corporation, 1990), pp. ix, 98, and Susan Turner and Joan Petersilia, "Focusing on High-Risk Parolees: An Experiment to Reduce Commitments to the Texas Department of Corrections," *Journal of Research in Crime and Delinquency*, vol. 29, February 1992, p. 34. Also see Joan Petersilia and Susan Turner, "Intensive Probation and Parole," in *Crime and Justice: A Review of Research*, volume 17, (University of Chicago, 1993), pp. 281-335.

⁶⁴ Joan R. Petersilia, "A Crime Control Rationale for Reinvesting in Community Corrections," *Spectrum*, Summer 1995, p. 19.

And note: this is not the fault of America's probation and parole officers, most of whom do the virtually impossible job of "caseload management" as well as it can be done given the legal, budgetary, and other constraints under which they presently operate.

Rather, if Americans want to slow or stop revolving-door justice, then we must be ready and willing to invest not only in keeping more violent and repeat criminals behind bars longer, but in keeping more community-based offenders under strict supervision. We can afford neither to leave probation and parole to business as usual nor to abandon them. Community-based corrections departments must be reinvented administratively as law enforcement agencies dedicated first and foremost to restraining violent and repeat criminals. Reinventing probation and parole will inevitably mean reinvesting in them. As Petersilia has estimated, we "currently spend about \$200 per year per probationer for supervision. It is no wonder that recidivism rates are so high."⁶⁷ In short, there can be no denying the reality of revolving-door justice, and hence no escape from the need to restrain and punish more violent and repeat criminals more effectively both behind bars and on the streets.⁶⁸

5. The First Revolving Door: Juvenile Justice

When it comes to the "first revolving door"--the juvenile justice system--the need to incarcerate certain types of violent and repeat offenders, and to structure no-nonsense but treatment-oriented community-based sanctions for less serious youth offenders, seems even more acute and pressing.

As discussed in part one of this report, the demographics and dynamics of juvenile crime make it certain that more and more serious youth offenders are just over the horizon. As countless studies have shown, adult repeat offenders often begin as juvenile repeat offenders. For example, a study of juvenile courts in Maricopa County, Arizona and the state of Utah revealed that significant fractions of youth returned to juvenile court after a first referral for the following offenses: burglary (58 percent), motor vehicle theft (51 percent), robbery (51 percent), forcible rape (45 percent), and aggravated assault (44 percent).⁶⁹

Despite many legislative efforts aimed at trying more juvenile criminals as adults, not much has happened. In 1991 only about 51,000 male juveniles were held in public juvenile facilities, 32.5 percent of them for violent offenses ranging from murder to robbery.⁷⁰ But in 1992 alone there were over 110,000 juvenile arrests for violent crimes, and 16.64 times that number for property and other crimes.⁷¹

A good unobtrusive measure of just how bad revolving-door justice for juvenile offenders has become is the fact that in a survey of judges conducted by a trade paper for legal professionals, 93 percent said juveniles should be fingerprinted, 85 percent said that juvenile records should be available to adult authorities, and 40 percent said the minimum age for

⁶⁷Ibid., p. 1.

⁶⁸John J. Dilulio, Jr., *No Escape: The Future of American Corrections* (Basic Books, 1991), pp. 5, 102.

⁶⁹Penelope Lemov, "The Assault on Juvenile Justice," *Governing*, December 1993, p. 30.

⁷⁰*Sourcebook of Criminal Justice Statistics* (Bureau of Justice Statistics, 1994), p. 584.

⁷¹Ibid., pp. 423-426.

facing murder charges should be 14 or 15.⁷² (Most Americans, no doubt, would be surprised to learn that in most jurisdictions juveniles who commit crimes are not fingerprinted, and that their records of violent crimes are not weighed at all in adult criminal proceedings.) Likewise, much to the chagrin of advocates of leaving the juvenile justice system the way it is, both the Clinton administration and members of the 104th Congress have endorsed policies that would greatly facilitate the criminal prosecution of violent and repeat juvenile offenders in adult courts.⁷³

There is budding evidence that concerted efforts to close the first revolving door can work. To cite just one example, in July 1991, Harry L. Shorstein became state attorney for the Fourth Judicial Circuit in Jacksonville, Florida. At that time, Jacksonville was besieged by violent crime, much of it committed by juvenile offenders. In the year before Shorstein arrived, juvenile arrests had risen by 27 percent, but most young habitual criminals were released quickly. Jacksonville's finest were doing their best to remove serious young criminals from the streets, but the rest of the system was not following suit.

Then, in March 1992, Shorstein instituted an unprecedented program to prosecute and incarcerate dangerous juvenile offenders as adults. In most parts of the country, juvenile criminals for whom the law mandates adult treatment are not actually eligible for state prison sentences and are routinely placed on probation without serving any jail time. But Shorstein's program was for real. He assigned 10 veteran attorneys to a new juvenile-prosecution unit. Another attorney, funded by the Jacksonville Sheriff's office, was assigned to prosecute repeat juvenile auto thieves.

By the end of 1994, the program had sent hundreds of juvenile offenders to Jacksonville's jails and scores more to serve a year or more in Florida's prisons. Jacksonville's would-be juvenile street predators got the message, and the effect of deterrence soon appeared in the arrest statistics. From 1992 to 1994, total arrests of juveniles dropped from 7,184 to 5,475. From 1993 to 1994, juvenile arrests increased nationwide and by over 20 percent in Florida. But Jacksonville had a 30 percent decrease in all juvenile arrests, including a 41 percent decrease in juveniles arrested for weapons offenses, a 45 percent decrease for auto theft, and a 50 percent decrease for residential burglary. Although Jacksonville still has a serious violent crime program, the number of people murdered there during the first half of this year declined by 25 percent compared with the same period a year ago.⁷⁴

While everyone would benefit from following this example and restraining violent juvenile criminals, perhaps the biggest potential beneficiaries of such policies are none other than violent juvenile offenders themselves. For example, a recent study by Harvard University economist Anne Morrison Piehl reveals that between 1990 and 1994 some 155 persons age 21 or younger were murdered by guns or knives in Boston: 22 (14 percent) were on probation

⁷²"Tougher Treatment Urged for Juveniles," *New York Times*, August 2, 1994, p. A16, citing data from a survey of 250 judges conducted by Penn and Schoen Associates for *National Law Journal*.

⁷³Ken Cummins, "Clinton: Try More Youths as Adults," *Youth Today*, November-December 1995, pp. 28-29; Text of S. 1245, "Violent and Hard-Core Juvenile Offender Reform Act of 1995," 104th Congress, 1st Session, September 15 (legislative day, September 5), 1995. Also see Peter Reinhartz, "Juvenile Injustice in New York," *Wall Street Journal*, July 20, 1994, p. A13.

⁷⁴Data provided by Office of the State Attorney, Fourth Circuit, Jacksonville, Florida, 1995. Also see Mark Silva, "How 1 City Got Tough on Juvenile Crime," *The Miami Herald*, January 20, 1995, pp. A1, A10, and Paul Pinham, "Trial-As-Adult Policy Helped Lower Arrests," *The Florida Times-Union*, January 24, 1995, p. A6.

when they were killed, and 95 others (61 percent) had been arraigned in Massachusetts courts prior to their deaths. Likewise, 117 of the 155 young murder victims (76 percent) had criminal histories. And among the 64 known murders age 21 or younger, 15 (23 percent) were on probation when they killed, and 46 others (72 percent) had been arraigned in Massachusetts courts prior to the murders. Thus, 95 percent of the young killers and three-quarters of the young victims had criminal histories.⁷⁵

It could not be any clearer: unless we close the revolving door on juvenile crime, we will close the coffin on more juveniles.

6. Why Prison Pays

Of course, incarcerating more juvenile and adult violent criminals will not rid America of its violent crime problem. As we stated at the outset of this report, Americans must actively pursue all three key crime goals—prevention, protection, and restraint.

But we continue to be amazed that many crime analysts and others refuse to acknowledge the data on how socially beneficial and cost-effective a crime-restraint tool imprisonment can be.

For example, many experts and commentators who must truly know better continue to assert that increased levels of incarceration have been a failure because increased imprisonment rates have not always been followed immediately by decreased crime rates. But as these same students of the subject are normally the first ones to emphasize, crime rates are largely a complex function of demographic and other variables over which the justice system, do whatever it will, can exercise relatively little direct control. As National Bureau of Economic Research economist Steven D. Levitt has observed, "To the extent that the underlying determinants of crime . . . have worsened over time, the increased use of prisons may simply be masking what would have been an even greater rise in criminal activity."⁷⁶

To state the point a bit more bluntly, it apparently takes a Ph.D. in criminology to doubt that if we released half of all prisoners tonight, we would experience more crime tomorrow. This common sense of the subject—the obvious reality that prisons restrain convicted criminals from committing large numbers of crimes that they would be committing if free—is supported not only by the empirical data reported above on crime committed by community-based convicted criminals, but by a number of recent studies which estimate how much undetected and unpunished crime prisoners did before being taken off the streets.

To begin, we need to recognize that imprisonment offers at least four types of social benefits. The first is retribution: imprisoning Peter punishes him and expresses society's desire to do justice. Second is deterrence: imprisoning Peter may deter him or Paul or both from committing crimes in the future. Third is rehabilitation: while behind bars, Peter may participate in drug treatment or other programs that reduce the chances that he will return to crime when free. Fourth is incapacitation: from his cell, Peter can't commit crimes against anyone save other prisoners, staff, or guards.

⁷⁵Data provided by Professor Anne Morrison Pichl, Project on Youth Crime in Boston, Harvard University, John F. Kennedy School of Government, 1995.

⁷⁶Steven D. Levitt, "The Effect of Prison Population Size on Crime Rates: Evidence from Prison Overcrowding Legislation," National Bureau of Economic Research, February 1995, p. 1.

At present, it is harder to measure the retribution, deterrence, or rehabilitation value of imprisonment to society than it is to measure its incapacitation value. The types of opinion surveys and data sets that would enable one to arrive at meaningful estimates of the first three social benefits of imprisonment simply do not yet exist. But it is possible to estimate how much serious crime is averted each year by keeping those convicted criminals who are sentenced to prison behind bars, as opposed to letting them out on the street.

Based on large prisoner self-report surveys in two states (Wisconsin in 1990, New Jersey in 1993), two Brookings Institution studies found that state prisoners commit a median of 12 felonies in the year prior to their imprisonment excluding all drug crimes.⁷⁷ Other recent studies offer higher estimates. For example, Steven D. Levitt has estimated that "Uncarcerating one additional prisoner reduces the number of crimes by approximately 13 per year, a number in close accordance with the level of criminal activity reported by the median prisoner in surveys."⁷⁸ Likewise, William and Mary economists Thomas Marvell and Carlisle Moody have estimated that "in the 1970s and 1980s each additional state prisoner averted at least 17 index crimes. . . . For several reasons, the real impact may be somewhat greater, and for recent years a better estimate may be 21 crimes averted per additional prisoner."⁷⁹

Of course, it costs society as much as \$25,000 to keep a convicted felon or repeat criminal locked up for a year. Every social expenditure imposes opportunity costs (a tax dollar spent on a prison is a tax dollar not spent on a pre-school, and vice versa). But what does it cost crime victims, their families, friends, employers, and the rest of society to let a convicted criminal roam the streets in search of victims?

A recent study of the costs of crimes to victims found that in 1992 economic loss of some kind occurred in 71 percent of all personal crimes (rape, robbery, assault, personal theft) and 23 percent of all violent crimes (rape, robbery, assault). The study estimated that in 1992 crime victims lost \$17.2 billion in direct costs (losses from property theft or damage, cash losses, medical expenses, lost pay from lost work). This estimate, however, did *not* include direct costs to victims that occurred six months or more after the crime (e.g., medical costs). Nor did it include decreased work productivity, less tangible costs of pain and suffering, increases to insurance premiums as a result of filing claims, costs incurred from moving as a result of victimization, and other indirect costs.⁸⁰

Another recent study took a somewhat more comprehensive view of the direct costs of crime and included some indirect costs of crime as well. The study estimated the costs and monetary value of lost quality of life in 1987 due to death and nonfatal physical and psychological injury resulting from violent crime. Using various measures, the study estimated that each murder costs \$2.4 million, each rape \$60,000, each arson \$50,000, each

⁷⁷ John J. DiIulio, Jr. and Anne Morrison Piehl, "Does Prison Pay?," *The Brookings Review*, Fall 1991, pp. 28-35 (Wisconsin data), and Anne Morrison Piehl and John J. DiIulio, Jr., "Does Prison Pay? Revisited," *The Brookings Review*, Winter 1995, pp. 21-25 (New Jersey data).

⁷⁸ Steven D. Levitt, "The Effects of Prison Population Size on Crime Rates: Evidence from Prison Crowding Litigation," National Bureau of Economic Research, February 1995, p. 25.

⁷⁹ Thomas Marvell and Carlisle Moody, "Prison Population Growth and Crime Reduction," *Journal of Quantitative Criminology*, 1993, p. 136.

⁸⁰ *The Costs of Crime to Victims* (Bureau of Justice Statistics, February 1994), pp. 1, 2.

assault \$25,000, and each robbery \$19,000. It estimated that lifetime costs for all violent crimes totaled \$178 billion during 1987 to 1990.⁸¹

Even these numbers, however, omit the sort of detailed cost accounting that is reflected in site-specific, crime-specific studies. For example, a survey of admissions to Wisconsin hospitals over a 41-month period found that 1,035 patients were admitted for gunshot wounds caused by assaults. Gunshot wound victims admitted during this period accumulated over \$16 million in hospital bills, about \$6.8 million of which was paid by taxes. Long-term costs rise far higher. For example, just one shotgun assault victim in this survey was likely to cost more than \$5 million in lost income and medical expenses over the next 35 years.⁸²

How much of the human and financial toll of crime could be avoided by incarcerating violent and repeat criminals for all or most of their terms?

One study, commissioned by the National Institute of Justice, found that the "lowest estimate of the benefit of operating an additional prison cell for a year (\$172,000) is over twice as high as the most extreme estimate of the cost of operating such a cell (\$70,000)."⁸³ Likewise, the first Brookings study found that imprisoning 100 typical felons "costs \$2.5 million, but leaving these criminals on the street costs \$4.6 million."⁸⁴ The second Brookings study found that for every dollar it costs to keep the typical prisoner behind bars "society saves \$2.80 in the social costs of crimes averted."⁸⁵

And remember: these studies measure the social benefits of prisons solely in terms of imprisonment's incapacitation value. Because there is every reason to suppose that the retribution, deterrence, and rehabilitative values of imprisonment are each greater than zero—that is, because it is virtually certain that in addition to incapacitating criminals who would commit crimes when free, prison also succeeds in punishing, deterring, and rehabilitating at least some prisoners under some conditions—these estimates of the net social benefits of imprisonment are bound to be underestimates. And if, therefore, estimates made only in terms of prison's incapacitation value are positive, it means that the actual social benefits of imprisonment are even higher and that prison most definitely pays for the vast majority of all prisoners.

As if any further evidence were needed, we note that in 1989 there were an estimated 66,000 fewer rapes, 323,000 fewer robberies, 380,000 fewer assaults, and 3.3 million fewer burglaries attributable to the difference between the crime rates of 1973 versus those of 1989

⁸¹ Ted R. Miller et al., "Victim Costs of Violent Crime and Resulting Injuries," *Health Affairs*, vol. 12, Winter 1993.

⁸² Neil D. Rosenberg, "Gunshots Shatter Lives, Cost Millions," *Milwaukee Journal*, March 14, 1993.

⁸³ David P. Cavanaugh and Mark A.R. Kleiman, *Cost-Benefit Analysis of Prison Cell Construction and Alternative Sanctions* (BOHC Analysis Corporation, 1990), p. 26.

⁸⁴ John J. DiIulio, Jr. and Anne Morrison Piehl, "Does Prison Pay?," *The Brookings Review*, Fall 1991, p. 14.

⁸⁵ Anne Morrison Piehl and John J. DiIulio, Jr., "Does Prison Pay? Revisited," *The Brookings Review*, Winter 1995.

(i.e., applying 1973 crime rates to the 1989 population). If only one-half or one-quarter of the reductions were the result of rising incarceration rates, "that would still leave prisons responsible for sizable reductions in crime."⁶⁶ Tripling the prison population from 1975 to 1989 "potentially reduced reported and unreported violent crime by 10 to 15 percent below what it would have been, thereby potentially preventing a conservatively estimated 390,000 murders, rapes, robberies, and aggravated assaults in 1989 alone."⁶⁷

Still, it is important to caution that prison does not necessarily pay for each and every imprisoned felon. Moreover, the hidden costs of incarceration include losses in worker productivity and employability. Likewise, long-term imprisonment spells harmless geriatric inmates and associated health care costs. On the other hand, many incarcerated persons enter prison with anemic work records, a history of welfare dependence, and a fair probability of having to rely on government to pay for their health care whether or not they are incarcerated. And there are some geriatric prisoners whom we would want to remain in confinement purely for the sake of just desserts.

Also, while we know that prison pays, we do not know why per capita corrections spending varies so much from one jurisdiction to the next, why spending has risen so sharply in some places but not in others, or where the greatest opportunities for efficiency gains may lie. For example, prison operating costs in Texas grew from \$91 million in 1980 to \$1.84 billion in 1994, about a tenfold increase in real terms, while the state's prison population barely doubled. In Pennsylvania and other big states, corrections spending has grown much more slowly. Overall, Americans spend barely a penny of every tax dollar on prisons and jails. Thus, before Americans and their leaders can get a real policy-relevant handle on the social costs and benefits of incarceration versus other sentencing options, scholars will need to dig much deeper than criminologists have dug into the basic public finance questions related to crime and punishment.

For now, however, it is enough to acknowledge the overwhelming empirical evidence that, as the columnist Ben Wattenberg has quipped, "a thug in prison can't shoot your sister."⁶⁸

7. For Restraining Violent Criminals

In sum, the simple truth is that, relative to the millions of crimes, including violent crimes, that are committed each year in America, the justice system imprisons only a small fraction of all offenders including only a small fraction of all violent offenders. Not surprisingly, therefore, those who really do go to prison in this country today are almost without exception the worst of the worst predatory career criminals. Not only are their official criminal records punctuated by many different types of serious crimes; they commit tremendous numbers of violent and other crimes that go wholly undetected, unprosecuted, and unpunished.

Scratch the criminal-records surface of most imprisoned "non-violent" prisoners, most "mere parole violators," and many "low-level drug offenders," and you will almost invariably find evidence of a life of crime that stretches back many years. These records, moreover, most

⁶⁶Patrick A. Langan, "America's Soaring Prison Population," *Science*, March 1991, p. 1537.

⁶⁷Patrick A. Langan, "Between Prison and Probation," *Science*, May 6, 1994.

⁶⁸Ben Wattenberg, *Values Matter Most* (Free Press, 1995), p. 151.

likely include categories of offenses other than the ones for which the felon was most recently convicted, sentenced, and imprisoned. In addition, most imprisoned offenders, including the most violent ones, spend relatively little time behind bars before being released. For almost all of them, their conditions of confinement are quite humane. Problems of prison "overcrowding" are real but much exaggerated, and most prisoners enjoy access to a wide range of amenities and services behind bars.

Americans are paying a heavy human and financial toll for government's failure to restrain violent criminals, adult and juvenile. Given the country's crime demographics, and unless the system changes, over the next decade that toll is bound to become even heavier. Already the self-inflicted wound of serious crime done by persons on probation, parole, or pretrial release has begun to fester. Known offenders who are not restrained do as much as a third of all violent crime. Probationers and parolees are responsible for literally millions of crimes each year, including thousands of murders.

In our view, however, the answer is not to incarcerate every convicted felon, or even every convicted violent felon, for decades or for life. Nor is the answer to make conditions of confinement for those offenders who do end up behind bars harsh or inhumane; running "no-frills" prisons is not synonymous with curtailing revolving-door justice (although humane but spartan prisons certainly may have some deterrent effect). Going harder on the relatively small number of violent offenders in prison will do little to restrain the much larger (and younger, more impulsive, and harder to deter) violent offenders who roam free.

Rather, our view is that America needs to put more violent and repeat criminals, adult and juvenile, behind bars longer, to see to it that truth-in-sentencing and such kindred laws as are presently on the books are fully and faithfully executed, and to begin reinventing probation and parole agencies in ways that will enable them to supervise their charges, enforce the law, and enhance public safety. If the justice system were operating effectively in the public interest, then the challenge of restraining violent criminals, adult and juvenile, would be met more aggressively by *all* levels of government.

Americans are entitled to an honest, realistic civic discourse about restraining violent criminals, adult and juvenile. Before such a discourse can proceed, however, it must become unacceptable in elite circles to deny, discount, or disparage the public's legitimate desire to slow or stop revolving-door justice. In the 1960's and 70's, prisoners' rights activists and anti-incarceration analysts called for moratoria on prison construction ("Tear down the walls!"). Today many of these same people, flanked by various national media commentators, are battling--sometimes openly, but as often behind the scenes--to eliminate mandatory minimum laws, abolish or subvert truth-in-sentencing laws, and block any species of three strikes laws. They freely publicize and propagandize about the social costs of incarceration while choking off public discussion of its considerable social benefits. They lobby to expand the capacity of activist judges to impose prison caps which trigger the release of dangerous felons. In short, they achieve through junk science, administrative discretion, or judicial fiat what could not be achieved through democratic debate and legislative action.

In our view, and at a minimum, those who continue to ignore or to trivialize the facts about crime and punishment in America should be required by the press, policymakers, and the people to be more specific. For example, those who continue to assert that America should not imprison low-level drug offenders should tell us who, precisely, is to count as a "low-level drug offender." Of the 241,709 new court commitments to thirty-five state prisons in 1991, 74,423 (30 percent) were convicted of drug law violations, 16,632 of them for possession, the remaining 55,791 for drug trafficking and related crimes. Of the 36,648 new court commitments to federal prisons in 1991, 14,564 (42 percent) were drug law violators, 703 (2

percent) were convicted of possession, the remaining 13,861 for drug trafficking and related crimes. Most imprisoned drug traffickers are hardly first-time felons or strictly small-time dealers; many have quite diversified criminal portfolios involving violent and property crimes as well as drug crimes. The average quantity of drugs involved in federal cocaine trafficking cases is 183 pounds, while the average for marijuana traffickers is 3.5 tons.⁶⁹

The truth about revolving-door justice and who really goes to prison is not pleasant. Acknowledging and acting on this truth will not set many violent or repeat prisoners free, but it will help to restore public trust and confidence in the justice system--and, over time, in representative government itself.

IV. The Good News About Fighting Violent Crime

Despite the depth and breadth of legitimate public concern about revolving-door justice and the failure to restrain violent criminals, the American people retain their confidence in the capacity of police to catch the bad guys and take them off the streets. The foregoing sections of this report are teeming with data that tell us what is not working, and beckon all concerned to take stock of the facts and figures behind the American public's valid crime fears.

But lest this Council be mistaken for a counsel of despair, we conclude this report by highlighting the evidence on what is working, namely, some police departments that have worked with citizens to take a huge bite out of violent crime. In our forthcoming hearings and in other activities, we hope to document and publicize real-life examples of such successful anti-crime efforts in action, and to gather, synthesize, and disseminate such research evidence as might prove useful to crime prevention, protection, and restraint.

1. Law Enforcement Matters

Just as there is a great deal of expert opinion which holds that incarceration has no effect on crime, so there is widespread doubt among criminologists that cops can work to cut rates of crime and disorder. In both cases, the people are empirically and morally right, and the experts dead wrong.

More than a dozen major empirical studies over the last two decades have failed to demonstrate either that police manpower and crime rates vary inversely or that particular types of community-oriented policing practices prevent crime. The most famous of these studies is the Kansas City, Missouri, "preventive patrol" experiment.

For a year in the early 1970s, Kansas City was divided into three areas, each of which received a different level of auto patrol. The 1974 report on the experiment found that criminal activity, reported crime, rates of victimization (as measured in a follow-up survey), citizen fear, and satisfaction with the police were about the same in all three areas. Active auto patrol--bentts where cars were visible patrolling the streets two or three times more frequently than in the control areas--made no difference at all.

⁶⁹*National Corrections Reporting Program, 1991* (Bureau of Justice Statistics, 1993), and *Comparing State and Federal Prison Inmates 1991* (Bureau of Justice Statistics, September 1994), p. 13.

But academic experts who treat such negative findings as the final words on the subject are badly mistaken. George L. Kelling of Northeastern University, the father of the Kansas City research and many other major studies, recently cautioned his colleagues that generalizing from a study about a specific tactic to other tactics or uses of police is inappropriate. As Kelling observed, random preventive patrol by automobile for the purpose of creating a feeling of police omnipresence is a relic of mid-century policing tactics. He keenly characterizes as defeatist dogma the view that crime stems from basic structural features of society and until problems like homelessness, social injustice and economic inequality are solved, nothing can be achieved.¹⁰⁰

Indeed, there are a number of recent and ongoing statistical studies which demonstrate that policing can and does make a positive difference in cutting violent crimes. For example, in several recent studies, economist Dale O. Cloninger has found evidence that the number of police per violent crime is negatively and significantly related to certain crime rates: "police presence deters the commission of violent crimes by increasing the risk of being punished for committing those crimes."¹⁰¹

2. Behind Drops in Violent Crime: Cops at Work

Such statistical evidence, however, needs to be fleshed out by real-life examples. Two of the most interesting and most recent are Houston and New York City.

New York City and Houston have enjoyed truly phenomenal drops in serious crimes, including murder. In 1992 and again in 1993, more than 1,900 homicides were committed in the Big Apple. But in 1994 New York City's murder count fell to 1,581. Through July 1995, it suffered fewer than 700 murders, and it continued to show declines of 10 percent or more in robberies, burglaries, and most other serious crimes. Likewise, the number of people murdered in Houston declined by 32 percent during the first half of 1995 compared with the same period a year ago. Rapes in Houston decreased by 21 percent, robberies by 15 percent, and the overall violent crime rate by 7 percent. Demographics do not even begin to explain these drops. In both cities, the population of at-risk youth has been growing.

It is clear, however, that changes in policing have helped to drive down crime in both cities. Almost a thousand officers have been added to Houston's police force since 1991. Led by Police Chief Sam Nuchia, Houston has a cost-effective police overtime program which puts officers on the streets when and where they are most needed. Residents of Washington, D.C., which fields the highest number of police officers per capita of any major city, know that more police manpower does not necessarily produce less crime or better police performance. But in Houston, Nuchia has used the additional manpower to jump-start community anti-crime activities.

To cite just one example, Houston's Citizen Patrol Program has operated in more than a hundred of the city's neighborhoods. Among other things, thousands of citizen patrollers have observed and reported suspicious or criminal behavior from assaults to narcotics dealing

¹⁰⁰George L. Kelling, "Of Uniform Crime Reports and Police Accountability," draft manuscript, March 2, 1995; "How to Run a Police Department," *City Journal*, Autumn 1995, 34-45, with Catherine M. Coles, *Fixing Broken Windows: Restoring Order in American Cities* (Free Press, 1995).

¹⁰¹Dale O. Cloninger and Harold Braumm, "Violent Crime and Punishment," *Applied Economics*, 1995, p. 719. Also see Cloninger, "Enforcement Risk and Deterrence: A Re-Examination," *The Journal of Socio-Economics*, 1994, pp. 273-285.

on vandalism. Many once-troubled neighborhoods have gone as long as three consecutive months without needing to call for police service. Indeed, recent studies found that Nuchia's enforcement efforts not only contributed to Houston's falling crime rates, but also improved police emergency response times, and reduced citizens' fear of crime.

Like Houston, New York City has greatly expanded its police force. Since 1990 the NYPD has grown by 7,000 officers. Under Commissioner William J. Bratton, police have been directed to crack down on public drinking, graffiti, vandalism, and other public disorders. The NYPD has followed a six-prong strategy:

1. Getting guns off the streets
2. Curbing school violence
3. Driving out drug dealers
4. Breaking the cycle of domestic violence
5. Reclaiming public spaces
6. Reducing auto-related crime

In the process, Bratton has promoted a new breed of precinct commanders and made them responsible for finding innovative, cost-effective ways of serving citizens and cutting crime in their neighborhoods. Despite recent corruption scandals, the precinct-based management system is working, NYPD morale is high, and New Yorkers are getting results that range from fewer aggressive panhandlers to fewer shootings and murders.

3. Meeting America's Crime Challenges

To be sure, Houston and New York City are not the only places where police and citizens are meeting America's crime challenges. And even in these cities, more remains to be done. By combining smarter and tougher law enforcement with more vigorous efforts to restrain violent criminals, Americans can protect themselves from crime today while preparing for what lies ahead. Over time, safer streets and fewer public disorders become an invitation to more active citizen-initiated anti-crime activities, more traffic in public spaces, and more communal life and civic enjoyment. Over time, putting repeat predatory felons behind bars and keeping them there not only cuts crime by incapacitating criminals, but sends a firm moral message to all, including the criminally deviant youth who are tempted to victimize their truly disadvantaged neighbors. Over time, greater crime protection and restraint minimizes the criminogenic influences that shape innocent children into violent super-predators.

Over time all these things can be accomplished. But the time to begin accomplishing them is now, starting with the challenge of restraining violent criminals, adult and juvenile.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

P.O. BOX 110630
JUNEAU, ALASKA 99811-0630
PHONE: (907) 465 3170

March 14, 1996

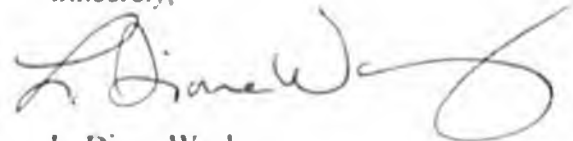
The Honorable Robin Taylor, Chair
Senate Judiciary Committee
Alaska State Senate
State Capitol
Juneau, Alaska 99811-1182

Dear Senator Taylor:

During the March 11, 1996, hearing on Senate Bills 267, 269, and 270, we discussed the percentages of misdemeanors on which the Division of Family and Youth Services (DFYS) petitions the court. You asked to see the pertinent statistics and suggested that the sponsors of the bills might also be interested in seeing them. Accordingly, a copy of the information from our data base is enclosed with this letter, and a copy is being sent to Senators Pearce, Salo, and Halford, and to Representative Toohey, sponsor of HB 474.

Thank you for the opportunity to share this information. Questions regarding this data may be addressed to Roger Withington in DFYS at 465-3208.

Sincerely,



L. Diane Worley
Director

STATE OF ALASKA

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3170

FAX: (907) 465-3397

MEMORANDUM

DATE: February 5, 1996

TO: Kathy Tibbles
Social Services Program Officer

FROM: Roger P. Withington
Research Analyst III

SUBJECT: Felony Referrals

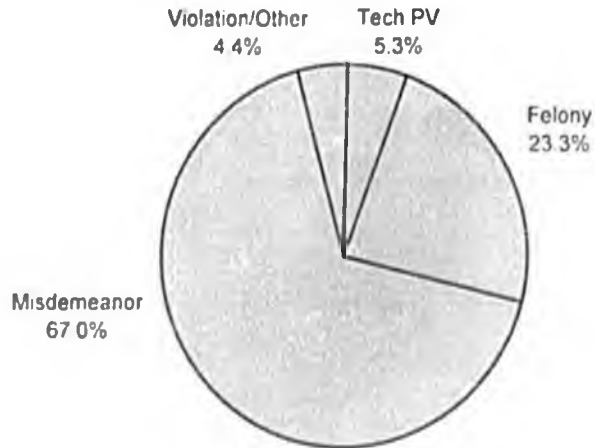
COPY

Attached are a series of graphs that represent felony referral information.

Total Referrals

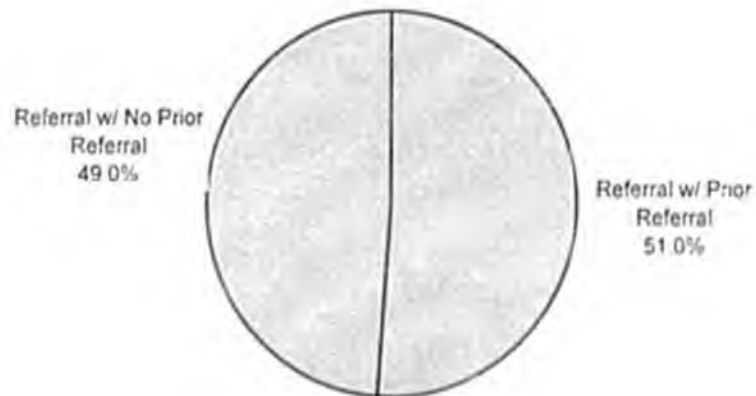
The DFYS received 9,140 delinquency referrals during FY95, of which 2,134, or 23.3 percent, were felony referrals.

*Youth Correction Referrals by Offense Class
Fiscal Year 1995*



Of the 2,134 felony referrals received during FY95, 1,089 or 51.0 percent, had a juvenile delinquency referral made to the DFYS prior to FY95.

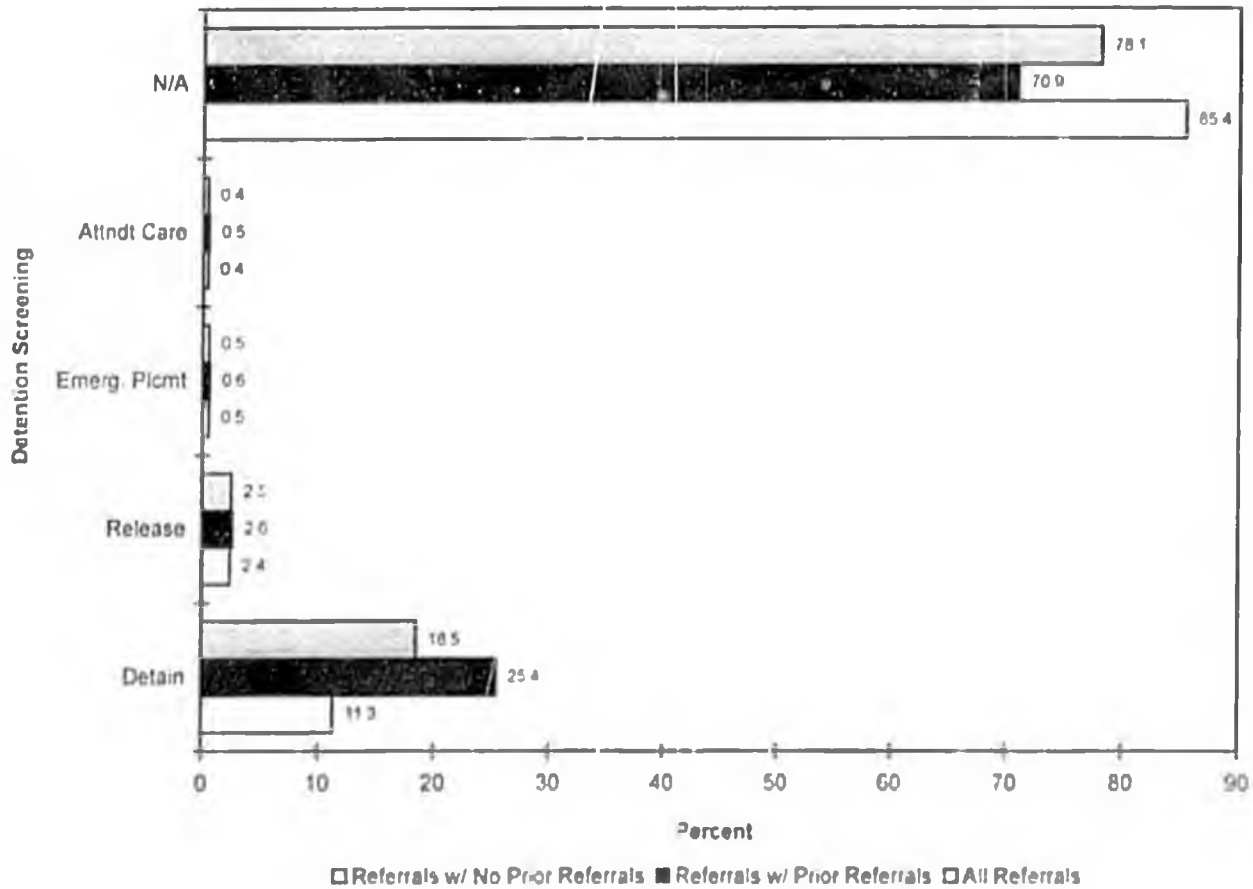
*Youth Correction Felony Referrals by Prior Referral
Fiscal Year 1995*



Felony Referrals - Detention Screening Outcome Decision

The chart below compares the percentage distribution of the detention screening outcome decision for all felony referrals, all felony referrals where the juvenile had at least one prior referral to the DFYS, and all felony referrals where the juvenile had no prior referrals to the DFYS.

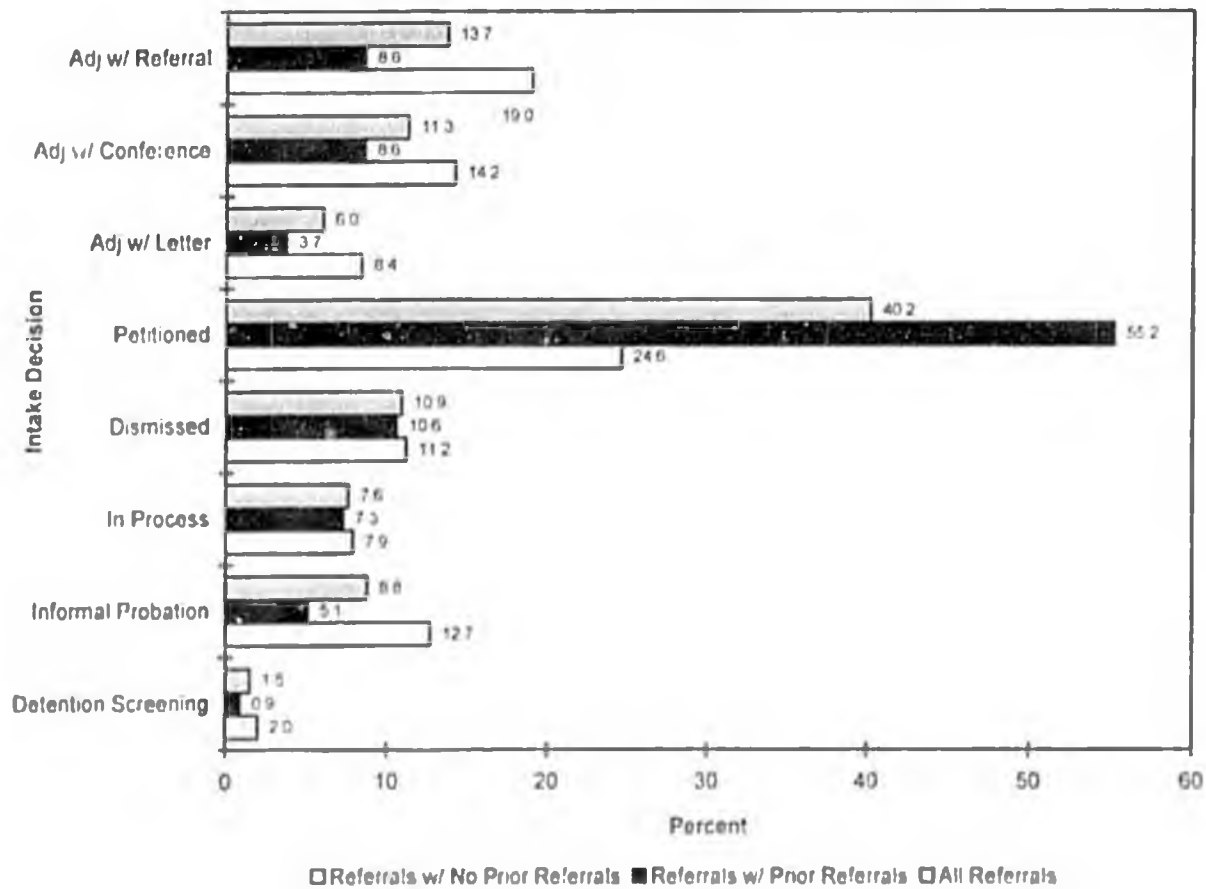
**Felony Referral Detention Screening Outcome Decision Percent Distribution
Total Referrals, Referrals with Prior Referrals, Referrals with No Prior Referrals
Fiscal Year 1995**



Felony Referrals - Intake Decision

The chart below compares the percentage distribution of the intake decision for all felony referrals, all felony referrals where the juvenile had at least one prior referral to the DFYS, and all felony referrals where the juvenile had no prior referrals to the DFYS.

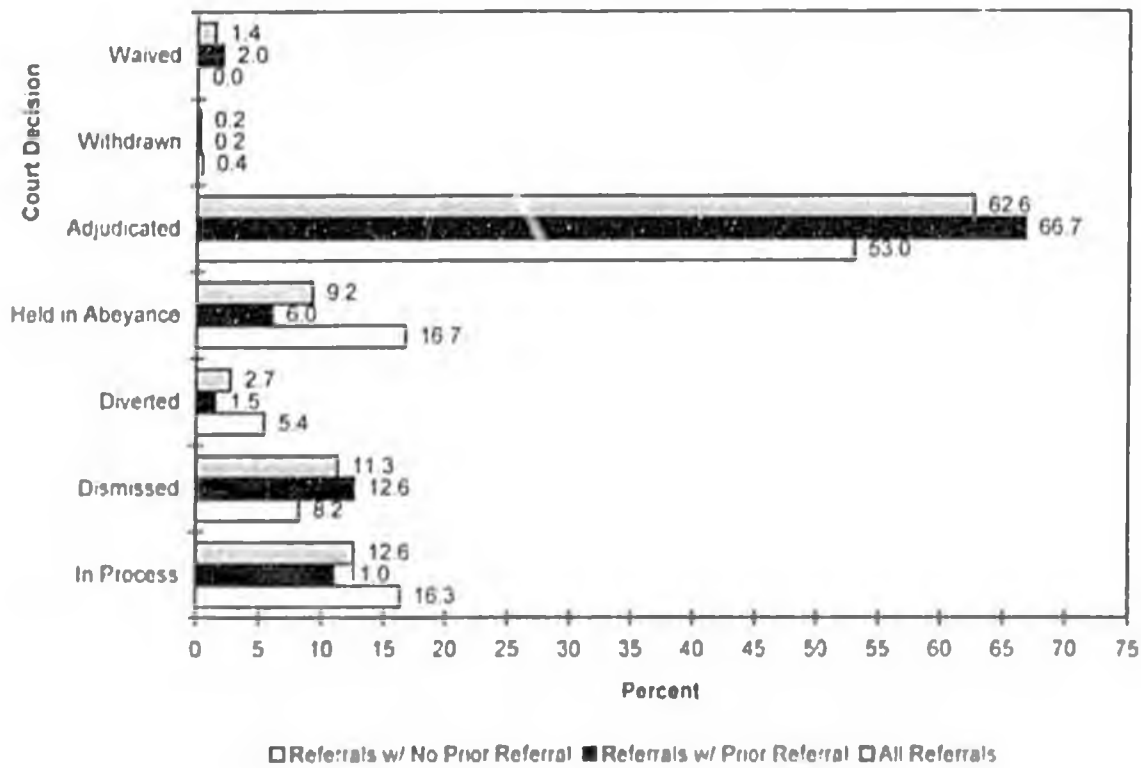
Felony Referral Intake Decision Percent Distribution
Total Referrals, Referrals with Prior Referrals, Referrals with No Prior Referrals
Fiscal Year 1995



Felony Referrals - Court Decision

Of the 858 felony referrals petitioned for formal adjudication during FY95, 601 or 70.1 percent, were made on referrals where the juvenile had more than one report of delinquency made to the DFYS. The chart below compares the percentage distribution of the court decision for all felony referrals, all felony referrals where the juvenile had at least one prior referral to the DFYS, and all felony referrals where the juvenile had no prior referrals to the DFYS.

*Felony Referral Court Decision Percent Distribution
Petitioned Referrals Only
Total Referrals, Referrals with Prior Referrals, Referrals with No Prior Referrals
Fiscal Year 1995*



Please let me know if you require further information regarding this data.

cc: L. Diane Worley, Director
Donna Schultz, Juvenile Probation Officer IV
Patty Ware, Juvenile Probation Officer III

STATE OF ALASKA

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3170

FAX: (907) 465-3397

MEMORANDUM

DATE: January 31, 1996

TO: Kathy Tibbles
Social Services Program Officer

FROM: Roger P. Withington
Research Analyst III

SUBJECT: Misdemeanor Referrals

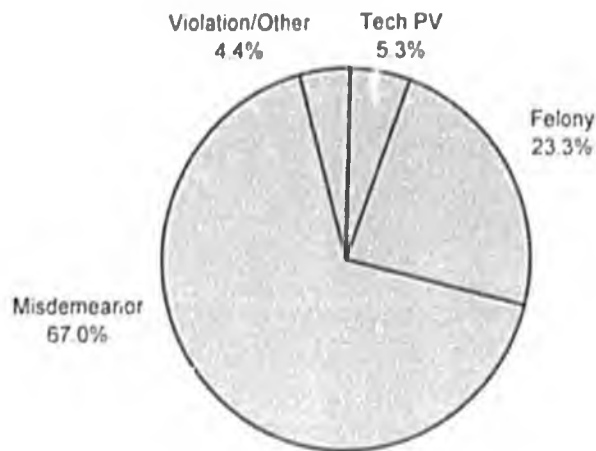
COPIES

Attached are a series of graphs that represent some of the information presented in the tabular summaries I provided to you on January 24, 1996, regarding misdemeanor referrals.

Total Referrals

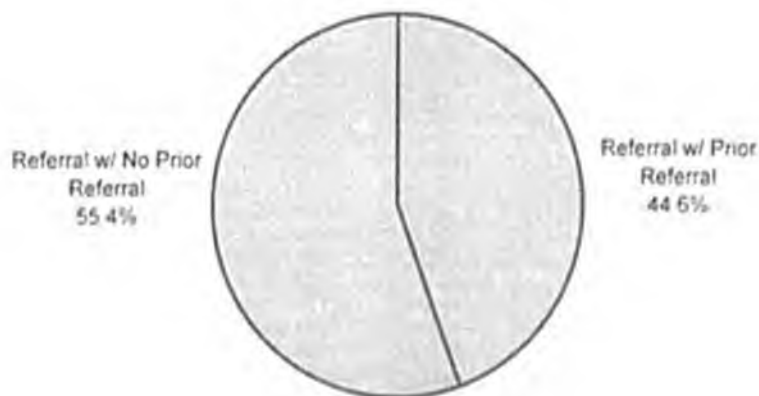
The DFYS received 9,140 delinquency referrals during FY95, of which 6,125, or 67.0 percent, were misdemeanor referrals.

*Youth Correction Referrals by Offense Class
Fiscal Year 1995*



Of the 6,125 misdemeanor referrals received during FY95, 2,730 or 44.6 percent, had a juvenile delinquency referral made to the DFYS prior to FY95.

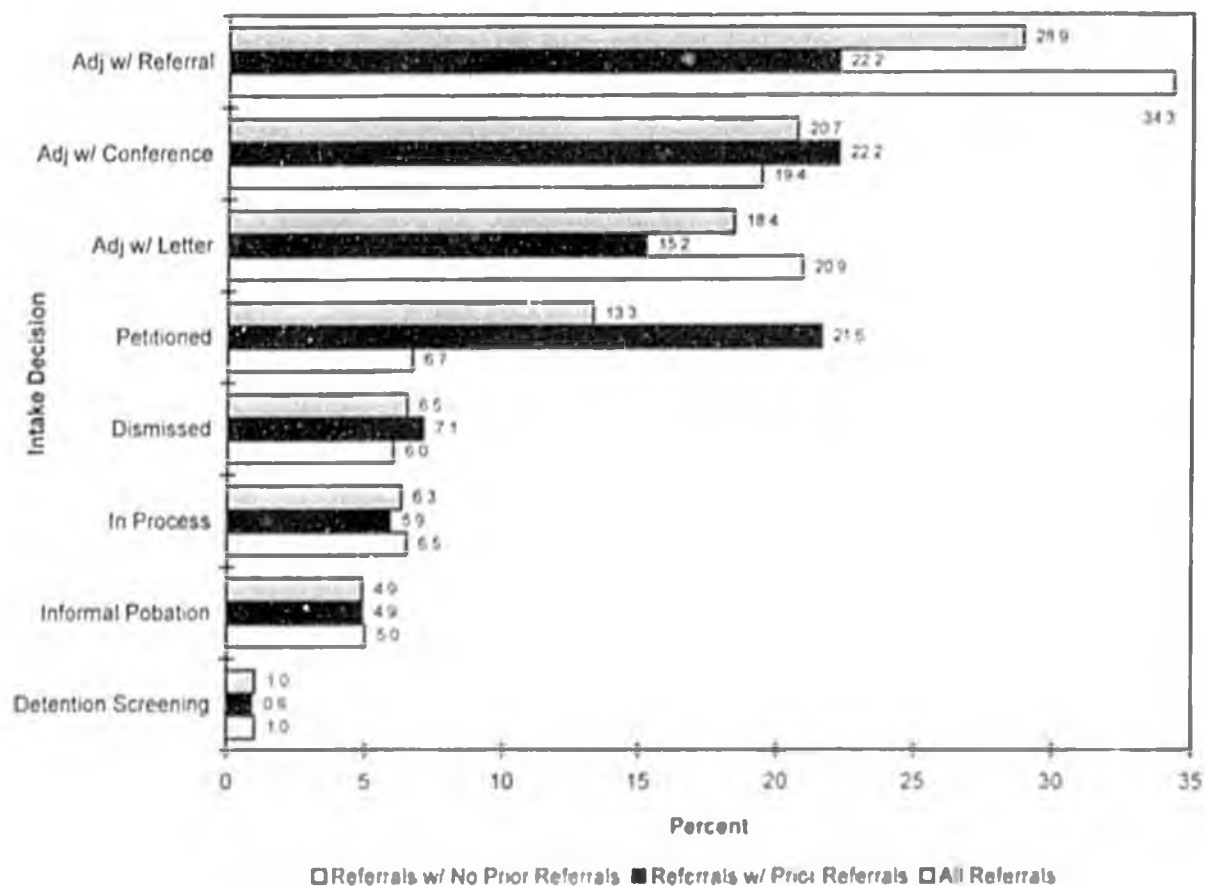
*Youth Correction Referrals by Prior Referral
Fiscal Year 1995*



Misdemeanor Referrals - Intake Decision

The chart below compares the percentage distribution of the intake decision for all referrals, all referrals were the juvenile had at least one prior referral to the DFYS, and all referrals were the juvenile had no prior referrals to the DFYS.

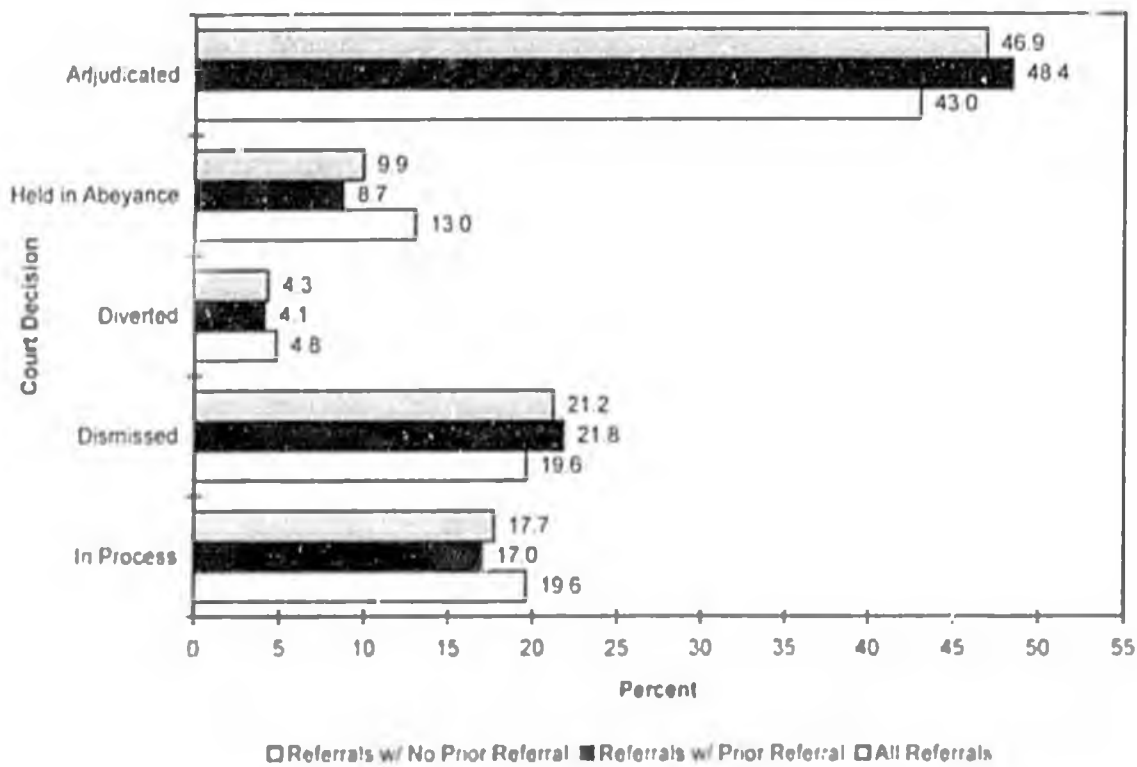
*Misdemeanor Referral Intake Decision Percent Distribution
Total Referrals, Referrals with Prior Referrals, Referrals with No Prior Referrals
Fiscal Year 1995*



Misdemeanor Referrals - Court Decision

Of the 817 misdemeanor referrals petitioned for formal adjudication during FY95, 587 or 71.8 percent, were made on referrals where the juvenile had more than one report of delinquency made to the DFYS. The chart below compares the percentage distribution of the court decision for all referrals, all referrals where the juvenile had at least one prior referral to the DFYS, and all referrals where the juvenile had no prior referrals to the DFYS.

*Misdemeanor Referral Court Decision Percent Distribution
Petitioned Referrals Only
Total Referrals, Referrals with Prior Referrals, Referrals with No Prior Referrals
Fiscal Year 1995*



Please let me know if you require further information regarding this data.

cc: L. Diane Worley, Director
Donna Schultz, Juvenile Probation Officer IV
Patty Ware, Juvenile Probation Officer III

VIOLENT CRIME

Can Tear You Apart.



22nd Annual Report

RECEIVED

FEB 21 1996

Ans'd.....

State of Alaska

VIOLENT CRIMES COMPENSATION BOARD • 1995

STATE OF ALASKA
VIOLENT CRIMES COMPENSATION BOARD
TWENTY SECOND ANNUAL REPORT

1995



ROBERT CONGDON
CHAIRMAN

MRS. CAROL EASTAUGH
MEMBER

CAROL ALLEY, M.D.
MEMBER

NOLA K. CAPP
ADMINISTRATOR

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STATE OF ALASKA
DEPARTMENT OF PUBLIC SAFETY
P.O. BOX 111200
JUNEAU, ALASKA 99811

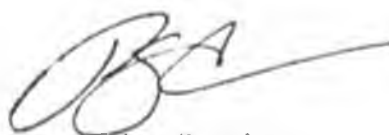
THE HONORABLE TONY KNOWLES
GOVERNOR OF THE STATE OF ALASKA

MEMBERS OF THE ALASKA STATE LEGISLATURE

Ladies and Gentlemen:

I have the honor to submit the Twenty Second Annual Report of the Violent Crimes Compensation Board for the period July 1, 1994 through June 30, 1995. Annual Reports are required under the provisions of Section 18.67.170 of the laws of Alaska

Respectfully,

A handwritten signature in black ink, appearing to read 'RC', with a long horizontal flourish extending to the right.

Robert Congdon
Chairman

Robert Congdon, Chairman
Mrs. Carol Eastaugh
Carol Alley, M.D.
Nola Capp, Administrator

The Twenty Second Annual Report of the Violent Crimes Compensation Board

AS 18.67.010 PURPOSE

It is the purpose of this chapter to facilitate and permit the payment of compensation to innocent persons injured, to dependents of persons killed, and to certain other persons who by virtue of their relationship to the victim incur actual and reasonable expenses as a result of certain serious crimes or in attempts to prevent the commission of a crime or to apprehend suspected criminals.

General Information

Alaska Statute 18.67, establishing a Violent Crimes Compensation Board, was adopted by the State Legislature in 1972. Its purpose was to alleviate the financial hardships caused by crime-related medical expenses or loss of income sustained by innocent victims of violent crimes in Alaska. Additionally, it provides for the payment of pecuniary loss to dependents of deceased victims to mitigate the loss of a loved one.

The need for this legislation is reflected in the fact that almost daily there is a report of some act of violence against a person in this state. If the offender is apprehended, the concern for his dignity and rights as an accused are not forgotten, and after his imprisonment the concern continues as to rehabilitation and training programs. The efforts are praiseworthy; however, the problems and needs of the victim are overlooked. To address this need, the Violent Crimes Compensation Board was established.

The Board is appointed by the Governor and consists of three members who are compensated on a per diem basis for meetings only. It is mandatory to have a licensed medical doctor and an attorney on the Board, thus providing the expertise in these fields necessary to determine claims.

The maximum award allowable per victim per incident is up to \$25,000; however, in the case of death of a victim who has numerous eligible dependents, the maximum allowable is \$40,000. The Board feels the maximum is compatible with today's increased medical expenses, increased earnings and the general increase in the cost of daily living.

The additional compensation for multiple dependents of deceased victims is most commendable. In the majority of claims involving minor dependents, the Board suggests that, if necessary, the award be used for support and maintenance or any medical emergencies that might arise, but the primary purpose of the award is for future education and, if not so used, that it be given to each child upon reaching the age of majority.

The Thirteenth Legislature recognized there were several classes of victims not included in the statute or who had previously been excluded which should be compensated and enacted legislation to correct these inadequacies. This bill was signed by the Governor and became effective October 23, 1983.

The class of victims has been expanded to include victims of drunk drivers. This has expanded the program and dramatically increased the number of claims.

The other two classes now recognized, that were previously excluded, are victims who are related to the offender and victims living with the offender at the time of the incident.

The Legislature, to prevent abuse of the program, inserted a paragraph stating that in the discretion of the Board, the applicant must cooperate with law enforcement and prosecution officials to further prosecution of the offender if appropriate and to avoid further injury by the offender to the applicant and injury to persons in the care of the applicant who are exposed to possible injury by the offender.

Another major change in the statute was the deletion of the sentence that all payments shall be made in a lump sum. Because that was deleted, it is now possible for the Board to pro-rate the payments in the few cases where they feel it is advisable.

This law allows the Board to make direct payments to the providers. Prior to this, the Board had to make any payments to the providers in a joint warrant which was cumbersome to the claimant and the provider.

A paragraph was added creating a compensation fund which shall be administered by the Board, consisting of money appropriated to it by the Legislature. It is unknown at this time how this fund will function.

Processing of Claims

Upon receipt of a claim, it is necessary to initially determine minimal eligibility. Therefore, compliance with the following statutory requirements must be in evidence within the claim application:

- (a) a crime, as defined in AS 18.67.102, must have been committed;
- (b) the crime must have been reported to proper authorities within the time period designated in AS 18.67.130; and,
- (c) the claim must have been filed within the two-year limit set by the law in AS 18.67.130.

When the claim meets these initial tests, it is then necessary to:

- (a) acknowledge receipt of the claim and request any additional documentation which the claimant did not attach, such as doctor's reports, hospital reports, and employment information, and advise the claimant that such material must be received prior to any action on the claim;
- (b) check with the respective District Attorney's office to determine if proceedings against the offender are imminent and, if so, to determine the advisability of a request to suspend the Violent Crimes Compensation Board investigation until the case is adjudicated; request copies of the judgment;
- (c) obtain a detailed description of the incident from police records to determine if any provocation by the victim is indicated and, if so, contact any witnesses to the incident for their statements. (If the offender has been prosecuted, a review of the transcript of the trial may be advisable.);
- (d) verify the victim's relationship, if any, to the alleged offender;
- (e) verify the dependence of the claimant in the case of death of the victim, to determine eligibility; and finally,
- (f) consider other collateral sources reported as received by the claimant as a result of the incident; for example, Workers' Compensation, Social Security, private insurance, etc.

Upon receipt of the requested information, further investigation is necessary to verify:

- (a) the employment of the victim and/or the claimant;
- (b) the income reported and documentation, if the victim is/was self-employed;
- (c) hospital and doctor bills which were paid by insurance and their relevance to the claim; and,
- (d) that a crime as defined in AS 18.67.100 is the basis for the claim and the applicant is an innocent victim thereof.

When the Administrator certifies the claim complete, the file is copied and submitted to the Board for their review and recommendations. They in turn may:

- (a) find the claim cannot be determined due to lack of documentation or information which the Board feels necessary to make a decision;
- (b) find the claim eligible under the statute for the award requested and advise a warrant be issued;
- (c) find the claim eligible under the statute for a lesser amount than requested and advise the claimant be so notified indicating he or she may request a hearing;
- (d) find the claim cannot be determined due to conflicting data therein and advise that a hearing is required prior to a final decision; or
- (e) find the claim ineligible under the statute and advise the claimant be so notified, indicating he or she may request a hearing.

Upon being informed of the Board's actions, the Administrator carries out their request through:

- (a) making the additional contacts in order to obtain further documentation;
- (b) requesting a warrant, if an award is determined, in the amount specified, or upon the Board's recommendation, if outstanding balances are due to a hospital, doctor or other service agency as a result of the incident;
- (c) writing a letter to the claimant enclosing the warrant and explaining the Board's decision, noting the claimant's right to request a hearing in the event the award granted is less than acceptable to the claimant;
- (d) scheduling a hearing if the Board finds conflicting data in a claim or is in doubt about any part of the claim; or
- (e) notifying the claimant by letter if the claim is found ineligible, stating the reason for ineligibility and advising the claimant of the opportunity to request a hearing. The request for a hearing is to be received in the Board office within thirty (30) days.

In order to schedule a hearing, the volunteer hearing officer is contacted to establish a date at his or her convenience. Arrangements are made and all parties are notified of the date and location of the hearing twenty (20) days prior to the date set. Subpoenas are issued if witness testimony is necessary to establish eligibility, or to clear up any contradictions.

Soon after the hearing, the Administrator furnishes the hearing officer with a transcript of the hearing and he or she has a reasonable time (within thirty (30) days) to submit his or her findings and conclusions to the Board. The Board reviews the hearing officer's report and makes a final decision on the claim.

The Board is subrogated to the cause of action of the applicant against the person responsible for the injury or death of the victim and can also bring an action against the offender for the amount of the damages sustained to the applicant. The Board encourages claimants to institute civil proceedings where, if after an investigation, it appears there may be a chance of recovery; however, very few recoveries are made due to the financial position of most offenders.

The Legislature approved a supplemental appropriation of \$75,000 for awards in FY78. The original FY78 appropriation was \$250,000. The Legislature approved a supplemental appropriation of \$248,600 for awards in FY82. The original FY82 appropriation was \$243,300. An additional \$200,000 was approved by the Legislature in FY 83. In FY84, \$287,000 was allocated due to the enactment of the amended statute. In FY85, the Legislature approved a supplemental appropriation of \$300,000. In FY86, \$55,500 of the federal appropriation was expended plus \$64,310.41 of FY85 incumbered funds. In FY89, the Legislature approved a supplemental appropriation of \$198,500.

Public Awareness

The Board has stressed publicity of the program through the continued distribution of brochures and posters throughout the state. With the additional requirement placed on law enforcement agencies to alert victims of crimes to the program and the requirement that hospitals display information, it is anticipated victims of violent crimes will become aware of this program. Printed cards, the size of business cards, giving information and basic eligibility requirements are distributed to all law enforcement agencies (both State Troopers and municipal police) and magistrates to be given to victims of violent crimes.

The Board will continue to inform the public, setting as their goal statewide awareness of the program. New posters and brochures were printed and distributed to reflect the expanded classes of victims.

Acknowledgements

In the past year, the Board has enjoyed the help and support of many individuals and agencies.

To make a final determination on any claim, the direct help of the law enforcement agency is vital, and the Board has had excellent cooperation from the many municipal police departments throughout the state, and the Alaska State Troopers. Special recognition is given to State Troopers in Anchorage and Fairbanks, and the municipal police departments of these two cities, as the majority of claims originate in these areas.

Special recognition is also given to the Staffs of Providence Hospital, Alaska Regional Hospital, and the Fairbanks Memorial Hospital who have referred victims to the program and have, in many instances, aided the victim in completing the application. They have been most accommodating in responding to requests for medical records, and following those request through the various departments to insure they are sent to the Board office.

The Department of Law, through the Attorney General's and District Attorney's offices throughout the state, has been most cooperative in informing innocent victims of the program and in responding to the Board's many requests for legal interpretation and basic information necessary to make final determinations on claims.

Further, the Board recognizes the services of the attorneys who have served as hearing officers on a voluntary basis. Without their help the program would be hindered.

There are numerous other agencies, both State and federal, as well as individuals who have given their time and support to the Board, informing victims of crime and helping to publicize the program. The Board, through this report, expresses its appreciation to them.

Federal Legislation

The United States Congress passed the Victims of Crime Act of 1984 in October of 1984. This federal legislation became effective November 12, 1984, and establishes a Crime Victims Fund which will provide for crime victim compensation and victim assistance programs.

For victim compensation programs, the amount of federal grant monies available will be determined by a formula based on 40 percent of the amount of monies paid out for awards the prior fiscal year.

As a result of this Act, the Alaska compensation program has qualified for grants in the amounts of \$283,000, \$246,000 and \$143,000. This amount has been used to satisfy claims for compensation submitted by victims of crime.

Types of Crime																			
Fiscal Year	Number of Claims Filed																		
	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95
Homicide	31	23	13	25	28	25	44	58	44	53	53	29	35	48	30	28	40	28	52
ADW																			
Stabbing	14	5	6	5	7	15	13	10	14	15	15	5	10	7	16	15	14	22	16
ADW																			
Shooting	5	16	7	14	20	13	16	12	23	20	17	10	10	9	14	13	10	11	27
Armed																			
Robbery	1	2	3	5	0	0	1	1	1	2	0	0	2	1	1	0	2	2	4
Other																			
Assaults	30	38	29	29	31	49	43	44	68	57	53	37	48	69	82	95	95	107	100
Sexual																			
Assault*	9	9	12	18	22	21	33	51	91	98	90	63	77	72	67	65	48	60	79
No Evidence of a Crime	3	7	0	3	0	2	1	2	11	3	4	1	8	6	3	4	5	4	7
Hit and Run	0	0	0	0	3	4	0	3	1	14	0	3	0	6	3	3	0	1	1
DWI								38	30	30	19	14	23	22	14	16	19	12	24

* 42 of the 63 claims were sexual abuse of minors in FY 88
 56 of the 77 claims were sexual abuse of minors in FY 89
 54 of the 72 claims were sexual abuse of minors in FY 90
 47 of the 67 claims were sexual abuse of minors in FY 91
 45 of the 65 claims were sexual abuse of minors in FY 92
 32 of the 48 claims were sexual abuse of minors in FY 93
 43 of the 60 claims were sexual abuse of minors in FY 94
 58 of the 79 claims were sexual abuse of minors in FY 95

Note: The foregoing chart merely indicates the trend in crime by the applications filed. It is difficult to compare and relate claims against crimes as claimants have two years to file claims and our statistics are on a fiscal year basis, while crime figures are on a calendar year basis.

Claims and Awards				
FY	Claims Received	Claims Heard	Total Amount Awards Granted	Pending Claims At End of FY
74	50	37	\$ 36,025 60	38
75	71	51	125,266 20	44
76	68	82	272,948 29	8
77	93	81	120,968 07	28
78	100	99	285,672 63	33
79	70	95	225,638 82	18
80	98	93	249,968 06	17
81	111	93	237,100 00	31
82	123	132	415,685 30	29
83	159	165	464,932 71	38
84	219	168	552,704 71	67
85	283	270	751,250 85	57
86	292	272	683,521 96	103
87	252	259	633,481 89	126
88	162	234	504,488 93	78
89	213	211	598,494 23	106
90	240	225	733,600 00	76
91	230	219	689,197 74	87
92	233	248	739,564 12	32
93	233	219	621,738 05	54
94	247	230	669,967 92	68
95	310	267	1,118,838 80	115

Summary of Decisions

07/01/94 — 06/30/95

All awards are made under AS 18.67.110

- (1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;
- (2) loss of earning power as a result of total or partial incapacity of the victim, and reasonable expenses of job retraining or similar employment-oriented rehabilitative services for the victim;
- (3) pecuniary loss to the dependents of the deceased victim; and
- (4) any other loss resulting from the personal injury or death of the victim which the Board determines to be reasonable.

In the summary of each case, one or more of the above numbers will be used to signify the authority under which the award was granted. Please refer to the above for a full explanation.

CLAIMS

Violent Crimes Compensation Board

Claim #80-071

The victim, a 43-year old male was shot. The Board originally heard this claim on October 7, 1980 and awarded \$21,572.08 for medical expenses. The victim is now requesting the remaining amount available to him for surgery due to some additional medical problems related back to this injury. The victim needs additional surgery to correct this problem. It was the decision of the Board to award the additional medical expenses when they are incurred, under AS 18.67.110(1). All Board members concurred with the decision.

AWARDED \$3,427.92 (when incurred)

Claim #91-019, (same incident as #91-116/117)

The victim, a 36-year old male was beaten, had his throat cut, and was killed. The claimant is the victim's wife. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$10,000.00

Claim #91-036

The victim, a 27-year old male was assaulted. The Board had previously awarded medical and dental expenses. The claimant is now asking for additional dental expenses. It was the decision of the Board to award the portion of the expense related to checking the status of previous dental work, under Section 18.67.110(1). The remainder of the expense which is related to the victim being hit in the face with a board is not eligible. All Board members concurred with the decision.

AWARDED \$81.00

Claim #91-116, (same incident as #91-019)

The victim, a 36-year old male was beaten, had his throat cut, and was killed. The claimant is the victim's wife filing on behalf of their minor child. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$15,000.00

Claim #91-117, (same incident as #91-019)

The victim, a 36-year old male was beaten, had his throat cut, and was killed. The claimant is the victim's wife filing on behalf of their minor child. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$15,000.00

Claim #91-220

The victim, an 11-year old female was sexually assaulted and killed. The claimant is the victim's father. The Board had previously awarded loss of earnings, medical and counseling expenses. The claimant is now asking for additional counseling expenses. It was the decision of the Board to award the remainder of the maximum amount allowable for the requested counseling expenses, under Section 18.67.110(4). All Board members concurred with the decision.

AWARDED \$371.85

Claim #92-116

The victim, a 9-year old female was sexually abused. The claimant is the victim's mother. The Board had previously awarded loss of earnings, medical and counseling expenses. The claimant is now requesting some additional counseling expenses. It was the decision of the Board to award the additional counseling expenses under AS 18.67.110(4). All Board members concurred with the decision.

AWARDED \$2,250.00

Claim #93-175

The victim, a 9-year old male was sexually abused. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expense, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$540.00

Claim #93-188

The victim, a 69-year old female was physically assaulted. The Board had previously award medical expenses. The claimant is now requesting some additional dental, chiropractic, and medical expenses. It was the decision to award the requested expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$2,850.00 + eye surgery

Claim #93-233

The victim, a 24-year old male was shot and killed. The claimant is the victim's mother. The Board previously awarded loss of earnings, funeral expenses, and counseling. The claimant is now requesting some additional counseling expenses. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$170.00

Claim #94-038

The victim, a 24-year old male was injured in a vehicular accident. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 130(b)(4) as it was a vehicular accident and there was no proof of the offender was intoxicated. All Board members concurred with the decision.

DENIED

Claim #94-091

The victim, a 31-year old male was assaulted with a motor vehicle. The Board previously awarded medical expenses. The claimant is now asking for additional medical expenses. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$3,744.00

Claim #94-111

The victim, a 37-year old male was shot and killed. The claimant is the victim's brother. It was the decision of the Board to deny the claim, under Section 18.67.101(2) as there is insufficient evidence that it was a crime as listed in our statute. All Board members concurred with the decision.

DENIED

Claim #94-111

The victim, a 37-year old male was shot and killed. The claimant is the victim's brother. It was the decision of the Board to deny the claim, under Section 18.67.101(2) as there is insufficient evidence that it was a crime as listed in our statute. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and deny the claim under AS 18.67.101(2). All Board members concurred with the decision.

DENIED

Claim #94-113

The victim, a 29-year old female was stabbed and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$2056.82

Claim #94-119

The victim, a 20-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it appeared to be a case of mutual combat. All Board members concurred with the decision.

DENIED

Claim #94-119

The victim, a 20-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it appeared to be a case of mutual combat. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and deny the claim under AS 18.67.080(c). All Board members concurred with the decision.

DENIED

Claim #94-136

The victim, a 14-year old female was sexually abused. The claimant is the victim's mother. The Board previously awarded counseling expenses. The claimant is now requesting some addition counseling for her daughter. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$1,650.00

Claim #94-136

The victim, a 14-year old female was sexually abused. The claimant is the victim's mother. The Board previously awarded counseling expenses. The claimant is now requesting some additional counseling for her daughter. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$486.68

Claim #94-154

The victim, a 13-year old female was sexually abused. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, counseling expenses and attorney fees, under Section(s) 18.67.110(2) and 110(4). All Board members concurred with the decision.

AWARDED \$25,000.00

Claim #94-155

The victim, a 36-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$309.00

Claim #94-168

The victim, a 20-year old female was sexually assaulted then shot and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral and out-of-pocket expenses. The attorney is requesting his actual expenses. It was the decision of the Board to award the requested attorney fees, under Section 18.67.110. All Board members concurred with the decision.

AWARDED \$880.00

Claim #94-170

The victim, a 7-year old female was stabbed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board previously awarded \$1500.00 for emergency living expenses. It was the decision of the Board to award the requested ambulance expense, under Section(s) 18.67.110(1). The Board also approved future surgery expenses for plastic surgery when the victim is old enough. All Board members concurred with the decision.

AWARDED \$312.00

Claim #94-174

The victim, a 31-year old male was assaulted. The Board had previously awarded an Emergency Award in the amount of \$1,500.00, and the requested loss of earnings and medical expenses. The claimant is now requesting payment of an additional medical billing not previously submitted. It was the decision of the Board to award the requested medical expense, under Section 18.67.110(1). All Board members concurred with the decision.

AWARDED \$17.00

Claim #94-173

The victim, a 16-year old male was assaulted. The claimant is the victim's mother. It was the decision of the Board to deny the claim at a previous meeting, under Section 18.67.101(2) as there was not sufficient evidence it was a violent crime. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and award the medical expenses under AS 18.67.110(1). All Board members concurred with the decision.

AWARDED \$911.65

Claim #94-182

The victim, a 32-year old female was assaulted and had her glasses broken. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested money to replace her glasses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$50.00

Claim #94-184

The victim, a 16-year old male was assaulted. The claimant is the victim's mother. The Board previously awarded medical expenses. The claimant is now requesting some additional medical expenses. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$140.91

Claim #94-184

The victim, a 16-year old male was assaulted. The claimant is the victim's mother. The Board previously awarded medical expenses. The claimant is now requesting some additional medical expenses. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$81.75

Claim #94-189

The victim, a 3-year old female was sexually abused. The claimant is the victim's mother. The Board previously awarded medical and moving expenses. The claimant is now requesting some additional medical and counseling expenses. It was the decision of the Board to award the requested medical and counseling expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$2,790.00

Claim #94-192

The victim, a 34-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, counseling, and out of pocket expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$3,204.00

Claim #94-197, (same incident as #94-198)

The victim, a 50-year old male was a victim of a bombing, and was killed. The claimant is the victim's wife. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$20,000.00

Claim #94-197

The victim, a 50-year old male was killed by a bomb. The claimant is the victim's wife. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support. It was the decision of the Board to award the requested attorney fees, under Section 18.67.110. All Board members concurred with the decision.

AWARDED \$481.20

Claim #94-198, (same incident as #94-197)

The victim, a 50-year old male was a victim of a bombing, and was killed. The claimant is the victim's wife, filing on behalf of her son. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$20,000.00

Claim #94-201

The victim, a 39-year old male was physically assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expense, under Section(s) 18.67.110(1). The claimant's request for loss of earnings was denied, as there was no verification of the loss. All Board members concurred with the decision.

AWARDED \$68.00

Claim #94-204

The victim, a 26-year old male was assaulted. The Board had previously awarded counseling expenses. The claimant then requested a hearing as he was also requesting loss of earnings, which the Board had denied as he was unemployed at the time of the incident. It was the decision of the Board to agree with the Hearing Officer to deny the claim.

DENIED

Claim #94-216

The victim, a 31-year old female was physically assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$10,000.00

Claim #94-219

The victim, a 23-year old female was sexually abused when she was a minor child. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$1,823.00

Claim #94-226

The victim, a 15-year old female was sexually abused. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested out-of-pocket and counseling expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$2,791.61

Claim #94-229

The victim, a 34-year old female was raped. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(3) as the claimant did not cooperate with law enforcement officials and did not want to pursue charges. All Board members concurred with the decision.

DENIED

Claim #94-229

The victim, a 34-year old female was raped. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(3) as the claimant did not cooperate with law enforcement officials and did not want to pursue charges. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and award the out-of-pocket expenses under AS 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,000.00

Claim #94-230

The victim, a 7-year old female was molested. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.010, and 101(2) as there was no evidence of a violent crime, the claimant did not send date or place of incident so there was no police report. All Board members concurred with the decision.

DENIED

Claim #94-235

The victim, a 19-year old female was physically threatened and sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to close this claim as the claimant did not request any additional expenses other than the \$350.00 emergency award previously approved for loss of earnings. All Board members concurred with the decision.

CLOSED

Claim #94-236

The victim, a 13-year old male was shot and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$3,332.50

Claim #94-238

The victim, a 13-year old male was shot and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses. The attorney is requesting his actual expenses. It was the decision of the Board to award the requested attorney fees, under Section 18.67.110. All Board members concurred with the decision.

AWARDED \$335.67

Claim #94-237

The victim, a 32-year old female was kidnapped, assaulted, and raped. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$163.00

Claim #94-240

The victim, a 14-year old female was physically, mentally, and sexually abused. The claimant is the victim's father. The Board previously awarded counseling and out-of-pocket expenses. The claimant is now requesting some additional counseling. It was the decision of the Board to award the requested counseling expense, under Section 18.67.110(4). All Board members concurred with the decision.

AWARDED \$910.00

Claim #94-241

The victim, a 21-year old male was assaulted. The Board previously awarded the requested medical and out-of-pocket expenses. The claimant is now requesting some additional medical and out-of-pocket expenses. It was the decision of the Board to award the requested medical and out-of-pocket expenses, under Section 18.67.110(1). The Board also approved up to an additional \$5,000.00 for future surgery. All Board members concurred with the decision.

AWARDED \$565.00

Claim #94-242

The victim, a 26-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$830.70

Claim #94-243

The victim, a 32-year old female was sexually assaulted. It was the decision of the Board to deny the claim, under Section 18.67.010 as there were no compensable losses. The claimant was requesting loss of earnings, but continued working for four years after the incident. All Board members concurred with the decision

DENIED

Claim #94-243

The victim, a 32-year old female was sexually assaulted. It was the decision of the Board to deny the claim, under Section 18.67.010 as there were no compensable losses. The claimant requested the Board reconsider her claim for some counseling expenses not previously submitted. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$60.00

Claim #94-244

The victim, a 38-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and out-of-pocket expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$19,496.34

Claim #94-246

The victim, a 28-year old male was assaulted with a knife. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it appeared to be a case of mutual combat, and the District Attorney's office declined prosecution. All Board members concurred with the decision.

DENIED

Claim #94-266, (same incident as #93-128)

The victim, a 34-year old male was shot. The claimant is the victim's sister. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested transportation costs, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$732.00

Claim #95-005

The victim, a 38-year old female was assaulted many times over a number of years. It was the decision of the Board to deny the claim, under Section AS 18.67.130(a)(1) and (2) as the incidents were not reported to the police within 5 days after the incident, many are over two years old, and many occurred in Hawaii. It was the decision of the Board to award some counseling though, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$2,000.00 up to this amount

Claim #95-006

The victim, a 15-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical and counseling expenses, under Section(s) 18.67.110(1), 110(2), and 110(4). The Board also approved up to an additional \$3,120.00 for counseling. All Board members concurred with the decision.

AWARDED \$1,065.62

Claim #95-007

The victim, a 10-year old female was sexually abused. The claimant is the victim's father. The Board previously awarded out-of-pocket expenses, loss of earnings, and counseling expenses. The claimant is now requesting some additional counseling. It was the decision of the Board to award the requested counseling expense, under Section 18.67.110(4). All Board members concurred with the decision.

AWARDED \$910.00

Claim #95-010

The victim, a 14-year old female was physically assaulted. The claimant is the victim's father. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,622.92

Claim #95-010

The victim, a 14-year old female was physically assaulted. The claimant is the victim's father. The Board previously awarded medical expenses. The claimant is now requesting additional medical and counseling expenses. It was the decision of the Board to award the requested expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$565.43

Claim #95-012

The victim, a 19-year old male was shot. It was the decision of the Board to deny the claim, under Section 18.67.010 and 101(2) as the incident was an accidental shooting and not a violent crime. All Board members concurred with the decision.

DENIED

Claim #95-021

The victim, a 33 year old female was assaulted and stalked. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to close this claim as it does not appear there are any other compensable losses other than the \$1500.00 Emergency Award previously approved for moving. All Board members concurred with the decision.

CLOSED

Claim #95-025

The victim, a 54-year old male was injured in a DWI accident. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board had previously approved an Emergency Award in the amount of \$1,500.00. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$23,500.00

Claim #95-026

The victim, a 57-year old female was killed by a drunk driver. The claimant is the victim's husband. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$25,000.00

Claim #95-027

The victim, a 43-year old female was assaulted and cut with a knife. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$900.00

Claim #95-028

The victim, a 10-year old female was sexually abused. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board had previously approved an Emergency Award in the amount of \$560.00 for airfare. It was the decision of the Board to award the requested airfare and counseling expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$890.00

Claim #95-031

The victim, a 14-year old female was sexually assaulted. The claimant is the victim's father. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and counseling expenses, under Section(s) 18.67.110(1). The Board also approved up to an additional \$1,515.00 for counseling. All Board members concurred with the decision.

AWARDED \$2,833.65

Claim #95-032

The victim, a 40-year old male was shot. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as a jury found the offender not guilty and there was evidence of self defense on the part of the offender. All Board members concurred with the decision.

DENIED

Claim #95-034

The victim, a 51-year old female was assaulted while in Guatemala. It was the decision of the Board to deny the claim, under Section 18.67 as the Board set a policy to exclude any claims arising from injuries occurring outside the United States. All Board members concurred with the decision.

DENIED

Claim #95-035

The victim, a 23-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat. All Board members concurred with the decision.

DENIED

Claim #95-035

The victim, a 23-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and award the medical expenses under AS 18.67.110(1). All Board members concurred with the decision.

AWARDED \$20,580.50

Claim #95-036

The victim, a 35-year old female was stalked. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and counseling expenses, under Section(s) 18.67.110(2) and 110(4). All Board members concurred with the decision

AWARDED \$16,005.00

Claim #95-037

The victim, a 36-year old female was assaulted and killed. The claimant is the victim's sister. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling and out-of-pocket expenses, under Section(s) 18.67.110(1), and 110(4). All Board members concurred with the decision.

AWARDED \$3,663.90

Claim #95-039

The victim, a 11-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to deny the claim, under Section 18.67.110 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-040

The victim, a 10-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to deny the claim, under Section 18.67.110 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-041

The victim, an 8-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to deny the claim, under Section 18.67.110 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-042

The victim, a 22-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$4,517.21

Claim #95-044

The victim, a 28-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expense, under Section(s) 18.67.110(1). The Board also approved a future visit to the doctor for follow-up. All Board members concurred with the decision.

AWARDED \$423.00

Claim #95-044

The victim, a 28-year old male was assaulted. The Board previously awarded medical expenses. The claimant is now requesting some additional medical expenses. It was the decision of the Board to award the requested expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$526.00

Claim #95-045

The victim, a 30-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,002.85

Claim #95-046

The victim, a 34-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses and loss of earnings, under Section(s) 18.67.110(1) and 110(2). The Board also gave approval for the claimant to receive a prosthesis for the eye he lost. All Board members concurred with the decision.

AWARDED \$3,686.85

Claim #95-046

The victim, a 34-year old male was assaulted. The Board previously awarded medical expenses and loss of earnings. The claimant is now requesting some additional dental expenses. It was the decision of the Board to award the requested dental expense, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$8,220.00

Claim #95-048

The victim, a 6-year old female was sexually abused. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to close the claim as it does not appear that there are any compensable losses other than the moving expenses which the Board compensated by an Emergency Award in the amount of \$1,500.00. All Board members concurred with the decision.

CLOSED

Claim #95-050

The victim, a 24-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, medical, counseling, and moving expenses, under Section(s) 18.67.110(1), 110(2), and 110(4). All Board members concurred with the decision.

AWARDED \$11,328.78

Claim #95-052

The victim, a 28-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical and counseling expenses, under Section(s) 18.67.110(1), 110(2), and 110(4). All Board members concurred with the decision.

AWARDED \$3,589.72

Claim #95-052

The victim, a 28-year old female was assaulted. The Board previously awarded loss of earnings and medical and counseling expenses. The claimant is now requesting some additional counseling expenses. It was the decision of the Board to award the requested expense, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$1,080.00

Claim #95-052

The victim, a 28-year old female was assaulted. The Board previously awarded loss of earnings and medical and counseling expenses. The claimant is now requesting some additional counseling expenses. It was the decision of the Board to award the requested expense, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$1,260.00

Claim #95-054

The victim, a 19-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(2) as a police report was not filed within 5 days after the incident. All Board members concurred with the decision.

DENIED

Claim #95-054

The victim, a 19-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(2) as a police report was not filed within 5 days after the incident. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and award the loss of earnings and medical expenses under AS 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$3,012.41

Claim #95-055

The victim, a 19-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$616.40

Claim #95-058

The victim, a 34-year old female was mentally and physically assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). The Board also approved up to an additional \$5,200.00 for counseling. All Board members concurred with the decision.

AWARDED \$830.00

Claim #95-058

The victim, a 34-year old female was mentally and physically assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). The Board also approved up to an additional \$5,200.00 for counseling. All Board members concurred with the decision.

AWARDED \$830.00

Claim #95-059

The victim, a 40-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, medical and counseling expenses, under Section(s) 18.67.110(1), 110(2), and 110(4). All Board members concurred with the decision.

AWARDED \$689.00

Claim #95-061

The victim, a 16-year old male was stabbed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$5,792.83

Claim #95-062

The victim, a 40-year old female was hit by a drunk driver. It was the decision of the Board to deny the claim, under Section 18.67.130(b)(3) as she was violating a penal law of the State by driving while intoxicated. All Board members concurred with the decision.

DENIED

Claim #95-062

The victim, a 40-year old female was hit by a drunk driver. It was the decision of the Board to deny the claim, under Section 18.67.130(b)(3) as she was violating a penal law of the State by driving while intoxicated. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law that the intoxication did not contribute to the incident, but because the claimant was violating a penal law of the State, it was the decision of the Board to reduce the maximum award by 50%. All Board members concurred with the decision.

AWARDED \$12,500.00

Claim #95-063

The victim, a 40-year old male was injured by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the maximum amount allowable for loss of earnings, under Section(s) 18.67.110(2). The Board reduced the claimant's award by 1/3 of the amount because he contributed to his injuries directly or indirectly by his level of intoxication, and by willingly getting into a vehicle with a drunk driver. All Board members concurred with the decision.

AWARDED \$17,000.00

Claim #95-063

The victim, a 40-year old male was injured by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the maximum amount allowable for loss of earnings, under Section(s) 18.67.110(2). The Board reduced the claimant's award by 1/3 of the amount because he contributed to his injuries directly or indirectly by his level of intoxication, and by willingly getting into a vehicle with a drunk driver. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and denied the remaining amount for loss of earnings. All Board members concurred with the decision.

DENIED

Claim #95-064

The victim, a 10-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and counseling expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$16,879.22

Claim #95-065

The victim, a 43-year old male was hit by a car. It was the decision of the Board to deny the claim, under Section 18.67.101(2) as there was no evidence it was a DWI incident and there were no medical expenses associated with the incident. All Board members concurred with the decision.

DENIED

Claim #95-067

The victim, a 15-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). The Board also approved up to an additional \$2,600.00 for counseling. All Board members concurred with the decision.

AWARDED \$670.00

Claim #95-068

The victim, a 45-year old female was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as there was no direct relationship between the dates of the incident and the dates of the medical services. All Board members concurred with the decision.

DENIED

Claim #95-069

The victim, a 48-year old female was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.010 and 101(2) as there was insufficient evidence of a violent crime as listed in the statute. All Board members concurred with the decision.

DENIED

Claim #95-069

The victim, a 48-year old female was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.010 and 101(2) as there was insufficient evidence of a violent crime as listed in the statute. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and deny the claim under AS 18.67.080(c). All Board members concurred with the decision.

DENIED

Claim #95-070

The victim, a 23-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). The Board previously awarded an Emergency Award in the amount of \$1,000.00 which covered the claimant's loss of earnings. All Board members concurred with the decision.

AWARDED \$20,155.03

Claim #95-070

The victim, a 23-year old male was assaulted. The Board previously award medical expenses and loss of earnings. The claimant is now requesting some additional medical expenses. It was the decision of the Board to award the requested expenses, under Section(s) 18.67.110(1). All Board member concurred with the decision.

AWARDED \$373.00

Claim #95-071

The victim, a 19-year old male was shot and killed. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.130(b)(3) as the victim was involved in an illegal activity. All Board members concurred with the decision.

DENIED

Claim #95-072

The victim, a 33-year old female was injured by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested plane fare and loss of earnings, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$883.00

Claim #95-072

The victim, a 33-year old female was injured by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested plane fare and loss of earnings. The attorney is requesting his actual expenses. It was the decision of the Board to award the requested attorney fees, under Section 18.67.110. All Board members concurred with the decision.

AWARDED \$220.75

Claim #95-073

The victim, an 18-year old male was assaulted and hit in the head with a crowbar. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(2) as there was no police report made, and there was insufficient evidence of a crime. All Board members concurred with the decision.

DENIED

Claim #95-074, (same incident as #95-096 and #95-118)

The victim, a 22-year old male was assaulted and killed. The claimant is the victim's brother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and transportation costs, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$3,258.52

Claim #95-074

The victim, a 22-year old male was assaulted and killed. The claimant is the victim's brother. The Board previously awarded loss of earnings and transportation costs. The claimant is now seeking additional travel expenses. It was the decision of the Board to deny the request as it is Board policy not to award travel or out of pocket expenses to attend the sentencing of the offender. All Board members concurred with the decision.

DENIED

Claim #95-075

The victim, a 17-year old male was shot. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$2,975.10

Claim #95-076

The victim, a 32-year old female was killed in an automobile accident. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.130(b)(4) as it was a vehicular accident which is not covered by the statute. All Board members concurred with the decision.

DENIED

Claim #95-078

The victim, a 7-year old female was sexually abused. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, counseling, and out-of-pocket expenses, under Section(s) 18.67.110(1), 110(2), and 110(4). All Board members concurred with the decision.

AWARDED \$1,461.50

Claim #95-079

The victim, a 24-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat. All Board members concurred with the decision.

DENIED

Claim #95-079

The victim, a 24-year old male was assaulted. The Board previously denied the claim, as it appeared to be a case of mutual combat. After the Board meeting we received a letter from a Captain of the U.S. Army. In his letter, the Captain stated that the offender had been found guilty of assault. The Board reconsidered their previous decision and decided to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$962.68

Claim #95-080

The victim, a 29-year old male was assaulted and had his throat cut. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). The Board felt that the Emergency Award approved prior to this board meeting compensated the victim for his loss of earnings. All Board members concurred with the decision.

AWARDED \$872.50

Claim #95-081

The victim, a 33-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat. All Board members concurred with the decision.

DENIED

Claim #95-082

The victim, a 51-year old male was hit by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$9,569.00

Claim #95-083, (same incident as #95-084)

The victim, a 22-year old male was stabbed and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$580.00

Claim #95-084, (same incident as #95-084)

The victim, a 22-year old male was stabbed and killed. The claimant is the victim's aunt. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, airfare, and funeral expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$4,051.01

Claim #95-088

The victim, a 27-year old male was shot. It was the decision of the Board to deny the claim, under Section 18.67.090(a) as the incident was covered by Worker's Compensation which is a prior resource to our program. All Board members concurred with the decision.

DENIED

Claim #95-089

The victim, a 23-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board previously approved an Emergency Award for loss of earnings in the amount of \$1,500.00. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$277.05

Claim #95-090

The victim, a 33-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and counseling expenses, under Section(s) 18.67.110(1), and 110(4). All Board members concurred with the decision.

AWARDED \$6,119.52

Claim #95-091

The victim, a 32-year old female was physically and sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). The Board also approved up to \$2,000.00 for counseling expenses. All Board members concurred with the decision.

AWARDED \$17,912.58

Claim #95-092

The victim, a 23-year old male was hit by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, along with a dental estimate of up to \$3,900.00, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$6,688.38
\$3,900.00 (dental estimate when work done)

Claim #95-092

The victim, a 23-year old male was hit by a drunk driver. The Board previously awarded loss of earnings and medical expenses, along with a dental estimate of up to \$3,900.00. The claimant is now requesting an additional dental bill not previously submitted. It was the decision of the Board to award the requested dental expense, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$171.80

Claim #95-093

The victim, a 14-year old female was sexually molested. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(1) and 130(a)(2) as the application was filed after the two year time limit and the incident was not reported to the police for over a year. All Board members concurred with the decision.

DENIED

Claim #95-094

The victim, a 28-year old female was killed. The claimant is the victim's brother-in-law. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(1) and 010 as the victim died of "an accidental overdose of cocaine" and the application was filed past the two year time limit. All Board members concurred with the decision.

DENIED

Claim #95-095

The victim, a 45-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,721.69

Claim #95-096, (same incident as #95-074 and #95-118)

The victim, a 22-year old male was assaulted and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$5,000.00

Claim #95-096

The victim, a 22-year old male was assaulted and killed. The claimant is the victim's mother. The Board previously awarded the requested funeral expenses. The claimant is now requesting some counseling and airfare expenses. It was the decision of the Board to award the additional expenses under AS 18.67.110(4). All Board members concurred with the decision.

AWARDED \$348.00

Claim #95-097

The victim, an 18-year old female was hit by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$25,000.00

Claim #95-098

The victim, a 50-year old female was shot and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$5,000.00

Claim #95-098

The victim, a 50-year old female was shot and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses. The attorney is requesting his actual expenses. It was the decision of the Board to award the requested attorney fees, under Section 18.67.110. All Board members concurred with the decision.

AWARDED \$183.50

Claim #95-099

The victim, a 22-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$365.50

Claim #95-100

The victim, a 30-year old female was physically and sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, medical expenses, and out-of-pocket expenses, under Section(s) 18.67.110(1), 110(2), and 110(4). The Board also approved up to \$1,000.00 for counseling if the claimant decides she needs some. All Board members concurred with the decision.

AWARDED \$1,457.64

Claim #95-102

The victim, a 41-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board previously awarded an Emergency Award in the amount of \$1,500.00. It was the decision of the Board to award the requested out-of-pocket and counseling expenses, under Section(s) 18.67.110(1) and 110(4). The Board also awarded up to an additional \$3,600.00 for future counseling expenses. All Board members concurred with the decision.

AWARDED \$2,551.34

Claim #95-102

The victim, a 41-year old female was sexually assaulted. The Board previously awarded out-of-pocket and counseling expenses. The claimant is now requesting some additional medical and out-of-pocket expenses. It was the decision of the Board to award the requested medical and out-of-pocket expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,255.86

Claim #95-103

The victim, a 44-year old male was stabbed. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested air fare and loss of earnings, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$3,212.14

Claim #95-104

The victim, a 28-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses and loss of earnings, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$465.00

Claim #95-105

The victim, a 56-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 080(c) as there was insufficient evidence there was a violent crime and if there was a crime, it appeared to be mutual combat. All Board members concurred with the decision.

DENIED

Claim #95-106

The victim, a 17-year old female was stabbed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, and medical and counseling expenses, under Section(s) 18.67.110(1), 110(2), and 110(4). All Board members concurred with the decision.

AWARDED \$2,269.42

Claim #95-108

The victim, a 15-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$2,363.75

Claim #95-109

The victim, a 15-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$2,791.85

Claim #95-110

The victim, a 44-year old male was assaulted and killed. The claimant is the victim's sister. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,757.24

Claim #95-111

The victim, a 37-year old female was shot and killed. The claimant is the victim's companion of 14 years. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$20,000.00

Claim #95-113

The victim, a 31-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$8,661.60

Claim #95-114

The victim, a 32-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$3,525.20

Claim #95-115

The victim, a 30-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat. All Board members concurred with the decision.

DENIED

Claim #95-116

The victim, a 36-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,451.00

Claim #95-117

The victim, a 36-year old female was shot. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(*). All Board members concurred with the decision.

AWARDED \$3,850.70

Claim #95-118, (same incident as #95-074 and #95-096)

The victim, a 22-year old male was assaulted and killed. The claimant is the victim's sister. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and airfare expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$1,769.00

Claim #95-119

The victim, a 25-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(1) as the application was filed many years past the two year time limit. All Board members concurred with the decision.

DENIED

Claim #95-119

The victim, a 25-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(1) as the application was filed many years past the two year time limit. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law and deny the claim under AS 18.67.080(c). All Board members concurred with the decision.

DENIED

Claim #95-120

The victim, a 41-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$381.00

Claim #95-121

The victim, a 37-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$533.74

Claim #95-122

The victim, a 19-year old male was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, medical and counseling expenses, and moving expenses, under Section(s) 18.67.110(1), and 110(4). All Board members concurred with the decision.

AWARDED \$8,539.77

Claim #95-123

The victim, a 13-year old male was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$2,192.50

Claim #95-124

The victim, a 14-year old female was sexually abused. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.010 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-125

The victim, a 9-year old female was sexually abused. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.010 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-126

The victim, a 6-year old female was sexually abused. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.010 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-128

The victim, a 34-year old male was shot. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$23,542.70

Claim #95-129, (same incident as #95-130)

The victim, a 15-year old male was shot and killed. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.080(c) and 130(b)(3) as the victim was not an innocent victim, but was involved in a drug deal. All Board members concurred with the decision.

DENIED

Claim #95-129

The victim, a 15-year old male was shot and killed. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.080(c) and 130(b)(3) as the victim was not an innocent victim, but was involved in a drug deal. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law. All Board members concurred with the decision.

DENIED

Claim #95-130, (same incident as #95-129)

The victim, a 15-year old male was shot and killed. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.080(c) and 130(b)(3) as the victim was not an innocent victim, but was involved in a drug deal. All Board members concurred with the decision.

DENIED

Claim #95-130

The victim, a 15-year old male was shot and killed. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.080(c) and 130(b)(3) as the victim was not an innocent victim, but was involved in a drug deal. The claimant requested a hearing. It was the decision of the Board to agree with the Hearing Officer's Findings of Fact and Conclusions of Law. All Board members concurred with the decision.

DENIED

Claim #95-131

The victim, a 14-year old male was assaulted. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was an agreed upon fight, a case of mutual combat. All Board members concurred with the decision.

DENIED

Claim #95-132

The victim, a 6 year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling and out-of-pocket expenses, under Section(s) 18.67.110(1), and 110(4). All Board members concurred with the decision.

AWARDED \$293.87

Claim #95-134

The victim, a 57 year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.110 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-135

The victim, a 41-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$689.00

Claim #95-136

The victim, a 38 year old female was abducted and assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board the Emergency Award of \$1,500.00 covered the victim's medical expenses, under AS 18.67. All Board members concurred with the decision.

AWARDED \$0

Claim #95-138

The victim, a 31-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$155.00

Claim #95-140, (same incident as #95-141)

The victim, a 30-year old female was strangled to death. The claimant is the victim's father. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$1,403.00

Claim #95-141, (same incident as #95-140)

The victim, a 30-year old female was strangled to death. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$1,403.00

Claim #95-142

The victim, a 54-year old female was sexually assaulted. It was the decision of the Board to deny the claim, under Section 18.67.010 and 101(2) as there was insufficient evidence of a violent crime. All Board members concurred with the decision.

DENIED

Claim #95-143

The victim, a 54-year old female was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.010 and 101(2) as there was insufficient evidence of a violent crime. All Board members concurred with the decision.

DENIED

Claim #95-148

The victim, a 19-year old male was shot. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board had previously granted an Emergency Award in the amount of \$1500.00. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$5,763.15

Claim #95-148

The victim, a 19-year old male was shot. The Board had previously awarded loss of earnings and medical expenses. The claimant is now requesting a medical expense that was not previously submitted. It was the decision of the Board to award the requested medical expense, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$48.00

Claim #95-150/151/152/153/154/155

The victim, a 38-year old male was shot and killed. The claimant is the victim's wife filing on behalf of herself and their children. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the victim was threatening to kill the person and the person shot in self defense. All Board members concurred with the decision.

DENIED

Claim #95-156

The victim, a 34-year old female was physically assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expense, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$79.00

Claim #95-157

The victim, a 47-year old female was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the medical expenses were not related to the crime. All Board members concurred with the decision.

DENIED

Claim #95-158

The victim, a 13-year old male was assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and travel expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$2,486.12

Claim #95-159

The victim, a 31-year old female was hit by a hit and run driver. It was the decision of the Board to deny the claim, under Section 18.67.101(2) as it was a hit and run accident which is not covered by the statute. All Board members concurred with the decision.

DENIED

Claim #95-160

The victim, a 24-year old male was hit by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$1,649.14

Claim #95-161

The victim, a 24-year old male was hit by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$1,612.85

Claim #95-162, (same incident as #95-310)

The victim, a 42-year old male was stabbed and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$2,087.59

Claim #95-164

The victim, a 37-year old female was stalked. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling and out-of-pocket expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$865.10

Claim #95-165

The victim, a 12-year old female was sexually abused. The claimant is the victim's mother. It was the decision of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to deny the claim, under Section 18.67 as there are no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-168

The victim, a 20-year old female was sexually assaulted then shot and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral and out-of-pocket expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$5,200.00

Claim #95-169

The victim, a 25-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board the previously awarded Emergency Award of \$1,500.00 for loss of earnings was sufficient. All Board members concurred with the decision.

AWARDED \$0

Claim #95-170

The victim, a 6-year old male was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and counseling expenses, under Section(s) 18.67.110(2), and 110(4). All Board members concurred with the decision.

AWARDED \$434.50

Claim #95-171

The victim, a 4-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and out-of-pocket expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$229.00

Claim #95-172

The victim, a 41-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the incident was mutual combat. All Board members concurred with the decision.

DENIED

Claim #95-173

The victim, a 28-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67 as the claimant had no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-174

The victim, a 29-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$2,430.00

Claim #95-175, (same incident as #95-174)

The victim, a 5 year old female witnessed her mother being physically abused and threatened with a gun. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expenses, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$3,510.00

Claim #95-176

The victim, a 42 year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and dental expenses, under Section(s) 18.67.110(1). The Board had previously approved an Emergency Award of \$1,500.00 toward the dental expenses. All Board members concurred with the decision.

AWARDED \$1,997.90

Claim #95-178

The victim, a 22 year old female was sexually assaulted. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 080(c) as there was insufficient evidence of a violent crime. All Board members concurred with the decision.

DENIED

Claim #95-180

The victim, a 37-year old female was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(1) as it was past the two year limit. All Board members concurred with the decision.

DENIED

Claim #95-191

The victim, a 26 year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$2,135.15

Claim #95-181

The victim, a 26-year old female was assaulted. The Board previously awarded medical expenses. The claimant is now requesting some additional medical expenses. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$304.00

Claim #95-183, (same incident as #95-184/185/186)

The victim, a 34-year old female was shot and killed. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the victim was not an innocent victim, but was involved in drugs which directly or indirectly contributed to her death. All Board members concurred with the decision.

DENIED

Claim #95-184, (same incident as #95-183/185/186)

The victim, a 34-year old female was shot and killed. The claimant is the victim's mother, filing on behalf of the victim's child. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the victim was not an innocent victim, but was involved in drugs which directly or indirectly contributed to her death. All Board members concurred with the decision.

DENIED

Claim #95-185, (same incident as #95-183/184/186)

The victim, a 34-year old female was shot and killed. The claimant is the victim's mother, filing on behalf of the victim's child. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the victim was not an innocent victim, but was involved in drugs which directly or indirectly contributed to her death. All Board members concurred with the decision.

DENIED

Claim #95-186, (same incident as #95-183/184/185)

The victim, a 34-year old female was shot and killed. The claimant is the victim's ex-boyfriend, and father of her child. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the victim was not an innocent victim, but was involved in drugs which directly or indirectly contributed to her death. All Board members concurred with the decision.

DENIED

Claim #95-187

The victim, a 9-year old female was kidnapped and sexually assaulted. The claimant is the victim's father. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and counseling expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$9,717.00

Claim #95-188

The victim, a 27-year old female was assaulted with a knife. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat. Prosecution was declined because the essential witness was not credible and an affirmative defense was available. All Board members concurred with the decision.

DENIED

Claim #95-190, (same incident as #95-191)

The victim, a 69-year old male was beaten to death. The claimant is the victim's ex-wife. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to deny the claim, under Section 18.67 as there are no compensable losses. All Board members concurred with the decision.

AWARDED 50

Claim #95-191, (same incident as #95-190)

The victim, a 69-year old male was beaten to death. The claimant is the victim's ex-wife filing on behalf of the victim's minor child. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$25,000.00

Claim #95-192, (same incident as #95-193)

The victim, a 28-year old male was shot and killed. The claimant is the victim's wife. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$20,000.00

Claim #95-193, (same incident as #95-192)

The victim, a 28-year old male was shot and killed. The claimant is the victim's wife filing on behalf of their minor child. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$20,000.00

Claim #95-194

The victim, a 5-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling and out-of-pocket expenses, under Section(s) 18.67.110(1), and 110(4). All Board members concurred with the decision.

AWARDED \$4,238.00

Claim #95-195

The victim, an 8-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling and out-of-pocket expenses, under Section(s) 18.67.110(1), and 110(4). All Board members concurred with the decision.

AWARDED \$1,087.00

Claim #95-194/195

The victims, a 5-year old female and an 8-year old female were sexually assaulted. The claimant is the victims' mother. The Board previously award counseling and out-of-pocket expenses. The claimant is now requesting some additional loss of earnings for her husband. It was the decision of the Board to award the requested loss of earnings under Section(s) 18.67.110.2). All Board members concurred with the decision.

AWARDED \$939.00

Claim #95-197

The victim, a 58-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat with the victim stabbing the offender prior to the assault on him. All Board members concurred with the decision.

DENIED

Claim #95-198

The victim, a 23-year old female was stabbed. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and ambulance expense, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$818.00

Claim #95-200

The victim, a 44-year old male was beaten and killed. The claimant is the victim's sister. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and funeral expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$2,456.33

Claim #95-201

The victim, a 20-year old male was stabbed. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as there was insufficient evidence to make a determination as to whether it was mutual combat or not. The Board noted the drinking of the participants probably contributed to the incident. All Board members concurred with the decision.

DENIED

Claim #95-207, (same incident as #95-208)

The victim, a 42-year old female was threatened with a gun. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested out-of-pocket expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$38.00

Claim #95-208, (same incident as #95-207)

The victim, a 7-year old male was threatened with a gun. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to deny the claim under AS 18.67 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-209

The victim, an 18-year old female was assaulted and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and funeral expenses, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$7,400.00

Claim #95-210

The victim, a 36-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$419.30

Claim #95-211

The victim, a 49-year old male was hit by a drunk driver. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board previously approved an Emergency Award in the amount of \$1,500.00. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$1,115.00

Claim #95-213

The victim, a 49-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$2,082.12

Claim #95-214

The victim, a 37-year old female was shot and killed. The claimant is filing on behalf of the victim's minor son. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision

AWARDED \$20,000.00

Claim #95-215

The victim, a 45-year old male was shot. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,163.10

Claim #95-218

The victim, a 40-year old female was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as there was insufficient evidence to make a decision as it appeared to be mutual combat and both the victim and the offender had been drinking. All Board members concurred with the decision.

DENIED

Claim #95-219

The victim, a 37-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$1,896.18

Claim #95-220

The victim, a 31-year old female was physically and sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$137.94

Claim #95-225

The victim, a 43-year old male was shot. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$25,000.00

Claim #95-226

The victim, a 24-year old male was assaulted then drowned while swimming later. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 18.67.010 as there was insufficient evidence of a violent crime. It could not be determined if it was a violent crime or an accident. All Board members concurred with the decision.

DENIED

Claim #95-227

The victim, an 8-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and out-of-pocket expenses, under Section(s) 18.67.110(1), and 110(2). All Board members concurred with the decision.

AWARDED \$1,231.00

Claim #95-228

The victim, a 49-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 130(a)(2) as no police report was filed and there was insufficient evidence of a violent crime. All Board members concurred with the decision.

DENIED

Claim #95-229

The victim, a 12-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested moving expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$2,700.00

Claim #95-230, (same incident as #95-231)

The victim, an 11-year old female was kidnapped by her mother. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.101(2) as custodial interference is not a listed crime in our statute. All Board members concurred with the decision.

DENIED

Claim #95-231, (same incident as #95-230)

The victim, an 11-year old female was kidnapped by her mother. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.101(2) as custodial interference is not a listed crime in our statute. All Board members concurred with the decision.

DENIED

Claim #95-234

The victim, a 28-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.090(a) as this should be a Workers' Compensation claim. All Board members concurred with the decision.

DENIED

Claim #95-235

The victim, a 77-year old male was physically beaten, and died approximately 1 1/2 years later due to his injuries. The claimant is the victim's wife. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses and loss of support, under Section(s) 18.67.110(1) and 110(3). All Board members concurred with the decision.

AWARDED \$25,000.00

Claim #95-236

The victim, a 30-year old female was sexually assaulted. It was the decision of the Board to deny the claim, under Section 18.67.010 and 101(2) as there was insufficient evidence of a violent crime and there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-238

The victim, a 16-year old female was shot. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, medical and counseling expenses, under Section(s) 18.67.110(1), 110(2), and 110(4). All Board members concurred with the decision.

AWARDED \$20,571.50

Claim #95-238

The victim, a 16-year old female was shot. The claimant is the victim's mother. The Board previously awarded loss of earnings, medical and counseling expenses. The claimant is now requesting some additional medical expenses. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,930.10

Claim #95-239

The victim, a 33-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested dental expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,495.00 (dental estimate pre approved)

Claim #95-240

The victim, a 26-year old male was assaulted and stabbed. It was the decision of the Board to deny the claim, under Section 18.67.090 and 080(c) as the incident was work related and there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-244

The victim, a 15-year old female was sexually assaulted. The claimant is the victim's father. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$296.92

Claim #95-245

The victim, a 37-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$6,094.70

Claim #95-247 (same incident as #93-128)

The victim, a 34-year old male was shot. The claimant is the victim's sister. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested transportation costs, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$725.30

Claim #95-251

The victim, a 25-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,177.95

Claim #95-252

The victim, a 17-year old female was shot and killed. The claimant is the victim's aunt. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board previously approved an Emergency Award in the amount of \$1,500.00 for funeral expenses. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$3500.00

Claim #95-253

The victim, a 38-year old male was shot. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board had previously approved an Emergency Award in the amount of \$1,500.00 for emergency living expenses. It was the decision of the Board to award the maximum amount for loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$23,500.00

Claim #95-254

The victim, a 6-year old female was sexually assaulted. The claimant is the victim's father. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and counseling expenses, under Section(s) 18.67.110(2), and 110(4). All Board members concurred with the decision.

AWARDED \$2,532.52

Claim #95-256

The victim, a 17-year old male was shot. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.130(a)(3) as the victim did not cooperate with law enforcement officials. All Board members concurred with the decision.

DENIED

Claim #95-257

The victim, a 14-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$483.30

Claim #95-261

The victim, a 19-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$1,085.92

Claim #95-264

The victim, a 14-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and counseling expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$916.50

Claim #95-265

The victim, a 34-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$1,509.66

Claim #95-267

The victim, a 35-year old male was shot in the leg. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as he was not an innocent victim and his actions contributed to his injuries. All Board members concurred with the decision.

DENIED

Claim #95-274

The victim, a 25-year old female was killed in a DWI accident. The claimant is the victim's mother. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the victim willingly got into a vehicle with a drunk driver. All Board members concurred with the decision.

DENIED

Claim #95-276

The victim, a 42-year old female was in a DWI accident. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the victim was intoxicated and willingly got into the vehicle with a drunk driver. All Board members concurred with the decision.

DENIED

Claim #95-278

The victim, a 22-year old male was stabbed and killed. The claimant is the ex-girlfriend filing on behalf of their minor child. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$20,000.00

Claim #95-280

The victim, a 37-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and out-of-pocket expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$1,370.80

Claim #95-281

The victim, a 13-year old male was hit by a drunk driver. The claimant is the victim's mother. It was the decision of the Board to defer this claim until the next Board meeting as they needed some additional information. All Board members concurred with the decision.

DEFERRED

Claim #95-283

The victim, a 23-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$242.00

Claim #95-284

The victim, a 35-year old male was stabbed. It was the decision of the Board to deny the claim, under Section 18.67.090(a) as the victim is receiving Workers' Compensation which is a prior resource. All Board members concurred with the decision.

DENIED

Claim #95-285

The victim, a 9-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and counseling expenses, under Section(s) 18.67.110(2) and 110(4). All Board members concurred with the decision.

AWARDED \$2,854.00

Claim #95-286

The victim, an 18-year old male was shot and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board previously approved an Emergency Award for \$1,500.00 to go toward the funeral expenses. It was the decision of the Board to award the requested funeral and counseling expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$3,900.00

Claim #95-288

The victim, a 22-year old male was killed in a DWI accident. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as the victim voluntarily got into a vehicle with a driver he knew had been drinking. All Board members concurred with the decision.

DENIED

Claim #95-290

The victim, a 21-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$938.75

Claim #95-291

The victim, a 26-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$719.00

Claim #95-293

The victim, a 28-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$542.10

Claim #95-294

The victim, a 41-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$1,884.34

Claim #95-297

The victim, a 45-year old female was sexually assaulted. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 080(c) as there was insufficient evidence of a violent crime. All Board members concurred with the decision.

DENIED

Claim #95-298

The victim, a 28-year old female was sexually assaulted. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 080(c) as there was insufficient evidence of a violent crime. All Board members concurred with the decision.

DENIED

Claim #95-301

The victim, a 32-year old male was shot in the arm. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat, and the claimant contributed to his injuries by being intoxicated and he had no compensable losses. All Board members concurred with the decision.

DENIED

Claim #95-302

The victim, a 36-year old male was shot and killed. The claimant is the victim's ex-wife. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 130(a)(1) as it was not a crime as listed in the statute and it was filed past the two year limit. All Board members concurred with the decision.

DENIED

Claim #95-303

The victim, a 39-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, medical and out-of-pocket expenses, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$9,520.77

Claim #95-304

The victim, a 4-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested counseling expense, under Section(s) 18.67.110(4). All Board members concurred with the decision.

AWARDED \$100.00

Claim #95-305

The victim, a 42-year old male was assaulted and bitten. It was the decision of the Board to deny the claim, under Section 18.67.090(a) as it is a Worker's Compensation claim which is a prior resource. All Board members concurred with the decision.

DENIED

Claim #95-306

The victim, a 28-year old female was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$127.00

Claim #95-307

The victim, a 37-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings and medical expenses, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$19,638.19

Claim #95-310, (same incident as #95-162)

The victim, a 42-year old male was stabbed and killed. The claimant is the victim's mother filing on behalf of the victim's minor child. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of support, under Section(s) 18.67.110(3). All Board members concurred with the decision.

AWARDED \$22,912.41

Claim #96-001

The victim, a 13-year old male was killed by a drunk driver. The claimant is the victim's brother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested loss of earnings, under Section(s) 18.67.110(2). All Board members concurred with the decision.

AWARDED \$284.00

Claim #96-002

The victim, a 52-year old male was assaulted. It was the decision of the Board to deny the claim, under Section 18.67.090(a) as it is a Worker's Compensation Claim which is a prior resource. All Board members concurred with the decision.

DENIED

Claim #96-003

The victim, a 19-year old female was sexually assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses and loss of earnings, under Section(s) 18.67.110(1) and 110(2). All Board members concurred with the decision.

AWARDED \$915.00

Claim #96-005

The victim, a 20-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$9,357.10

Claim #96-007

The victim, a 22-year old male was shot. It was the decision of the Board to deny the claim, under Section 18.67.080(c) as it was a case of mutual combat. All Board members concurred with the decision.

DENIED

Claim #96-014

The victim, a 7-year old female was sexually assaulted. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested medical and counseling expenses, under Section(s) 18.67.110(1) and 110(4). All Board members concurred with the decision.

AWARDED \$5,405.00

Claim #96-015, (same incident as #96-016)

The victim, a 51-year old male had his house shot at. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 010 as it was not a violent crime as listed in the statute and there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #96-016, (same incident as #96-015)

The victim, a 33-year old female had her house shot at. It was the decision of the Board to deny the claim, under Section 18.67.101(2) and 010 as it was not a violent crime as listed in the statute and there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #96-017

The victim, a 13-year old female was assaulted. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.110 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #96-018

The victim, a 14-year old female was sexually assaulted. The claimant is the victim's father. It was the decision of the Board to deny the claim, under Section 18.67.110 as there were no compensable losses. All Board members concurred with the decision.

DENIED

Claim #96-028

The victim, an 18-year old male was assaulted. It was the determination of the Board the victim was an innocent victim of a violent crime. The Board had previously approved an Emergency Award of \$1,500.00 for emergency living expenses. It was the decision of the Board to award the maximum amount available for medical expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$23,500.00

Claim #96-038

The victim, a 46-year old male was shot. It was the decision of the Board to deny the claim, under Section 18.67.090(a) as it is a Worker's Compensation claim which is a prior resource. All Board members concurred with the decision.

DENIED

Claim #96-049

The victim, a 17-year old male was shot and killed. The claimant is the victim's mother. It was the determination of the Board the victim was an innocent victim of a violent crime. It was the decision of the Board to award the requested funeral expenses, under Section(s) 18.67.110(1). All Board members concurred with the decision.

AWARDED \$5,000.00



National Institute of Justice

R e s e a r c h R e p o r t

The Criminalization of Domestic Violence: Promises and Limits

Presentation at the 1995 conference
on criminal justice research
and evaluation

About the National Institute of Justice

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*The Criminalization of
Domestic Violence:
Promises and Limits*

Jeffrey Fagan

**Presentation at the 1995 conference
on criminal justice research and evaluation**

January 1996

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Office of Justice Programs

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This paper is an adaptation of the presentation Dr. Fagan made on July 10, 1995, at "What To Do About Crime," the annual conference on research and evaluation sponsored by the National Institute of Justice, the Bureau of Justice Assistance, and the Office of Juvenile Justice and Delinquency Prevention, and held in Washington, D.C.

Opinions or points of view expressed in this document are those of the author and do not necessarily reflect the official position of the U.S. Department of Justice.

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Abstract

During the past 30 years, the criminalization of domestic violence has developed along three parallel but generally separate tracks: criminal punishment and deterrence of batterers, batterer treatment, and restraining orders designed to protect victims through the threat of civil or criminal legal sanctions. Each of these policy tracks has been informed, advanced, and supported by advocacy groups for battered women. Victim advocacy groups have worked vigorously for legislative and policy change, monitored and corrected the implementation of law and policy, and intensively supported expanded resources for victim services. Several jurisdictions have attempted to integrate these policies in systemwide approaches within the justice system.

Thus far, however, research and evaluation on arrest and prosecution, civil or criminal protection orders, batterer treatment, and community interventions have generated weak or inconsistent evidence of deterrent effects on either repeat victimization or repeat offending. For every study that shows promising results, one or more show either no effect or even negative results that increase the risks to victims.

Several factors have influenced the current state of policy and practice. Domestic violence and partner assault are complex behaviors. The range of sanctions for offenders has been limited, their deterrent effects mitigated by social and contextual factors, and their implementation constrained by practical operational contingencies. The social organization of

courts and local legal cultures tend to devalue domestic violence cases. Perhaps most important, theories of violence have not been integrated with theories of domestic violence, and research and evaluation designs thus far have been weak.

A program of research and development is recommended to advance the current state of knowledge on the effects of legal sanctions for partner violence. Theory is essential to this effort. Testable ideas should be identified from theoretical advances, formative evaluations of innovative practices, and qualitative studies of battering careers. A stable and sufficient resource stream will be required to support developmental, evaluation, and research efforts.

Overview

Beginning in the 1970's, social policy toward female victims of domestic assaults has focused on improving legal responses to protect women and punish offenders. The primary focus has been the mobilization of societal institutions to increase the range of formal and informal controls at their disposal. During this time, social control through law dominated theories on how best to reduce domestic violence, focusing on the effects of increasing the risks and punishment costs of violence toward intimate partners. Rooted in assumptions of specific deterrence, social control in this context emphasized the application of legal sanctions through arrest and prosecution of assailants or the *threat* of legal sanctions through civil legal remedies that carried criminal penalties if violated. Legal action was designed to exact a retributive cost, and to the extent that further violence was not evident, the suppression of violence was attributed to the intrinsic deterrent effects of legal sanctions (Dutton, 1995; Sherman, 1992a; Fagan and Browne, 1994).

At the same time, reforms in civil legal protection also have expanded nationwide (Grau et al., 1984; Harrell, Smith, and Newmark, 1993). Until the legal reforms of the late 1970's, a woman could not obtain a restraining order against a violent husband unless she was willing to file for divorce at the same time (U.S. Commission on Civil Rights, 1982). When protective restraining orders were available, their enforcement was weak, the penalties for violations were minor, and they were not available on an emergency basis. Reforms in protective and restraining order legislation enabled emergency, *ex parte* relief that included not only no contact provisions but also economic and other tangible reliefs for battered women. These reliefs, and the application of criminal laws as well, were extended to women in unmarried cohabiting couples and to divorced or separated women.¹

These reforms held great promise. The "criminalization" of domestic violence cases beginning in the 1970's sought to increase the certainty and severity of legal responses, thereby correcting historical, legal, and moral disparities in the legal protections

afforded to battered women (Zorza, 1992). For many years, societal responses to domestic violence excluded legal intervention. Advocates for battered women claimed that male batterers were rarely arrested, prosecuted, or sentenced as severely as other violent offenders. Research showed that these claims were accurate. Police often exercised discretion in avoiding arrest in responding to domestic violence incidents where there was probable cause (Black and Reiss, 1967). In many departments, policies for domestic "disputes" actively discouraged arrest, focusing instead on alternative responses such as family crisis intervention or counseling for batterers with alcohol abuse problems (Bard and Zacker, 1971). Prosecutors failed to actively pursue cases where victims and offenders had intimate relationships, fearing that women might drop charges (Parnas, 1967). Sentences often were less serious for males convicted of domestic violence. For example, Davis and Smith (1982) showed that the presence of a victim/offender relationship led to less serious case assessments in prosecutorial screening, even after controlling for victim injury and weapon use. The result of these processes was a higher dismissal rate for domestic cases at the prosecution stage compared to other violence cases, and less serious sentences.

These concerns led to a wide variety of reforms in law and criminal justice, aimed primarily at increasing the likelihood that sanctions would be forthcoming in domestic violence cases. They ranged from the elimination of organizational, eligibility, and systemic complications that limited access to criminal legal remedies for battered women; to law changes mandating arrest for domestic violence; to mandatory treatment and supervision of men convicted of assaults against female intimate partners; to the reorganization of court structures to create special forums for the adjudication of these cases (Hilton, 1993). Resources, both political and fiscal, were mobilized to improve civil and criminal legal responses through training, technical assistance, and dissemination of innovations and reforms.

Such efforts were undertaken with both symbolic and substantive goals. Certainly, the passage of legislative mandates for criminal sanctions symbolizes public contempt for the actions of persons who are violent toward adult partners. The mobilization

of resources and the passage of (strong) laws signaled societal rejection of domestic violence and communicated important cultural messages rejecting norms supporting battering. Such responses are particularly appropriate when domestic violence is defined as a "cultural" problem. The symbolic component of criminalization policies also may be intended as a general deterrent, by conveying the message that legal consequences are likely and severe if a man assaults his wife. The substantive goals were to implement both specific and general deterrent threats to reduce the incidence of domestic violence. Here, however, the goals were less clear. Whether criminalization was designed for retributive, incapacitative, or other social control purposes or whether it was designed to assist victims or target batterers for criminal punishment was not clear in legislation and policy.

These reforms did *not* question the deterrence underpinnings of legal interventions—that increases in the certainty and severity of criminal (and also civil) legal sanctions would reduce domestic violence was assumed. Policy goals addressed the legal and systemic problems that stood in the way of the full application of the law for domestic violence. With few exceptions, research and evaluation on legal reforms and innovations focused on their operational goals and on their outcomes but almost never on their effects.² The narrow range of studies on the deterrent effects of legal sanctions for domestic violence stands in contrast with the extensive efforts of activists, victim advocates, and criminal justice practitioners to mobilize law and shape policy to stop domestic violence.³

This paper presents a review of the promises and limitations of the criminalization efforts in domestic violence. The reforms of the past 20 years have not been adequately evaluated with respect to their deterrence goals, despite the institutionalization of law and policy to criminalize domestic violence. With the exception of the influential Minneapolis Domestic Violence Experiment (Sherman and Berk, 1984a, 1984b), criminalization policies have proliferated without consideration of the empirical evidence of their effectiveness or their unintended consequences. Only one experiment on prosecution has been completed (Ford, 1993), yet policies to expand prosecutorial

involvement proliferated quickly even in the absence of consistent deterrent effects. In fact, evaluations of prior efforts have not been influential in shaping the direction and content of criminal justice reform in general. In addition, basic research on interpersonal violence, domestic violence, and the effectiveness of legal sanctions also has been segregated from the development and evaluation of criminalization reform efforts.

This paper addresses these concerns. It begins with a brief history of the development of modern legal reforms in domestic violence and examines their theoretical underpinnings. Next, it reviews the empirical evidence on the deterrent effects of criminal and civil legal sanctions for domestic violence. Then, the unique contexts of domestic violence are examined to identify factors that influence the deterrent effects of criminal justice reforms. These include both exogenous influences in communities and legal institutions and endogenous factors unique to the context of domestic violence. The paper concludes with an agenda for building an empirical base for knowledge and policy to control domestic violence.

Modern Policies and Their Effectiveness

Historical and Modern Origins of Legal Interventions

Legal interventions in family violence have both modern and historical origins. Historically, female victims of domestic violence have sought help and protection from a variety of institutions, including family, church, and community. However, the involvement of legal institutions in domestic violence has been inconsistent throughout U.S. history. The historical origins of laws and legal interventions for child protection, for example, have roots in both the Puritan and Progressive Eras. Early laws concerning violence against wives and children were symbolic affirmations of Biblical principles demarking the line between legitimate physical force and "beating." However, Pleck (1989)

reported that only 12 cases of domestic violence were prosecuted in the Plymouth Colony between 1633 and 1802.

Legal interest and mobilization have occurred cyclically since that time, coinciding with State interests in enforcement of laws concerning "public morality" or increased fear of crime generally (Pleck, 1989). In 1871, Alabama became the first State to rescind a husband's right to beat his wife, noting that the "wife had the right to the same protection of the law that the husband can invoke for himself..." (*Fulgham v. State*, 46 Ala. 146-147). However, there were few prosecutions under these or any other State laws for violence toward wives, and the doctrine of family privacy continued to prevail over these largely symbolic statutes. Over the next century, attention from the police and the courts to violence against women has peaked at different times, influenced in part by broader concerns with the status of women and the legal control of social problems (Dobash and Dobash, 1979; Pleck, 1989; Gordon, 1988).

The 1960's. In the 1960's, society began paying attention to violence within families. What historically was a private family matter became an appropriate target for State intervention. Violence toward wives and intimate partners was raised as a social problem within the context of violence against women—the result of the work of feminist activists, rape crisis counselors, clinical researchers working with women, and the earliest workers in battered women's shelters. Victims of domestic violence presented themselves to feminist grassroots organizations via rape crisis programs and hotlines as well as to newly created victim-assistance programs. The newly created victim-witness programs in the 1970's became magnets within the criminal justice system for victims of intimate or domestic violence; battered women quickly became a major portion of their workload. The Law Enforcement Assistance Administration of the U.S. Department of Justice took the lead in promoting a broader response, funding 23 programs between 1976 and 1981 for services including shelters, special prosecution units, treatment programs for wife beaters, mediation units, and civil legal interventions (Fagan, Friedman, Wexler, and Lewis, 1984). The publication of nationwide epidemiological data on violence within adult couples (Straus et al., 1980; Gaguin, 1977-78) reinforced

for the general public the scale of domestic violence and prompted further activism.

Unlike the rush to criminalize child abuse, legal institutions responded with ambivalence. In the early stages of reform, concerns about domestic violence were limited to married couples. It was identified as a recurring criminal justice problem, especially for the police (Bard and Zacker, 1971). Criticism of the inadequacy of police responses led to programs and training to improve police responses. However, these efforts were designed to do everything possible to avoid formal legal processing of men who beat their wives or partners. Police officers were trained in crisis intervention to look for comorbidity with drunkenness, to mediate on the scene to defuse the immediate crisis, and to make appropriate referrals for longer term interventions (Bard, 1970). They were trained to do anything except arrest violent husbands. For many years, police culture portrayed domestic violence as the most potentially dangerous situation for police officers, with elevated risks of serious injury or death; subsequent data proved this false (Garner and Clemmer, 1986). If not dangerous, spouse abuse was viewed by the police and the courts as an intractable interpersonal conflict unsuited for police attention and inappropriate for prosecution and substantive punishment (Parnas, 1967). In fact, many police departments had "hands off" policies prior to the 1970's, and police training manuals actually specified that arrest was to be avoided whenever possible in responding to domestic disputes (IACP, 1967).

The 1970's. Other legal barriers prevented women from obtaining civil legal remedies as well. Until the legal reforms of the late 1970's, women could not obtain a restraining order against a violent husband unless they were willing to file for divorce at the same time (U.S. Commission on Civil Rights, 1982). When protective orders were available, enforcement was weak, penalties for violations were minor, and use in emergencies was not possible.

The convergence of the interests of feminists, victim advocates, and some conservative politicians interested in expanding the use of the law to enforce "public morality" led to a series of reforms beginning in the late 1970's to strengthen criminal justice

responses to domestic violence. Political pressure by feminists sought to frame solutions to domestic violence in a legal context (Lerman, 1981; Zorza, 1992).

The 1980's. By 1980, 47 States had passed domestic violence legislation mandating change in protection orders, enabling warrantless arrest for misdemeanor assaults, and recognizing a history of abuse and threat as part of a legal defense for battered women who killed their abusive husbands.⁴ Police departments changed their procedures not only in response to these pressures but also pursuant to successful litigation by women against police departments for their failure to enforce criminal laws and to protect them from violent partners. (See, for example, *Scott v. Hart* U.S. District Court for the Northern District of California, C76-2395; *Bruno v. Codd* 47 N.Y. 2d 582, 393 N.E. 2d 976, 419 N.Y.S. 2d 901 [1979]; and *Thurman v. City of Torrington* 595 F. Supp. 1521 [1984].)

The array of statutory, procedural, and organizational reforms covered nearly every aspect of the legal system. Police departments adopted proarrest or mandatory arrest policies. Domestic violence units were formed in prosecutor's offices, and treatment programs for abusive husbands were launched in probation departments and among community-based groups. Reforms in protective and restraining order legislation enabled emergency, *ex parte* relief that included not only no-contact provisions but also economic and other tangible reliefs for battered women (Grau, Fagan, and Wexler, 1984). These reliefs, and the application of criminal laws as well, were extended to women in unmarried, cohabitating couples and to divorced and separated women. A small number of jurisdictions developed coordinated, systemic responses that brought to bear the full range of social controls and victim supports for battered women.

Institutionalization

Looking back over 30 years, legal reforms in domestic violence have developed along three parallel but generally separate tracks: criminal punishment and deterrence of batterers, batterer treatment, and restraining orders in the civil court designed to

protect victims through the threat of civil or criminal legal sanctions. The promise of criminalization was straightforward: the symbolism of public statements valuing the safety of battered women and condemning batterers, substantive expanded social control of wife beaters, and the political mobilization of legal resources and institutions to protect victims. Additional reforms included recognition of violence risks to cohabitants and broad interpretation of laws on domestic violence to include gay and lesbian couples. Other efforts have been designed to increase funding for battered women. Surcharges on marriage licenses, for example, created a funding stream for services to battered women.

Each of these policy tracks has been informed, advanced, and supported by advocacy groups for battered women. These advocacy groups have worked aggressively for legislative and policy change, monitored and corrected the implementation of law and policy, and lobbied intensively for funding for victim services. Collaboration with the growing community of victim services agencies in the 1970's created powerful alliances that moved for procedural reforms in the criminal justice responses to domestic violence.

By 1990, many States had developed sweeping and strong legislation that corrected historical wrongs such as warrantless arrests in misdemeanor cases or requiring women to file for divorce before receiving protective orders (Zorza, 1992). These reforms also made accessible a wide range of criminal and civil remedies that recognized the reality of domestic violence and the complexity of its criminalization (Lerman, 1992). These efforts were institutionalized in law and policy with significant changes achieved in statutes, the organization of investigative and prosecutorial agencies, and the allocation of court services and resources.

Legal Sanctions and Domestic Violence

Two types of reforms have characterized criminal justice responses to family violence. One set of reforms was aimed at procedures and jurisprudential issues. These reforms attempted to increase and simplify the participation of battered women in the criminal justice process. Many sought to rectify procedural barriers, whereas others relaxed evidentiary standards for initiating criminal prosecution. Underlying these reforms was the theory that family violence could be stopped through legal sanctions and that legal sanctions were effective in reducing violence. Another set of reforms was aimed at specific measures to stop the violence. Although subsuming many of the procedural reforms, these reforms embodied explicit measures to legally sanction offenders.

These interventions to control violence against adult intimate partners reflect several different policy goals and separate but parallel tracks: criminal punishment and deterrence of batterers; batterer treatment, and protective interventions designed to insure victims' safety and empowerment. Because of the interdependency of legal institutions in pursuing these policy goals, the discussion of legal interventions is not organized according to their separate responsibilities but on the basis of policy goals they pursue with respect to reducing violence toward intimates.

Criminal Legal Sanctions

Minneapolis research on arrest as a deterrent. Efforts to deter domestic violence have focused primarily on the police. However, this burden may have unfairly fallen on the police. Although arrest may have independent effects in reducing the risks of further violence, sanctions ultimately result from the actions of prosecutorial and judicial actors who mete out criminal penalties. Nevertheless, a rich criminological literature acknowledges the general and specific deterrent effects of police actions independent of substantive punishments.

Police actions in domestic violence have been widely evaluated; this also has been the arena of legal interventions where experimental designs have been used most often. Although the results have been the strongest overall, they have also been equivocal. The Minneapolis Domestic Violence Experiment is perhaps the most widely cited and influential criminal justice experiment in recent criminological and policy literature. The Minneapolis Domestic Violence Experiment (Sherman and Berk, 1984a, 1984b) was a critical event in changing public and scholarly perceptions of domestic violence from a "family problem" amenable to mediation and other informal, nonlegal interventions (Bard and Zacker, 1971) to a law violation requiring a formal criminal justice sanction.

In that experiment, street-level police officers' selections of the most appropriate response to misdemeanor domestic violence were determined by an experimental design, i. e., random assignment to one of three treatments: (1) arresting the suspect, (2) ordering one of the parties out of the residence, and (3) advising the couple. Using victim interviews and official records of subsequent police contact, Sherman and Berk (1984a:267) reported that the prevalence of subsequent offending—assault, attempted assault, and property damage—was reduced by nearly 50 percent when the suspect was arrested. On the basis of the results from what they emphasized was the "first scientifically controlled test of the effect of arrest on any crime," Sherman and Berk (1984b) concluded that:

(T)hese findings, standing alone as the result of one experiment, do not necessarily imply that all suspected assailants in domestic violence incidents should be arrested. Other experiments in other settings are needed to learn more. But the preponderance of evidence in the Minneapolis study strongly suggests that the police should use arrest in most domestic violence cases (1984b:1).

In the decade since the preliminary results were announced in the "Science" section of the *New York Times* (Boffey, 1983, p. L1), the study's findings were reported in over 300 newspapers in the United States, broadcast on three major television networks in prime-time news programs or documentaries, and fea-

tured in numerous nationally syndicated columns and editorials (Sherman and Cohn, 1989). The Attorney General's Task Force on Family Violence endorsed the study's findings and recommended that State and local agencies adopt a proarrest policy toward domestic violence (U.S. Attorney General, 1984). Following the attention given to this study's results, a dramatic change in formal policy consistent with the study's proarrest findings has been reported by police departments in both large and small U.S. cities (Sherman and Cohn, 1989).

The Minneapolis experiment was designed, funded, and implemented as a test of specific deterrence theory (Sherman, 1980) and was a direct response to the call for such tests by the National Academy of Sciences (Blumstein et al., 1978). The Minneapolis experiment is atypical for its innovative experimental design, test of theory, extensive public visibility, focus on a controversial policy issue, and apparent effect on public policy. This experiment is atypical for another reason: It was replicated.

Replications of the Minneapolis experiment. The initial reports of deterrent effects in the Minneapolis experiment were tempered by later criticisms of its designs and claims of the overreach of its conclusions given the limitations in the design (Binder and Meeker, 1992). Replications of the Minneapolis experiment in five jurisdictions failed to produce consistent results. Garner, Fagan, and Maxwell (1995) showed inconsistency in the directions, effect sizes, and statistical power in experiments based on both official arrests and victim interviews over a 6-month followup period. Thus, where there was once one experiment with two consistent findings (prevalence and time to failure), there are now seven similar experiments in which the findings on the specific deterrent effect of arrest on the prevalence of reoffending—the central finding of the Minneapolis experiment—differ internally by data source and externally by site.

The replications are noteworthy also because of two important corollary findings. First, Sherman et al. (1992a) and Berk et al. (1992) in multisite analyses and Paté and Hamilton (1992) in a single-site analysis reported on the interaction of arrest with two measures of "stake-in-conformity" (Toby, 1957), the marital and

employment status of the suspect. This line of analysis suggests that arrest increases violence for unmarried and also unemployed suspects and deters it for married and employed suspects. Sherman et al.'s (1992a:687) evaluation of the published findings from Colorado Springs, Dade County, Milwaukee, and Omaha is that:

All four experiments that have examined this hypothesis report an interaction with unemployment consistent with the stake-in-conformity hypothesis, at least in the official data.

The interaction effects suggest the importance of subgroup differences in the specific deterrent effects of arrest. However, because the cases in each of the experiments disproportionately came from neighborhoods with concentrations of the common risk factors for violence—high unemployment, poverty, and divorce rates—deterrent effects may have been confounded with broader contextual effects. The analysis of these hierarchically structured processes requires methods to disentangle social structural factors from the individual factors that contribute to violence generally and that may undermine the deterrent effects of legal sanctions. The availability of informal social controls—the potential for job or relationship loss or for social stigmatization from neighbors or relatives—may also undermine the effectiveness of legal controls. In fact, the absence of a systematic deterrent effect across sites in the arrest experiments and evidence of the escalation of violence among men who were unemployed and unmarried led Sherman (1992a, 1992b) to conclude that mandatory and proarrest policies were inadvisable.

Second, one of the experiments included an "offender-absent" group in which arrests were not made, but warrants were issued for the absent batterers (Dunford, 1990b). The deterrent effects of police intervention were clearer and more consistent across different outcome measures in this experiment than in any of the other conditions. The continuing threat of legal sanctions evidently has a stronger deterrent effect than the actual imposition of a sanction through the arrest process. This is a theme discussed later in terms of prosecution programs. Unfortunately, the Omaha offender-absent experiment was not replicated elsewhere in the Spouse Assault Replication Program (SARP) cohort.

However, conclusions about the ineffectiveness of deterrence based on the police experiments may in fact be inaccurate, because the actual implementation of deterrence was minimal in these experiments. Most offenders were not prosecuted once arrested. Legal sanctions were limited to booking for most of those arrested. Few were handcuffed, most spent only a few hours in custody, and only a small number were jailed overnight (Sherman, 1992a). Only misdemeanor cases were included in the experiment, a selection bias that reduces the generalizability of the experiments. Only in the Omaha offender-absent experiment—the experiment with consistent evidence of deterrence—were felony cases included. Accordingly, the limitations of the SARP experiments led Garner et al. (1995) to conclude that the effects of arrests remain unknown.

Prosecution Experiments

The low rate of prosecution in domestic violence cases undermines deterrence by neutralizing the actions of the police and reducing the likelihood of legal sanctions following arrest. Although some level of sanction may result from arrest, deterrence ultimately results from the actions of prosecutorial and judicial actors whose actions lead to substantive punishment.⁵ Historically, like the police, prosecutors were accused of disinterest in family violence cases, failing to file cases presented by the police or discouraging willing victims from pursuing criminal complaints. Whether discouraged by the evidentiary problems in these cases, the ambivalence and lack of cooperation from victims to press forward with prosecution, patriarchal notions about family privacy and male prerogatives, or signals from a disinterested judiciary who were unwilling to respond to prosecution with meaningful sanctions, prosecutors had little incentive to follow through with vigorous presentation of domestic violence cases (Elliott, 1989; Ford, 1993).

In many communities, the rate of prosecution remains extremely low, less than 10 percent for misdemeanor cases (Ford, 1993; Schmidt and Steury, 1989). Fagan (1989) found that fewer than 5 percent of 270 cases involving women with injuries were

criminally prosecuted. Dutton (1995) reported that conviction and sentencing are even rarer.

Special prosecution units. The advent of special prosecution units created an atmosphere and organizational context in prosecutors' offices in which domestic violence cases had high status. These units created incentives for vigorous prosecution without competing with other units for scarce trial or investigative resources with other high-visibility cases (Forst and Hemon, 1985). These units also created an atmosphere in which prosecutorial screening could include a wider range of factors than simply the evidentiary strength of the case or the severity of the victim's injuries. Thus, for example, prosecutors can entertain criteria that may reflect the likelihood of future (severe) abuse, such as the history of violence in the relationship or the past frequency of victim injuries. Although such factors may *be less concerned with* the likelihood of obtaining a conviction, sorting cases in this way provides for the allocation of legal sanctions based on the priority of victim protection rather than the typical pragmatic case-sorting factors.

The likelihood of prosecution also reflects the interaction of prosecutorial case-screening decisions with victim choices. Some research suggests, however, that victims may have wider interests in mind than legal sanctions when viding for prosecution. For example, Ford (1991) suggests that victims' goals are instrumental: obtaining money or property, coercing partners to obtain counseling, or protecting themselves or their children. Thus, their evaluations of prosecution may involve a more complex determination about how prosecution, in combination with other factors, will increase their safety and well-being. To avoid these complications, some prosecutors have adopted no-drop policies that avoided the last-minute withdrawal of charges that frustrated police and judges. However, critics of no-drop policies suggest that they provide further disincentives for women to interact with the legal system to create a "context of deterrence" within the relationship, based on the possible conflict between victims' and prosecutors' goals or interests, as well as victims' perceived *costs* of prosecution vis-a-vis their actual goals. Thus, victims' efforts to end the violence may involve strategies in

which choices are constrained by both the context of legal institutions and the contexts of their relationships.

Despite the development of special prosecution units, few studies have documented the effects of prosecution on the control or recurrence of spouse or partner assault. Most studies of prosecution of partner violence have focused on prosecutorial decisionmaking regarding the sorting and selecting of cases for prosecution (e.g., Schmidt and Steury, 1989). Fagan (1989) found subgroup differences similar to those reported by Sherman et al. (1991) for arrests. Men with prior arrest records or who had lengthy histories of severe violence toward their partners were more likely to reoffend if prosecuted compared with men not prosecuted. Again, evidence of iatrogenic or counterdeterrent effects raises serious questions not only about the deterrent effects of legal sanctions but also about the interactions of violent men with legal institutions that may produce this effect.

Indianapolis experiment. The most comprehensive prosecution study has been the Indianapolis Domestic Violence Prosecution Experiment (Ford, 1991, 1993). There was no significant protective effect from prosecution in the experiment, but there was a significant reduction in "severe" violence when victim-initiated prosecutorial actions were compared with the traditional summons-and-prosecution procedure (Ford, 1993). The results suggest small marginal gains in deterrence from the use or threat of prosecution, gains that are mitigated by small effect sizes coupled with small sample sizes.

These studies raise the question of victim empowerment and the hypothesis that the threat of prosecution, placed in the hands of the victim to use in her efforts to end her partner's violence, may have deterrent effects. Several jurisdictions have encouraged the use of warrants by victims in cases in which arrests were not made. The "Sword of Damocles" model of deterrence may invoke deterrence processes through the elimination of the mediating effects of legal actors and the allocation of legal power to the woman-victim (Dunford, 1990; Ford, 1993). When coupled with informal sources of social control, the threat of prosecution may have a greater deterrent effect compared with the more typical deterrence model in which threats are contingent on the dynam-

ics and processes of legal institutions. This indirect deterrent effect is an important avenue for future research.

Batterer Treatment

Treatment interventions for batterers vary in several respects. Most are court-mandated programs, some are self-help, and others operate under the aegis of social service or private agencies. Their underlying assumptions about the causal and restraining mechanisms for intimate violence vary. Their operational characteristics vary as well, including the duration and frequency of contacts and the objectives of treatment. Most address the need for anger control or dissipation techniques and recognize the relationship of power and control to the use of violence. Most do not allow for "relapse" in the way that clinical trials do; some substance abuse treatment or pharmacological research. They integrate victim safety with the offender's behavioral changes as central components of program development.

There are several typologies of batterer treatment programs. Edelson and Syers (1990) distinguish programs into three categories: self-help programs that emphasize anger management strategies and personal responsibility, educational programs that teach through passive learning about the sources of violence and the techniques of anger control, and some combination of the two methods. Harrell (1991) studied programs in Baltimore County that embraced three types of underlying assumptions about causal and cessation processes: feminist theories about power relations, social casework models that emphasize reduction of external stressors and interpersonal dynamics, and cognitive-behavioral models that stress anger management. The latter models also vary in their attention to psychopathological variables versus cognitive deficits in anger control.

What is not in evidence in these programs is recognition of different types of batterers or efforts to match batterer profiles to specific treatment types (Saunders and Azar, 1989). However, there may be considerable need to address these concerns of responsivity (Andrews et al., 1990). For example, violence toward intimates is more intractable to treatment interventions for

men with longer and more serious histories of violence toward intimates, longer criminal records of violence toward strangers, and traumatic violence exposure as children (Fagan et al., 1984; Hamberger and Hastings, 1993).

Experimental evidence. There is very little nonexperimental or quasi-experimental evidence to evaluate the effectiveness of batterer interventions. For example, Hamberger and Hastings (1993) reviewed 19 studies published in the 1980's. Only one (Dutton, 1995) used an untreated control group and reported sizeable differences in recidivism between treated and untreated batterers. In this study, only 4 percent of offenders reported subsequent violence to the police, whereas 16 percent of victims reported subsequent violence. Based on police reports during a followup period of 6 months to 3 years, the recidivism rate was 40 percent. Harrell (1991) compared outcomes across treatment programs and reported no differences, with recidivism rates of over 60 percent.

However, most studies are not useful for assessing the effects of batterer treatment because they have no comparison group. The few that do have such groups rely on comparisons of completers with noncompleters, a selection bias that presents serious obstacles to the assessment of treatment effectiveness. Followup times varied as well, from 1 month to 3 years. Analyses that examine the hazards of renewed violence controlling for differential time periods were not evident in any of the studies. Measurement varied as well, ranging from self- and police reports of subsequent violence to outcome measures related to the treatment intervention but not the violence. For example, Hawkins and Beauvais (1985, cited in Edelson and Tolman [1993]) reported only on pre-post differences in Symptom Check List (SCL)-90 scores but did not report on subsequent violence. Sample sizes in these studies ranged from 9 to 170, indicating a range of statistical power estimates and strength of results. Among the treated groups, cessation rates varied from 46 percent to 91 percent, a range that more likely reflects the diversity in intervention methods and research designs than the true range of effects in treatments. In a similar review, Davis (1995, personal communication) found that 6 of 27 studies of batterer treatment used quasi-experimental designs of varying construction.

Experimental designs using control groups of men who were under other forms of legal supervision were not evident in the literature. But such designs are of obvious importance, both to assess treatment effects substantively and to assess the marginal effects of treatment compared with other social or legal interventions. Current research by Robert Davis and colleagues at the New York City Victim Services Agency involves a randomized trial of batterer treatment that addresses many of the limitations of the previous studies. Although recidivism rates in batterer treatment are similar to recidivism rates for criminal cases in general, the absence of systematic controls makes it difficult to conclude that there are marginal gains from treatment compared with either incarceration or untreated probation supervision.

Systemic Responses: The Domestic Violence Court

Recent innovations have focused on the creation of specialized courts to process domestic violence cases and intensive systemic reforms designed to align the components of the civil and criminal legal systems to ensure consistent application of sanctions and reliefs in cases involving domestic violence. Systemic programs, such as the comprehensive systems of coordination among legal and community-based programs in Duluth, Minnesota, and San Francisco, embed legal sanctions in a dense web of social control that reinforces the messages of treatment and the threats of criminal punishment. However, these programs are difficult to evaluate. Establishing comparison conditions internally or across communities is difficult, making it tough to sort out the effects of prosecution or advocacy from the effects of treatment. This makes it hard to answer the question of whether or how legal sanctions create a deterrent effect, and again the question of the deterrent effects of legal sanctions is unanswered. Even within these programs, recidivism rates among treated batterers are comparable to rates for protective order and arrest studies: Recidivism in Duluth ranged from 40 percent (Shepard, 1992; cited in Edelson and Tolman, 1993) to over half (Edelson and Syers, 1990) and were invariant over short and long followup periods (Hamberger and Hastings, 1993). Failures reflect the familiar correlates of lengthy prior record and abuse

history in the batterer's family of origin (Fagan et al., 1983; Harrell, 1991).

The creation of specialized courts for family violence cases responds to the devaluation of these cases in mainstream courts. The "stream of cases" argument suggests that cases are prioritized for processing and allocation of punishment resources according to their relative severity compared with other cases in the same context (Emerson, 1983; Jacob, 1983). This framework suggests that domestic violence cases may be assigned a lower priority for prosecution and punishment when placed alongside other violence cases involving strangers. These courts provide substantive dispositions, often batterer treatment programs coupled with probation supervision, that create incentives for prosecutors to complete prosecution. The advantages of specialized prosecution units apply to specialized courts as well. Cases are evaluated not in comparison with external priorities but in the narrow light of other similarly structured cases.

Dade County Domestic Violence Court. The Dade County, Florida, Domestic Violence Court (DCDVC) illustrates these ideas. DCDVC is a criminal court with a civil component designed by a team of representatives from every segment of the criminal justice system to serve as a coordinated, systemic response to the treatment of domestic violence cases in the courts. DCDVC, which commenced in November 1992, represents an innovative, interdisciplinary, and integrated systemwide approach of a team of criminal justice system professionals to the treatment of domestic violence misdemeanor cases, civil protection orders, and violation of civil protection order cases. Currently, only misdemeanor cases are processed in the court.

The members of the court, led by the judiciary, work together as a team toward a shared goal of reducing family violence. From arrest to completion of sentence, only judges trained in family violence handle the cases in a court that recognizes the necessity of expanding traditional roles and limits in an effort to create court reform in a system that has proven in the past to be ineffective and unresponsive. The founders of DCDVC believe that the combination of intensive victim services, treatment for batterers, and an active judicial role in the social contexts of the

community can improve the control of misdemeanor domestic violence and avoid its escalation to more serious violence and injuries. The court is based on the following principles:

■ *The administration of therapeutic jurisprudence creates an expansion of the traditional role of the criminal justice system, which historically has been concerned with punishment but has failed to consider the role of treatment in domestic violence cases.* Defendants are required to successfully complete a batterer's treatment program based on the Duluth model (Edelson and Syers, 1990), complete substance abuse treatment, and meet other case-specific requirements such as mental health counseling. All cases are monitored by the court after imposition of the sentence, and the defendant is required to return to court periodically during probation to discuss progress in counseling and compliance with the sentence.

■ *There is an emphasis on the needs of children who live in violent homes.* Parents are educated about the effects of domestic violence on their children. The court—in partnership with a facility associated with the University of Miami School of Medicine (The Mailman Center for Child Development, which has developed a 10-week age-specific counseling program for children who have witnessed domestic violence)—makes completion of the group counseling by the defendant's children a condition of the defendant's probation.

■ *The members of the court acknowledge and accept the responsibility, both in the courtroom and in the community, to educate the public about domestic violence and the fact that domestic violence is a crime.* The role of "judge as teacher" in the courtroom is tested, and judges have a responsibility to make public appearances at community meetings and in the popular media and to educate the public about the court and about domestic violence.

■ *The court serves as a catalyst for change as a community leader by coordinating a communitywide approach and communitywide participation in a local campaign to combat family violence.*

■ *Judicial education and training in family violence is mandatory for all judges and prosecutors and some public defenders*

assigned to DCDVC. Victim advocates are employed in the court to facilitate the victim's participation in the court process and to make services available and accessible to the victim.

DCDVC is also noteworthy because it is currently being evaluated using an experimental design. The use of the "gold standard" in court evaluations is rare, often the result of legal and ethical complications (Zeisel, 1972; Fagan, 1990). Evaluation data are not yet available for the DCDVC experiment. What will be learned from this experiment? First, the evaluation will indicate whether legal sanctions are more likely and severe in a court dedicated to domestic violence cases. Second, the evaluation will assess the effectiveness of sanctions fashioned in the context of the broader concerns of victim and child safety plus treatment intervention for assailants. Accordingly, comprehensiveness will be a component of the court response not forthcoming in courts of general jurisdiction where domestic violence misdemeanors are docketed alongside other misdemeanor cases.

Some questions will not be answered by this design, questions that are nevertheless important in evaluating the deterrent effects of criminal sanctions for violence toward intimates. First, the exclusion of felony cases limits generalizations from this study. Felony cases are important not only because of their severity but also because of the potential escalation from repeat serious offenses to potentially lethal cases (see, for example, Browne, 1987). Other forms of serious partner violence may be excluded, including "marital" rape and other sexual crimes between cohabitating or former intimates. Second, treatment interventions are provided in the context of legal sanctions, introducing legal coercion as a potential confounding factor in treatment effectiveness. The DCDVC experiment will not allow for a test of the deterrent effects either of legal sanctions or punishment on intimate violence or of the effects of treatment independent of legal threats. Factorial experiments may be needed to sort out these potentially competing and confounding factors in controlling domestic violence.

Civil Legal Sanctions: Protective Orders and the Prosecution of Violators

Reforms in the concept of restraining orders for battered women preceded reforms in arrest and criminal law. Beginning with the passage of the Pennsylvania Protection from Abuse Act in 1976, every State now provides for protection orders in cases of domestic violence (Klein, n.d.). In many locales, the barriers and complications of criminal arrest and prosecution have made protective orders the primary source of legal sanction and protection for battered women. In contrast to the reactive arrest and criminal prosecution processes, protection orders are victim-initiated and timely. They also allow a relaxed standard of proof, focus on the victim's protection, and prescribe a wide range of specific interventions or reliefs that address extralegal concerns of safety and economic well-being. However, few studies have examined the effectiveness of restraining orders in reducing the incidence of domestic violence, and those few studies have been nonexperimental or quasi-experimental with designs that weaken any conclusions about their effectiveness. Moreover there are little data on the extent to which protection orders are used in conjunction with criminal prosecution.

How effective are protective orders in stopping domestic violence? Harrell, Smith, and Newmark (1993) found that 60 percent of 300 women interviewed twice in 1 year after receiving a protective order suffered abuse at least once. Over 1 in 5 reported threats to kill; severe violence was reported by 29 percent. Other acts of violence were reported by 24 percent, and property damage was reported by 43 percent of the women. Threats and violence did not subside over time, and there were no significant differences in the percentage reporting subsequent violence in the first 3 months of the year compared with the final 9 months of the year. Klein (n.d.) used official records (new arrests for domestic violence, new restraining orders against the same defendant issued by the same victim) to measure reabuse in 644 cases in which temporary restraining orders were issued. Nearly half (48.8 percent) of the men reabused their victims within 2 years of the issuance of a restraining order. Moreover, over half (54.5 percent) were rearrested for other crimes as well.

Neither of these studies reported results for comparison or control groups. Grau, Fagan, and Wexler (1984) found no significant differences in subsequent abuse between women receiving restraining orders and women receiving other interventions. Moreover, they reported that subsequent violence was more likely among men with histories of severe domestic violence or prior records of stranger crime.

Limitations and Contradictions in the Criminalization of Domestic Violence

There is little conclusive evidence of either deterrent or protective effects of legal sanctions or treatment interventions for domestic violence. A closer reading of this literature suggests several issues that may lead to a better understanding of why past research has failed to locate deterrent effects and whether and how law influences the control of domestic violence. The issues fall into three general domains: the embedment of domestic violence in complex social and individual contexts, weak research designs and limitations on policy experiments, and the theoretical issues in male violence.

Legal and Social Control of Domestic Violence

The experiments on the effects of arrest on domestic violence raised important hypotheses on the interaction of legal controls (such as arrest and prosecution) with informal social controls (such as social bonds). Sherman et al. (1992a) and Berk et al. (1992a) in multisite analyses and Pate and Hamilton (1992) in a single-site analysis reported significant interactions of arrest with two measures of "stake-in-conformity" (Toby, 1957): Arrest *increases* the risk of violence for unmarried and unemployed suspects and *deters* it for married and employed suspects. Results from four of the replications concluded that "... all four

experiments that have examined this hypothesis report an interaction with unemployment consistent with the stake-in-conformity hypothesis, at least in the official data" (Sherman et al., 1992a:687). Fagan (1989) reported similar interactions between sanctions and social position among prosecution cases, and Harrell (1991) reported the same patterns for batterers in treatment.

The lesson of these studies is that formal (legal) sanctions are effective when reinforced by informal social controls and weakened when those informal controls are absent (Tittle and Logan, 1973). Williams and Hawkins (1989a, 1989b) suggest that deterrence of domestic violence is contingent on reciprocity of formal and informal social controls. They suggest the deterrent effects of arrest will be greater for batterers who perceive higher social costs associated with the act of violence and with arrest (Bowker, 1983, 1984). These costs include loss of job, relationship and children, social status in the neighborhood, and whatever substantive punishment they receive. Accordingly, the social and structural position of batterers, including their prior punishment experiences and the meaning they attach to them, will mediate the deterrent effects of sanctions. When batterers perceive that punishment is not a cost worth avoiding, legal sanctions alone are unlikely to induce compliance with the law.

The sources of informal social control of domestic violence may lie either within the individual, in the form of internalized beliefs and social bonds, or may be externally reinforced through normative behaviors within neighborhoods and other social contexts (Williams and Hawkins, 1989b; Fagan, 1992).⁵ That is, social and economic conditions may shape the motivations and perceptions of batterers regarding the salience of legal sanctions and the extralegal costs that accompany them (Zimring, 1973). Both in Mirapolis and the other arrest replication sites, the cases disproportionately came from neighborhoods in which risk factors were high: high unemployment, poverty, and divorce rates. The availability of informal social controls—the potential for job or relationship loss or for social stigmatization from neighbors or relatives—in those neighborhoods may have at-

tenuated the development of informal social controls and, in turn, undermined the effectiveness of legal controls. This suggests that opportunity structures at the neighborhood or community level have direct effects on the availability of informal (or extralegal) individual-level controls that are critical reinforcers of legal sanctions.

Legal Contexts of Criminalization and Reform

The legal context in which case processing and sentencing decisions are made may influence the severity of sanctions handed down in domestic violence cases. For example, norms within local legal "cultures," such as practitioner beliefs about whether victims will drop charges or patriarchal views of domestic violence, influence the likelihood of official action when there is discretion. Differences in court "cultures" regarding domestic violence may explain the variation across communities in the rates and severity of sanctions for these offenses.⁹ Like many other legal reforms, criminalizing domestic violence may have unintended consequences, reflecting the social organization of the courts and processual contexts, rather than legal statute.

The relatively recent entry of domestic violence cases into court calendars also challenges the existing calculus of how cases are evaluated. Emerson (1983) argues that decisionmakers evaluate cases against a backdrop of other cases and that assessments of seriousness are relative and occur in comparison with other cases. If criminal authorities in different jurisdictions classify objectively similar cases differently because of their respective caseload contexts, then the sanctions in each jurisdiction should reflect the comparative position of domestic violence relative to the other cases before those judicial authorities (Hassenfeld and Cheung, 1985).

Accordingly, the criminalization of domestic violence will influence the reactions of officials in the working groups that exist within each court. The criminal court may produce less stability in processing domestic violence cases because bringing battered women into criminal court entails a change in standard operating

procedures. Jacob (1983) suggests that criminal court participants, particularly prosecutors who possess more information than other courtroom personnel and who have a disproportionate influence over the disposition of cases, will behave inconsistently when faced with a new class of offenders (Mohr, 1976). This may lead to less cohesiveness among the working group members of the criminal court whose social organization is geared to case attributes of stranger crimes and less oriented to the special circumstances of cases involving intimate relationships. Prosecutorial screening continues to reflect the strength of the case, with prosecutors taking their cue from the actions of police as well as the likelihood of conviction (Schmidt and Steury, 1989).

Similar processes may influence the construction of restraining orders in the civil (family) court. There, the presentation of cases involving family members is consistent with the historical stream of cases around which the legal cultures and working groups have evolved. However, courts accustomed to divorce and custody proceedings may evaluate domestic violence cases as different and perhaps less weighty compared with the majority of their dockets. Accordingly, the "going rate" for crimes involving violence between intimate partners may not be any higher compared with stranger violence cases in the criminal court or divorce and child custody cases in the family court, and in fact may be lower (Emerson, 1983; Mohr, 1976; Mather, 1979).

The Complexity of Domestic Violence

Compared with many other violent crimes, the legal and social dimensions of domestic violence present several complications for effective legal control. Domestic violence differs significantly from other forms of violence in several important ways. First, there are strong emotional ties between victims and assailants. The parties often love one another, or at least the victim may love the assailant. The bond may be traumatic (Dutton and Browning, 1988), complicating victim resolve to enter into a lengthy adversarial proceeding to invoke punishments and creating internal conflict regarding separation. The victim may be financially dependent on the assailant or may face a severely

diminished standard of living if separated. Arguably, she faces an economic life at or below the official threshold of poverty upon leaving the relationship (Sidel, 1986).

These ties to assailants may lead victims toward rational objectives in invoking legal sanctions. Thus, they may be less concerned with deterrence than they are with using legal institutions to guarantee their own safety, survive economically, protect their children, or get counseling help for their assailants (Ford, 1991). They may also see the threat of prosecution as a means of terminating the relationship and escaping the violence (Lerman, 1992). Thus, victim choices about invoking legal sanctions may be less concerned with punishment and deterrence and ultimately seek to use the law for other goals. The social control functions of the law are compromised in this context even when victim choices and well-being are optimized.

Second, domestic violence often is a recurring event between individuals in daily contact, usually without the forms of guardianship and surveillance that are available in public spaces. Unlike robberies, in which victims and offenders often are unacquainted, or other assaults involving acquaintances, victims and assailants often occupy the same space, share and compete for resources, and have emotional ties. In this context, threats are readily conveyed and quite believable. On the other hand, it is extremely difficult to mount and maintain a deterrent threat within a context of ongoing and unsupervised contact between victim and assailant.

Third, the scale of domestic violence makes it difficult to control solely through legal sanctions and deterrent threats. The base rates remain quite high relative to other violent crimes, with self-reported domestic assault prevalence rates of at least 10 percent for both men and women (Straus and Gelles, 1986). Prevalence rates exceed 30 percent for some subgroups. Domestic violence rates are highest among subgroups who also have high rates of stranger violence, further burdening limited police resources within spatial areas where assaults are concentrated (Fagan, 1993). Many cases are unreported, and estimates of the extent of reporting to the police are as low as 20 percent (Dutton, 1995). However, those who do report appear to be indi-

viduals who have few nonlegal resources for protection or deterrence (Bowker, 1983). Even if reporting were not increased, the high rates of domestic violence make it difficult for police departments to arrest every man who commits a misdemeanor or felony assault against his partner, much less to arrest him every time he does it, without paralyzing their own agencies and the courts. In the face of a high base crime rate, police departments are challenged to maintain a credible deterrent threat in cases where arrests do not occur.

Finally, the deterrence logic of criminalization assumes a rational offender-actor who weighs the costs of offending—costs associated both with the act itself and the legal actions that ensue—against whatever benefits that may accrue from the behavior (Miller and Anderson, 1986; Fagan, 1992). This logic is strained in the context of domestic violence. Although domestic violence has been interpreted as a goal-oriented and implicitly rational behavior (Tedeschi and Felson, 1995), episodes of rage during more serious assaults often obviate rational calculations and perceptions of costs (Browne, 1987). Studies with batterers in treatment suggest conditions of impaired cognition or mental disorder (Dutton, 1995). The logic of deterrence is compromised among batterers whose behavior is patterned over time and for whom rational calculations are not possible during the arousal of a violent assault.

Domestic violence is unique in the concentration of risk factors and absence of formal controls for violence. Only the reciprocity between legal and informal social controls makes possible the control of domestic violence in general. Among violent men whose behaviors are increasingly spiraling out of control, the threat of punishment may be remote and inconsequential under conditions of arousal and cognitive distortion.

Weak Research and Evaluation Designs

Few empirical studies use research or evaluation designs that can detect deterrent effects of legal sanctions. Accordingly, it is difficult to determine the extent and magnitude of effects from legal sanctions. The empirical literature is littered with weak

evaluation designs. Experiments are rare, as are clinical trials for treatment interventions. Most studies have small samples and limited experimental power. Followup periods are too short (usually 6 months), making it impossible to see longer term effects that may accrue. Budgetary limitations for many grant programs, including the National Institute of Justice, historically have constrained the results of research and evaluation on domestic violence. If the development and testing of theory is a cumulative process from repeated experiments, the foundations of empirical knowledge to advance theory and practice are not available for domestic violence.

In intervention research, sanctions are conceptualized and measured using dichotomous variables, a strategy that fails to account for variation in the delivery of interventions. The implementation of the underlying theories of interventions also is overlooked in most intervention research. These strategies lead to two sources of error. First, we may falsely reject theory when in fact the theory was not adequately implemented in the interventions. This is a case of *program failure*, in contrast to a *theory failure*, that reflects a valid experiment. This source of error can be addressed by careful attention to the measurement of treatment "strength and integrity" (Sechrest et al., 1979). Program content and ideology are critical elements of intervention that often are not captured adequately in batterer treatment research.

Second, the absence of continuous measures of interventions or sanctions may fail to detect incremental or marginal effects. That is, "dosage" is a critical yet unstudied dimension of research on legal sanctions generally and particularly in domestic violence (Sherman, 1992a). Most studies have conceptualized legal sanctions as discrete variables with limited range. Few studies have analyzed the effects of legal sanctions within a framework of increasing severity. Thus, different forms of arrest may constitute qualitatively different levels of sanction. Legal sanctions may involve different levels or conditions of probation supervision or treatment regimens of various intensity. Restraining or protective orders for battered women involve a wide range of the reliefs, and the number and types of relief vary extensively across cases (Fagan, Maxwell, Macaluso, and

Nahabedian, 1995). Accordingly, the limited effects of legal sanctions may reflect analytic and measurement strategies that may conceal important differences in the extent and severity of legal sanctions.

A related concern is the narrow range of sanctions in most experiments on legal interventions. Since the 1970's, the range of legal sanctions for batterers has expanded at a glacially slow pace. Although arrests have increased, the substantive sanction in most cases remains simply the process of arrest. The range of sanctions in the arrest experiments expanded in small increments. Few arrestees were handcuffed, and a relatively low percentage of the arrested group spent anywhere from a few hours to overnight in jail following arrest. Prosecution rates remain low. Pretrial and postconviction treatment regimens vary widely in the intensity of the treatment and the burdens they place on assailants. There is limited evidence of the use of incarceration or more intensive forms of supervision unless injuries are serious. When the range of punishments or sanctions is narrow, the validity of tests of deterrence is intrinsically weak, and the likelihood of detecting a reduction in violence appears remote.

There are other limitations on research design that weaken empirical findings. Although experiments represent a "gold standard" of social research, there are many circumstances in which random assignment is neither practical nor ethically justifiable. In particular, untreated control groups are not tenable when victim safety is at risk. However, there are alternatives that do not get used: Factorial and bootstrapping designs, in particular, are valid design options that are absent in this literature. Censoring (exclusion) of cases and attrition are sources of selection bias. Analysis of subgroup differences often is not reported, even though it is reasonable to expect different outcomes among population subgroups. Treatment effects are likely to decay over time, yet analytic strategies rarely examine the effects of sanctions on the temporal dimension of recidivism (Visher, Lattimore, and Linster, 1991; Lattimore, Visher, and Linster, 1995).

Finally, there are exogenous influences on sanction effects that often are not addressed in research on domestic violence (Fagan, 1993). For example, subcultural influences may overwhelm the effects of legal sanctions or treatments in motivating domestic violence. That is, high divorce rates may devalue marriage or coupling, weakening the informal controls on violence that work reciprocally with legal sanctions. Residential mobility, high rates of poverty, and weak social cohesion are dimensions of social disorganization that weaken informal social controls on violence generally and undermine motivations for compliance with the law.

Problems in Designing Policy

Conflicts in policies about legal interventions have led to ambiguous findings in the domestic violence literature. Ambivalence best describes the policy goals and theoretical underpinnings of criminal justice interventions. For example, many of the developments in prosecution of domestic violence have been designed to increase the involvement of prosecutors, but strategies diverge on the identification of goals. Although some reforms are designed to *punish offenders* and establish a specific deterrent effect, other policies aim to *protect victims* by threatening prosecution while achieving other important goals such as economic relief, victim safety, or coerced counseling. These are competing alternatives that are not necessarily compatible. They involve focusing resources on victims versus offenders and using resources (especially prosecution resources) for goals that do not involve conviction and punishment. The critical evaluation question is whether legal institutions organized around the goal of detecting and punishing crimes can effectively shift toward a more flexible and preventive set of activities.

Many of the reforms and innovations in arrest and prosecution have been designed to empower victims and afford them a greater role in decisionmaking on the use of legal resources. However, the social organization and legal "culture" of these institutions is challenged by this additional focus. These policies may raise internal contradictions, offer risks and tradeoffs (for example, victim autonomy versus prosecution of violent offend-

ers), and complicate the evaluation of "effectiveness" of legal interventions. Moreover, criminal justice institutions are asked to make linkages to social service agencies in domestic violence cases that they are not asked to make in other types of crimes.

Finally, do these efforts control violence, especially the repeat violence that may escalate toward lethality? Most policy statements would include the reduction or cessation of violence, yet current evidence from these reforms is not promising. Most important, current research and evaluation efforts have not asked these questions.

Practical Limitations in Mounting Deterrence

Criminal and civil legal reforms over the past 20 years have raised the priority of domestic violence cases within legal institutions. However, implementation of policies to control domestic violence competes with other crime and violence problems for limited resources. Several criminal justice problems have competed for resources over this time, each with an urgency that demanded a share of a fixed pool of resources. For example, special drug courts have been established in several jurisdictions, prosecutors have developed special units to prosecute gang violence, and investigative resources have been allocated to child abuse cases in the wake of increasing child fatalities in the late 1980's. The result is uneven or weak implementation of newly developed policies for domestic violence with the unintended consequence of weakening the criminal justice response. On a more practical and day-to-day level, domestic violence cases compete with violence and other patrol priorities for immediate attention by the police.

Consider the following example. It's Friday night, and there are five cars on patrol in a city of approximately 125,000 people. One car is investigating an injury accident, another is responding to a fight in a bar, another to a report of a man with a gun, another is directing traffic at a corner where a traffic light is not working, and another is investigating a report of a robbery. At 10:30 p.m., three domestic violence calls come in. What does

the dispatcher do? Consider a second scenario: The officer in the fourth car leaves the traffic light scene to respond to one of the domestic violence calls. She is about to make the arrest when she receives a radio call about a robbery in progress. What does she do? What is she ordered to do?

These are not uncommon scenarios. The reality of competing priorities for sorting cases for arrest and prosecution suggests that domestic violence cases, especially low-injury or noninjury domestic violence, will not receive a higher priority than other events. Similar scenes can be imagined in prosecutors' offices. It is not uncommon that within many "legal cultures" and working groups in prosecutors' offices, prosecuting domestic violence cases is not a pathway to recognition and promotion even when resources are organized in a way that makes such prosecution possible.

A related concern is the implementation of rapidly proliferating treatment programs for domestic violence assailants. Consider first that there is virtually no methodologically sound evidence of effective treatment interventions for domestic violence. Yet many jurisdictions have mandated a wide variety of treatment interventions of varying lengths, behavioral orientations, qualifications of providers, and level and type of criminal justice supervision. In addition, these programs vary extensively on such important dimensions as victim safety planning. In one State, a statewide program mandates weekend treatment regimens of approximately 36 hours, including showing of films and testimonials or confessions from batterers. There is little chance of success in such atheoretical efforts with minimal implementation.

Implementation of law and policy suffers from these types of real-world constraints. What appear to be weak policies in fact may reflect weakly implemented policies or policies whose goals are undercut by resource limitations and organizational constraints.

The Failure to Recognize the Importance of Differentiated Responses for Different Types of Battering

Analyses of SARP data from Milwaukee and other sites suggest the possibility of interactions between formal and informal sources of social control. What has not been tested is the possibility of differences in the effects of legal sanctions for different types of batterers. Yet there is ample reason to proceed in this way. For example, Fagan et al. (1984) reported consistent differences in the recurrence of recidivism between subgroups of batterers defined by the severity of their prior violence. Just as domestic violence is best understood from the characteristics of batterers (Hotaling and Sugarman, 1986), so too may the effects of legal sanctions be best understood based on the battering careers of violent males. Yet most research on the effects of legal sanctions for domestic violence has treated batterers as a homogeneous group. This obscures potentially important subgroup differences in the effects of legal sanctions. Moreover, failure to distinguish analytically among subgroups may mask potential iatrogenic effects from legal sanctions that elevate risks for victims of more serious assaults.

Several studies have suggested typologies of batterers that distinguish them along several dimensions. Holtzworth-Munroe and Stuart (1994) reviewed 19 empirically derived typologies based on either rational-deductive strategies or empirical-deductive strategies. They identified three dimensions that distinguish among subtypes of batterers: severity of marital violence, generality of violence (toward strangers as well as intimates), and psychopathology or personality disorders. Based on these dimensions, three types of batterers are hypothesized: family only, generally violent, and dysphoric or borderline personality batterers. Each of these types is hypothesized to be involved in different levels of severity of domestic violence.

There is utility in typologies such as these to predict responses to legal sanctions. For example, impulsivity and low self-control

characterize generally violent batterers, personality variables that may complicate the rational logic underlying deterrence theory. The family-only batterer engages in the least severe forms of violence and also exhibits the lowest levels of impulsivity and may be most amenable to legal sanctions. Analyses by Fagan et al. (1984) confirm the different reactions to legal sanctions for family-only batterers versus generally violent males.

These dimensions are rarely considered in research on domestic violence yet should be an important component of sanction and treatment research. The failure to consider these dimensions is a failure to identify factors that may mitigate the effects of sanctions. For now, the empirical literature does not include any studies that examine the relationship between types of batterers and the effects of legal interventions.

Treatment research with offenders generally has recognized the importance of "responsivity" of different types of individuals to various interventions (Andrews et al., 1990). Understanding the effects of legal sanctions for batterers must account for the different responses of different types of batterers to both types of sanctions and their "doses." These factors also may be important and useful in sorting cases for prosecution or in determining the extent to which sanctions may risk victim safety. We know, for example, that when there is a lengthy history of prior calls for service, stronger legal intervention may be needed compared with cases in which there is a shorter history (Fagan et al., 1984).

The Segregation of Theories of Interpersonal Violence From Theories of Domestic Violence

A corollary concern is the extent to which theories of violence generally inform research on domestic violence, including the effects of legal sanctions. The typology suggested by Holtzworth-Munroe and Stuart (1994) is based on a range of personality and developmental variables that were derived not

only from research on batterers but from the literature on violence generally. Yet theory and research on domestic violence have segregated theories of violence from theories of battering. The social and ideological constructions of battering have limited the types of variables considered in research on domestic violence. Assuming that patriarchy and power relations alone cause domestic violence leads us toward conclusions that do not consider a full array of explanatory variables from other disciplines (Fagan and Browne, 1994). However, assuming that domestic violence is caused by a more complex set of hierarchical influences—for example, weak social controls, situational arousal, or even psychopathology—may lead us in quite another direction. The importance of recognizing factors from theories of violence that may influence the effects of legal sanctions is evident from the types of variables that define the typologies of batterers. Their inclusion offers a significant advance over the current level of empirical knowledge.

The Role of Legal Institutions in the Control of Domestic Violence

The criminalization of domestic violence proceeded from two perspectives. For advocates of battered women, mobilizing legal institutions was designed to have symbolic and generally deterrent effects. But these reforms also included goals to protect women victims of domestic assaults through the mobilization of extralegal services and the development of referral linkages. Also, by lending the political authority of legal institutions in efforts to prevent domestic violence, the moral authority of messages from women's groups and community-based organizations was reinforced. The inclusion of legal sanctions in a network of services helped to expand the web of social control designed to protect women victims. All these focused on women. But for actions in legal institutions, these reforms were focused on a class of offenses and offenders now prioritized for adjudication. The advent of services for domestic violence within legal institutions offered the promise of addressing violent crimes that previously had eluded the mechanisms of sanctions and legal control.

Goals and expectations differed in these two perspectives, particularly in terms of the focus of the policies. In pursuing victim protection goals, legal institutions, especially criminal justice system agencies, were asked to refocus their efforts on the protection of victims and the coordination of extralegal and legal services. This perspective differs from the traditional goals of criminal justice institutions to focus on the detection and punishment of crimes. In this view, assailants are the focus of the efforts of criminal justice agencies.

Accordingly, for domestic violence, policy goals coexisted within legal institutions to both *punish offenders* and *protect victims*. These goals may be reciprocal as policy but may be in conflict at the operational level. Placing expectations for police and prosecutors to invoke informal social controls in which legal sanctions play an indirect role may require tasks and roles for personnel for which they are not well trained or that may contradict the roles and expectations in their jobs with respect to other types of crimes. It may require legal actors to pursue goals in domestic violence cases that they do not pursue in other types of crimes. Also, for crimes of the scale of domestic violence, it may be unrealistic to expect legal institutions to effectively control crimes that affect significant portions of the population.

These contradictions raise concerns because they may undermine the effectiveness of legal institutions in stopping domestic violence. Role and policy ambiguity can affect the performance of agencies with respect to their missions; in this case, it may undermine their effectiveness in pursuing *either* victim protection or offender sanctioning roles. There is no doubt that linkages between legal institutions and services for domestic violence victims are critical to stopping violence. However, these linkages may best be accomplished through a strategic division of roles among institutions that tap the strengths of each organization.

Domestic violence is best explained by the characteristics of men. Social control is most effective when legal controls interact reciprocally with extralegal social controls. This suggests that the role of legal institutions in stopping domestic violence may most effectively focus on the detection and punishment/control

of batterers and indirectly on the coordination of extralegal services to protect battered women. Although legal systems should be open and accessible to battered women, these institutions should not take on the role of managing the coordination of services that involve social service, shelter, and other interventions.

Pursuing goals for specific types of cases that may conflict with the primary mission of legal institutions raises the danger of marginalizing those cases. It was the historical marginalization or denial of domestic violence cases that motivated contemporary reforms to increase criminal justice system involvement in domestic violence. The question now, after two decades of reform, is what type of involvement of criminal justice agencies works best to control domestic violence? By emphasizing the deterrence and punishment of domestic violence, legal institutions focus their efforts in directions that may permit them to maximize their effects.

Advancing Knowledge and Policy Through Research and Development

For over 20 years, research on the effects of increased criminal justice involvement on domestic violence has emphasized systemic reforms and efforts to increase the rate at which legal sanctions are applied. Yet there remains inconsistent and inconclusive knowledge about the effectiveness of criminalizing domestic violence on controlling repeat victimization. Research on the effects of legal sanctions has been limited by weak research designs, a narrow range of theories, poor conceptualization of potential interaction effects and subgroup differences, weak interventions and sanctions, and implementation problems. We simply do not know what the effects of legal sanctions for domestic violence are, whether there are differences in these effects for specific population groups, what the theoretical bases are for their effects or noneffects, and what the risks and limitations of a policy of "criminalization" are.

This dilemma is partially the result of a strategy for knowledge development in which well-intentioned reforms were mounted but with weak evaluation designs that often were introduced after programs were designed and launched. The dilemma also reflects a reluctance to ask the more difficult questions of the utilitarian effects of these reforms with respect to the control and cessation of subsequent violence. But this state of knowledge has left us without an adequate basis for formulating policy or practice. Given the current state of affairs, a reviewer a decade from now may well conclude again that we still do not know whether legal sanctions can effectively control domestic violence.

Another reason has been the segregation of evaluation research from basic, theoretically driven research. In domestic violence and many other social policy areas, evaluation has been an enterprise quite separate and apart from basic research. But recall that the Minneapolis experiment and the replications in SARP have been the most influential studies in the development of legal policy on domestic violence. These were theoretical studies, not demonstration evaluations or policy experiments. They were tests of deterrence theory sponsored by the National Institute of Justice Crime Control Theory Program. The lesson is simple: The greatest gains in knowledge and policy have come from theoretically driven studies. This lesson should form the foundation for developing a research strategy that will begin to examine the effects of the criminalization of domestic violence and foster gains that will lead to more effective policies and greater safety for victims.

To begin the development of a cumulative body of theoretical and empirical knowledge to inform policies, a research program is needed that addresses the concerns and limitations of existing research. Such a process can be translated to other criminological problems and form the basis of a "model" for building knowledge and policy. There are several steps to this effort.

Establish a Framework To Develop and Organize Knowledge To Inform Policy

Over the past three decades, disparate voices have called for the creation of an experimenting society (Campbell, 1969; Riecken et al., 1974; Boruch, 1994). These essays were noteworthy for their endorsement of experiments to inform policy. But they also suggested a dynamic process in which theory, method, and practice should converge to inform policy. Knowledge is cumulative, and these "social experimenters" sought to influence and rationalize how contemporary policies are developed. The point here is not necessarily that all research should proceed from an experimental base. Experiments are difficult to mount and often in domestic violence are ethically unsound. Rather, knowledge and policy will advance when built on a cumulative foundation of empirical evidence, practical wisdom, and theory. All three elements are needed to move policy forward, none is sufficient by itself. The threshold for what constitutes knowledge should be high, and knowledge should be cumulative. Leaders in the development and testing of innovation in criminal justice should commit their agencies and organizations to this model of knowledge development.

The sources of ideas to fuel this process for domestic violence must come from a variety of efforts. Qualitative research, often providing the context for "discovery" of social processes, is critical to develop testable hypotheses. The studies of Bowker (1983, 1984) are examples of how theory can be constructed from a "thick description" of the processes that women invoke to end domestic violence, including the complex interactions of legal and social sources of control. Research on interpersonal violence generally also contributes to the formation of theories about how legal sanctions might work. For example, recent ethnographic work on male violence highlights the role of "hypermasculinity" in the genesis of bar fights, fights that often are conflicts over women and status (Oliver, 1994). In addition,

studies on the effects of an experimental program of police-social service interactions in New York suggest promising results (Davis and Taylor, 1995). Replication and extension of these experiments are needed to inform policy.

Build a Foundation of Theories

Although criminalization of domestic violence has proceeded apace for over two decades, only recently and perhaps after the fact did theoretical research begin on its crime control effects. Before that, important formative research had focused on mechanisms to mount deterrence: increasing the certainty of arrest, developing policies for increasing the involvement of prosecutors, creating treatment programs. The few studies that have been built on a theoretical foundation have identified important interactions and contingent effects that need further elaboration and testing.

The question is, however, which theories? And, whose theories? Theories about the motivations and control of male violence generally and specifically toward intimates should be integrated with deterrence and social control theories that guide criminal sanctions. Recognition of subgroups and their differences along key theoretical dimensions (e.g., developmental backgrounds, cognition, mental disorder, embedment in violent social networks) should be part of the conceptual development and testing of interventions—whether legal sanctions or treatment regimens. Theories about the reciprocity between informal and formal social control should be part of the foundation for testing the effects of criminal sanctions. Theories about the contextual effects of neighborhoods and communities that influence the salience of sanctions also should be part of the testing of legal sanctions.

Perhaps most important, the development of theory within a framework of cumulative research suggests that *no research or evaluation should proceed without a theoretical foundation*. It is theory that is generalizable, not practice in the absence of a conceptual framework for its effects. While cautiously avoiding "decontextualizing" the complexity of domestic violence (Lerman, 1992), we need to examine the interfaces of theories of

violence, domestic violence, and social control in the context of the dynamics of domestic violence. Theoretical perspectives on violent *events* can complement theories on violent *persons*, providing unique perspectives on how social contexts shape the onset of domestic assaults (Tedeschi and Felson, 1995).

Develop a Program of Research and Development To Test Theoretically Driven Interventions and Policies

To accomplish these goals, evaluation must be institutionalized as part of a framework for assessing policy. Although experiments are preferred, controlled testing involves a variety of designs that do not necessarily require the randomization of people. In fact, there is growing interest in experiments in which programs, organizational units, or communities are the units of control and analysis (Boruch, 1994). Nevertheless, experiments involving individuals continue to be important, although they are ethically challenged. Alternatives that maintain experimental design but avoid no-service controls are available. For example, yoked designs involve random allocation of subjects to different combinations of interventions, thereby avoiding the problems of no-service control groups. A variety of other alternative design options are available for constructing control groups. One design may include case controls from other programs or from a group receiving a competing intervention. Multiple baseline comparisons, prior program cohorts, and other alternatives to random assignment can produce results with high internal validity (Rothman, 1986).

Other dimensions of evaluation should include careful measurement of implementation and "therapeutic integrity" within programs as well as "dosage" to individuals within the program. Baseline and postprogram measurement of violence should be specific with respect to time, action, location, circumstances, and outcomes (injuries). The limitations of official records suggest that multiple measures of postprogram violence should be recorded. Considerable effort is needed to avoid sample attrition of individuals with the highest risks of reabuse or reinjury. This

will allow for the measurement not only of multiple outcomes but also of multiple dimensions of recidivism necessary for deterrence research (Blumstein et al., 1978). Results should be disaggregated among population subgroups, if sample sizes permit, to examine offender-intervention interactions. This will ultimately contribute to knowledge about responsivity of different individuals to different forms of treatment (Andrews et al., 1990). Followup periods should be sufficiently lengthy to determine the decay rates of treatment and the factors that bear on postprogram failure. Statistical power must be measured and reported as part of the evaluation of significance and effect size.

Evaluation should be made a requirement for fiscal support. Ongoing assessment of programs is good management, and control of risks and improvement of effectiveness are two dimensions of that assessment. Although programs may rightfully fear the withdrawal of funds when programs are ineffective, there are two reasons to take that risk. First, ethical standards mandate that programs ensure they are not doing harm, and the costs of harm in a violence intervention are quite high. Second, poor results should be a cue for refinement of program design not a sign to abandon efforts at improvement. Funders must be educated similarly that political risks are necessary for the evolution of successful and effective programs.

Finally, basic research on domestic violence and violent offenders should become routinized within programs and ongoing services. The need for basic research on violent offenders and violence is evident from the recommendations of three major commissions on violence (American Psychological Association, 1993; Reiss and Roth, 1993; Centers for Disease Control, 1993). Yet many programs, whether private or public, see basic research on the causes and correlates of domestic violence as a task for others. Some see research as a burden, others as a distraction from their mission, and still others see it as exploiting their clients. Even when there is recognition of its importance, knowledge generated from research often is assigned a lesser value than folk knowledge gained from anecdotes and the reflections of staff and administrators. Programs must realize the opportunities for knowledge development from their interactions

with violent offenders. There is critical information from research that can inform both theory and practice in interventions.

Construct a Stable Infrastructure for Supporting Research

Research support is inconsistent and generally at levels too low for thorough testing of policies and practices in domestic violence. The complexity of followup with victims and offenders alone will consume time and resources. A strategy for stable funding will need to address several dimensions to overcome the structural limitations of the current research context.

First, we must carefully consider the *infrastructure* for funding both programs and research on interventions for domestic violence. Funds for research, like program funding, tends to be driven by streams tied to specific agencies or problem definitions. In communities with serious violence problems and extensive service networks, a more rational and need-driven basis for supporting evaluations should be constructed. Accordingly, a "superfund" for evaluation could be constructed with contributions from specific government entities (that support services), private foundations concerned with developing effective violence prevention and interventions, and research agencies concerned with developing basic knowledge or evaluation data on domestic violence. Evaluation block grants from Federal agencies could provide a Federal share for local or State evaluation "superfunds." Funders of services, programs themselves, or researchers could request evaluation support from the fund.

Second, the structure of research should be considered—longer studies of broader scope are needed to pursue certain questions. We need to set realistic goals for research; we cannot realistically expect answers to complex domestic violence questions in 2 years and \$250,000. Reforms to the peer review process should be part of this effort. For example, stable and continuous review panels could work closely with applicants to refine and revise promising proposals. Third, research and evaluation must be supported externally and at appropriate funding levels as part of funding for program operations. Programs should not be con-

fronted with choices between services and research. Part of the institutionalization of research and evaluation should be the creation of a stable funding stream independently from services funding. This will support an uninterrupted research agenda that is funded at a level to create valid information. Independence of researchers from programs is necessary to ensure that programs receive an impartial assessment. The principle of risk-responsivity (Andrews et al., 1990) should apply as well to funding: the higher levels of funding should be allocated to the programs that deal with the highest level of risk or threat. The production of valid and generalizable research knowledge is not cheap and may cost as much if not more than interventions. Political "shyness" over this reality must be set aside.

Finally, collaboration should be encouraged between universities and domestic violence services and intervention programs, whether they be community supervision, legal sanctions, or residential treatment. For example, doctoral programs that emphasize research can establish field placements or internships with intervention agencies to initiate either basic or evaluation research agendas. Violence is a complex phenomenon, not well explained by the traditionally separate disciplines of the behavioral and health sciences. Because it involves theoretical knowledge from several disciplines, the creation of internships within programs can foster interdisciplinary research and the advancement of knowledge beyond the limitations of single disciplines.

The proliferation of commissions and legislative actions suggests that the control of violence has become a national priority. Funding for basic research, evaluation, and intervention programs should reflect that priority. One reason for the inadequate knowledge base about violence or its interventions has been the traditionally low level of funding for violence research (Reiss and Roth, 1993; American Psychological Association, 1993). Reductions in violence, like progress in the fight of disease and technological advancement, will begin when there are investments in knowledge development commensurate with the urgency of the problem.

Two Additional Concerns

Support development of methodological tools for consistent research. Measurement error and design inconsistencies make studies often noncomparable. There is much controversy surrounding measurement and design in family violence (Weis, 1989). A program of support for the development of validated measures and methodological innovations would provide a compatible body of knowledge for synthesis and theory building.

Translate research findings to inform policymakers and practitioners. Policymakers, practitioners, and advocates rightfully complain that academics produce alien and unreadable documents that are not helpful in their work. But asking academics to recast their work in nontechnical language may require skills that they may not have. Let academics and policy researchers be technical; do not ask them to direct their efforts toward a different audience than their peers who are the gatekeepers on theoretical and substantive knowledge. Instead, enterprises are needed that create multiple products for diverse audiences from these technical reports. This form of social science journalism will provide an invaluable bridge from social and behavioral science to the audiences who will implement policies and ideas.

A Final Note

Without meaningful change in the structure of research and evaluation in domestic violence, a reviewer 5 or 10 years from now will likely reach the same conclusions reached in this review: "We just don't know, the evaluation data aren't very good." We could have said all this 5 years ago and actually did say it 10 years ago (Boruch, 1994). Let's not be embarrassed or embarrass ourselves by continuing on this frustrating path of fad-driven and nonsystematic policies with weak after-the-fact evaluations. Collaborative research to develop and test theoretically driven interventions and policies will make a significant contribution to the development of policies for legal interventions to protect battered women. A continuation of the research efforts of the past two decades will not.

Notes

1. However, throughout this period in nearly every State, civil and criminal legal sanctions have remained separate though parallel remedies with divergent underlying legal theories and behavioral assumptions. Although legislatures have acted to increase the use of both civil and criminal legal sanctions to control domestic violence, there is continuing discussion of how the court system can most effectively protect domestic violence victims.

2. For example, a significant portion of the Family Violence Services and Prevention Act of 1984 provided funding for 23 law enforcement training projects across the country from 1986-1992 (Newmark, Harrell, and Adams, 1995). The goals of the training effort were to improve the quality of responses of police officers to female victims, improvements that will encourage their use of the law in future incidents. Whether the increased quality or quantity of police response made a difference in the lives of battered women was not addressed.

3. In fact, only a handful of studies have examined the effects of legal sanctions, both civil and criminal, on the recurrence of domestic violence. Although domestic violence has been a longstanding concern at the National Institute of Law Enforcement and Criminal Justice, NIJ's predecessor, the priority and resources assigned to the evaluation of legal reforms in domestic violence have varied, as have the types of questions and designs to answer them. Accordingly, the empirical evidence to assess the effectiveness of legal reforms has been narrow and methodologically weak. The Minneapolis Domestic Violence Experiment (Sherman and Berk, 1984a, 1984b) arguably has been NIJ's most influential research effort. But the Minneapolis experiment was noteworthy not because it was an evaluation of arrest policy for domestic violence. In fact, it was a test of deterrence theory, and domestic violence was not its primary concern. The replication experiments, collectively known as Spouse Assault Replication Program (SARP), were concerned with tests of deterrence theory also (Sherman, 1992a; Garner, et al., 1995).

4. The "battered woman's" defense was applied not only in cases in which the woman killed the man during an attack but also in cases in which the man was not actively threatening or abusing the woman at the time of the incident (Browne, 1987).

5. Historically, like the police, prosecutors were accused of disinterest in family violence cases by failing to file cases presented by the police or discouraging willing victims from pursuing criminal complaints. Whether discouraged by the evidentiary problems in these cases or the signals from a disinterested judiciary that was unwilling to respond to prosecution with meaningful sanctions, prosecutors had little incentive to follow through with vigorous presentation of domestic violence cases (Elliott, 1989; Ford, 1993). For example, Fagan (1989) found that fewer than 5 percent of 270 cases in 5 criminal justice systems were criminally prosecuted.

6. These conditions reduce the statistical power of the experiment and limit its effect on theory and policy. Statistical power is an estimate of the probability of falsely rejecting a null hypothesis—that is, detecting a significant effect when in fact it may be valid (Cohen, 1988). In this case, the small effect size and limited sample sizes suggest that these findings may well result from chance.

7. They did report, however, on subsequent calls to the police for domestic disturbances, an imprecise measure of domestic violence with fairly high measurement error.

8. Williams and Hawkins (1986, 1989b) specify three types of costs that create informal controls: attachment costs (e.g., the loss of valued relationships), stigma (e.g., social opprobrium, embarrassment), and commitment costs (e.g., loss of job or economic opportunity) (Carmody and Williams, 1987). Thus, Williams and Hawkins (1986, 1989b) are consistent with other deterrence theorists in suggesting a reciprocal and complementary relationship between formal and informal controls for domestic violence. They state, for example, that "... persons (may) anticipate that others will disapprove of their arrest for committing a certain act, and they (may) refrain from that activity because they fear the stigma of being caught" (1986:562-

563). Thus, for all these types of costs, extralegal punishment may be contingent on legal sanction.

9. Local legal culture describes the local patterns of practice that reflect in part the informal norms and expectations that regular players in the system have developed and have come to accept as "how we do things" (Kritezer and Zemmans, 1993). For the purpose of this proposed research, "local legal culture" includes the norms and attitudes, formal rules, and social relations that influence case outcomes. Criminal courtroom proceedings reflect both formal externally imposed rules and informal procedures and unspoken rules and customs. "The gap between the formal and informal rules—what the public expects and what actually occurs in practice—is largely the product of local legal culture" (Schiller and Manikas, 1987).

Schiller and Manikas (1987) suggest that the local legal culture is shaped by the fragmented nature of the criminal justice system and the many participants involved in reaching consensus on "going rates" of sanctions for specific types of cases. Formal rules are often not enforced because to strictly adhere to the rules would contradict the values and expectations of the legal culture. Schiller and Manikas (1987) suggest that the courts' formal rules and informal customs be reconciled so that the reality in a criminal justice courtroom reflects the theoretical underpinnings of the justice system.

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