

HCR

5



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

Rep. Jay Ramras
Chairman
Room, 118
(907) 465-3004

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Rep. Max Gruenberg
Room 110
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: April 10, 2007

To: Representative John Coghill
Chairman House Rules Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: Referral File for HCR5

Attached please find the following documents for the HCR5 referral file:

- HCR5 (25-LS0763\C)
- Fiscal Note HJUD - 0
- HJUD Committee Report
- Support

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HCR5
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title 2007 NATIONAL CRIME VICTIMS' RIGHTS WEEK RDU _____
 Component _____
 Sponsor Representative Stoltze
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Judiciary Committee
 Division _____
 Approved by: Rep. Ramras, JUD Chairman
 Agency _____

Phone (907) 465-4990
 Date/Time 4/10/07 12:00 AM
 Date 4/10/2007

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Sarah Palin, Governor

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907)465-3600
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April 10, 2007

The Honorable Jay Ramras, Chair
House Judiciary Committee
Alaska House of Representatives
State Capitol, Room 118
Juneau, Alaska 99801-1182

Re: House Concurrent Resolution No. 5


Dear Representative Ramras:

On behalf of the Department of Law I am writing to express my support for House Concurrent Resolution No. 5 (HCR 5). HCR 5 supports the 2007 National Crime Victims' Rights Week. The theme for 2007, Victims' Rights: Every Victim. Every Time, is a goal for all of us who work to help prevent crime, and to provide support and services to victims of crime.

Crime victims, and particularly victims of a crime against the person, suffer devastating and humiliating injuries to their dignity and to their ability to carry on their lives, take care of their families, and earn a living. Such an injury harms the victim every day; there is no maximum term for the damage done to victims of crime.

HCR 5, by supporting the 2007 National Crime Victims' Rights Week, will remind us to do our best to provide the rights guaranteed in our constitution and laws to every person entitled to them.

Sincerely,


Talis J. Collberg
Attorney General



Crime Victims Fund and Federal Service Awards | NCVRW | PSAs | Banners
 Crimevictims.gov | Frequently Asked Questions

Welcome

What's New

Grants & Funding

Help for Victims

Publications

OVC Resource Center

Training &
 Technical Assistance

Resources for
 International Victims

Research & Statistics

National Crime Victims' Rights Week

Victims' Rights: Every Victim. Every Time.

April 22–28, 2007

Each April since 1981, OVC has helped lead communities throughout the country in their observances of National Crime Victims' Rights Week (NCVRW). Public rallies, candlelight vigils, and a host of commemorative activities promote victims' rights and services in all sectors of our society.

National
 Crime Victims'
 Rights Week

- [Scheduled Events](#)—UPDATE ALERT!
- [Award Nominations for 2007](#)
- [Resources](#)—NCVRW Guide Is Online Now
- [About the NCVRW Resource Guide](#)
- [NCVRW Community Awareness Projects](#) (awards for 2007)



Planning Online: OVC offers the **National Calendar of Crime Victim Assistance-Related Events** to help you coordinate your NCVRW activities with other national victim-related observances planned for April. Use it for planning ahead or for submitting field events for free.

Scheduled Events

Download [Adobe Acrobat Reader](#) to read all PDF documents.

OVC will hold two events in Washington, D.C., leading up to National Crime Victims' Rights Week, April 22–28, 2007:

- **National Observance and Candlelight Ceremony**
 Thursday, April 19, 2007
 U.S. Chamber of Commerce ([Directions](#))
 1615 H Street NW., Washington, D.C.
 Time: 6:30-7:30 p.m.
 Featured Speaker: Mark Lunsford, Father of Jessica Marie Lunsford and founder of the **Jessica Marie Lunsford Foundation**.
- **Awards Ceremony**
 Friday, April 20, 2007
 Ronald Reagan Building and International Trade Center ([Directions](#))
 1300 Pennsylvania Ave., NW, Washington, D.C.
 Time: 2:30-4:30 p.m.
RSVP for Awards Ceremony



Mark Lunsford, featured speaker at the NCVRW Candlelight Ceremony.



Print and share with friends.


Award Nominations for 2007

The Office for Victims of Crime annually recognizes individuals and organizations that demonstrate outstanding service in supporting victims and victim services. The **award recipients** are **extraordinary individuals and programs** that provide services to victims of crime. The 2007 award recipients will be announced on April

20, 2007, at the awards ceremony.

Resources

OVC offers many resources to help communities and victim assistance providers promote awareness of crime victim issues and help commemorate NCVRW:

- The online **2007 Resource Guide for National Crime Victims' Rights Week** (known as the NCVRW Guide).
- An **Online Calendar**.
- **NCVRW Web banners**.
- **2007 NCVRW Screen Saver** 

About the NCVRW Resource Guide

The NCVRW Resource Guide will help you promote community awareness of crime victim issues. OVC offers the guide in both paper and electronic formats. You may **place your online order now** for the Guide to receive your print copy. **The Guide will be mailed to the field starting February 16.**

You may preview all of the Guide's content online. The **2007 Resource Guide for National Crime Victims' Rights Week** includes:

- Victimization statistics.
- Special event ideas.
- Camera-ready art files.
- A 6-minute motivational video on DVD.
- Posters including the NCVRW theme poster.

The DVD does not include a PSA, but you can still view and **download the 2005 PSAs online**. The 2007 Resource Guide DVD provides an introduction into crime victims' rights. The **entire DVD content is online** along with a preview clip.

NCVRW Community Awareness Projects (awards for 2007)

The Office for Victims of Crime (OVC) helps communities conduct public awareness initiatives during National Crime Victims' Rights Week with funding support for Community Awareness Projects (CAP).

For 2007, the National Association of VOCA Assistance Administrators (NAVAA) has competitively selected the 64 communities to receive CAP support funded by OVC. The **64 communities selected** are public agencies, nonprofits, community-based victim service organizations, faith-based organizations, and community coalitions.

For more information on this initiative, projects supported in previous years, and tips for promoting community awareness, visit **Community Awareness Projects: Raising Public Awareness of NCVRW**.

National Crime Victims' Rights Week 1984-2006

- 2006
- 1994

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The Office for Victims of Crime is a component of
the [Office of Justice Programs, U.S. Department of Justice](#).

This document was last updated on March 07, 2007

Section 1.24 - Rights of Crime Victims.

Crime victims, as defined by law, shall have the following rights as provided by law: the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process; the right to timely disposition of the case following the arrest of the accused; the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication.

Alaska Office of Victims' Rights

About the Office of Victims' Rights

Listing of Your Rights

How a Typical Criminal Case is Prosecuted in Alaska

Glossary of Terms Used in Criminal Cases in Alaska

How to File a Complaint-Request for Assistance Form Involving a Justice Agency

Victims' Rights Statutes & Constitutional Provisions

(Article I, section 24)

Office of Victims' Rights Regulations

(Posted 6-1-2004)

The Office of Victim's Rights: A Model For America

The Office Of Victims' Rights is an agency of the Alaska Legislature that provides free legal services to victims of crime to help them obtain the rights they are guaranteed under the Alaska constitution and statutes with regard to their contacts with police, prosecutors, judges, and other criminal justice agencies in this state, as well as to advance and protect those victim rights in court when necessary and authorized by law.

Investigations of Complaints, Findings & Recommendations

Read & Print the OVR's Brochure

Office of Victims' Rights 2006 Annual Report

Other Helpful Links

State of Alaska Office of Victims' Rights
Katherine J. Hansen, Interim Director
1007 West 3rd Avenue, Suite 205
Anchorage, Alaska 99501-1936

Phone: 907-272-2620
Toll free within Alaska: 866-274-2620
Fax: 907-272-2640
Email: officeofvictimsrights@legis.state.ak.us

Alaska **Office of Victims' Rights**

In Alaska victims of crime have the following rights:

Note:

- o Automatic rights
- Rights triggered only by request from victim

General constitutional protections provided in Article I, section 24 of the Alaska constitution to all crime victims:

- o Be treated with dignity, respect and fairness;
- o Protection from accused through the imposition of appropriate bail or conditions of release by the court (including release on appeal) (see also AS 12.30025(a); 12.30.027(a); 12.30.029(a); 12.30.040(a));
- o Confer with the prosecution;
- o Timely disposition of the case;
- o Obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present;
- Be heard, upon request, at sentencing, before or after conviction and at any proceeding where the accused's release from custody is considered;
- o Restitution from the accused;
- Be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication.

Rights of crime victims upon initial police contact:

- o Right to obtain access to immediate medical assistance AS 12.61.010(a)(7);
- o Transportation to safe house or shelter;
- o Assistance obtaining a 72-hour protective order AS 18.66.110; AS 18.66.100(c)(1) - (5),(8) - (12),(16);
- Ability to participate, upon request, at the defendant's initial appearance before a magistrate when bail conditions are set, AS 12.30.010; AS 12.61.010(a).

Sexual assaults and domestic violence - medical concerns:

o Council on Domestic Violence and Sexual Assault is established within the Department of Public Safety. The council is to provide for planning and coordination of services, crisis intervention and prevention programs to victims of domestic violence, sexual assault or to their families AS 18.66.010;

o Sexual assault victims may not be charged for sexual assault exams AS 18.68.040;

• In a crime involving sexual assault where penetration is an element of an offense, a victim may petition the court to order that the defendant submit to a blood test for presence of HIV and other STDs. AS 18.15.300 - 18.15.310 The defendant need not be convicted, the court may order the testing as soon as the defendant is charged by complaint, indictment, presentment, or information filed with a magistrate or court, that alleges a sexual assault involving penetration AS 18.15.300 The court may not order such testing until seven days have passed since arrest nor after a disposition favorable to the defendant;

• If the results of a blood test conducted under AS 18.15.300 indicate exposure to or infection by HIV or other sexually transmitted diseases, the victim is entitled to free counseling, testing and referral to appropriate health care facilities and support services at the request of the victim AS 18.15.310(h);

o Confidential communications between a victim of domestic violence or sexual assault and a victim counselor are privileged AS 18.66.200 - 18.66.250; AS 12.45.049.

Protective orders for crime victims:

• A victim of a crime involving domestic violence may file a petition for a protective order against a household member. A parent, guardian, or other representative may file a petition for a protective order on behalf of a minor AS 18.66.100;

• A certified copy of an unexpired protective order issued in another jurisdiction and filed with the clerk of court in any judicial district in this state, has the same effect and must be enforced in the same manner as a protective order issued by a court of this state AS 18.66.140.

• A person who reasonably believes that he or she is a victim of stalking that is not a crime involving domestic violence, may file a petition in the district or superior court for a stalking protective order against a person who is alleged to have committed the stalking. A parent or guardian may file a petition on behalf of a minor. AS 18.65.850

Privacy rights of crime victims:

o In a crime involving kidnapping, sexual assault, sexual assault of a minor, or indecent exposure, the name of a victim is not public record and may not be used in court documents, instead the victim's initials will be used AS 12.61.140;

o The residence and business addresses and telephone numbers of a victim of a crime or

witness to a crime are confidential AS 12.61.110 .3 12.61.120(a); AS 12.61.130(a);

- Victims are not required to speak with defense counsel and may request the presence of a prosecuting attorney or other person present during an interview AS 12.61.120(c);
- If a victim agrees to be interviewed by the defense, the interview may not be recorded unless the victim gives permission to record the interview and a copy of the tape is furnished to the victim upon request. If the victim is a minor, the parent or guardian must provide written consent prior to the interview even if the interview is not recorded AS 12.61.120; AS 12.61.125;
- o Applications to the Violent Crimes Compensation Board are confidential AS 18.67.030(c).

Bail review rights of crime victims:

- o Notice of hearings where the accused's release is considered, the right to be present and to be heard Article I, sec 24; AS 12.61.010(a)(2);
- o Court must consider the victim's comments in making the decision to release a defendant in domestic violence cases AS 12.30.027; in sexual assault cases AS 12.30.029(c)(2));
- o Victim's safety should be specifically considered before releasing the accused in a stalking non-DV, AS 12.30.025; in domestic violence, AS 12.30.027(a); in sexual assault AS 12.30.029(a) This includes an order prohibiting the defendant from having contact with the victim;
- o Notice of cancellation of a hearing or court proceeding at which the victim has been subpoenaed to testify AS 12.61.010(a)(3);
- o Receive a copy of the conditions of release when a prisoner charged with a domestic violence offense is released from custody (from correctional facility AS 12.30.027(d)(1); by other arresting authority AS 12.30.027(d)(2));
- o Victims should receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts and be provided with information regarding the protection available AS 12.61.010(a)(4) This can include protection orders, assistance in obtaining personal belongings; transportation to a safe home or shelter, assistance in obtaining medical treatment.
- o An automated phone service (VINE) is established to provide crime victims with notice by telephone when there is a change in the status of their offender. The system must also allow crime victims to initiate telephone calls to the system to receive the latest status report for their offender AS 12.61.050.

Crime victims' rights at trial:

- o Victims shall be notified of the date and time of trial and have a right to be present at all hearings and court proceedings where the defendant has a right to be present AS 12.61.010;
- If a victim of a felony or domestic violence crime requests, the prosecutor should confer with the victim regarding trial testimony AS 12.61.015.

o A victim cannot be compelled to submit to a psychiatric evaluation unless the victim's psychiatric or psychological condition is an element of the offense charged; or the victim suffers from a continuing psychological or psychiatric condition that resulted from the offense charged. AS 12.45.042;

o Evidence of past sexual conduct inadmissible absent a specific finding of relevance by the court AS 12.45.045(a);

o An employer may not penalize or threaten to penalize a victim because the victim is subpoenaed or requested by the prosecuting attorney to attend a court proceeding for the purpose of giving testimony AS 12.61.017.

Proceedings relating to psychiatric commitment of the accused:

• Notice shall be provided if an offender is committed to the custody of the Department of Health and Social Services; notice shall be given of any pending or actual change in status. AS 12.47.095 (1)-(5) Victim may request notice by providing address information to DHSS AS 12.47.095(b);

o Any victim given notice of a proposed change in commitment status of an offender has the right to submit a written statement, or to appear personally before the court. AS 12.47.095(e);

o Notice regarding a finding of not guilty by reason of insanity AS 12.61.010(a)(11);

• Notice upon request, of hearings relating to special medical parole AS 12.61.010(a)(12); AS 33.16.087 Victim may request notice by providing address information to Parole Board.

Sentencing:

o The court may not mitigate or reduce the punishment of the defendant based on the failure of the crime victim to appear or testify AS 12.55.151;

• Prosecutors, if requested, shall notify the victim of sentencing agreement and before accepting a negotiated agreement. The court shall determine that the victim has not been intimidated or coerced in reaching the agreement AS 12.55.011;

• In crimes of domestic violence, the prosecutor shall, upon request, confer with the victim about proposed plea agreements prior to acceptance AS 12.61.015(a)(4);

o As part of the pre-sentence report prepared for felony offenders, the probation officer shall prepare a victim impact statement reporting any financial, emotional, and medical effects of the offense on the victim; the need of the victim for restitution; and any other information required by the court AS 12.55.022;

• The prosecutor shall, upon request, provide the victim with the address and phone number of the office preparing the pre-sentence report AS 12.61.015(a)(2)(C);

• Prior to sentencing, the prosecutor shall, upon request, provide the victim with portions of the pre-sentence report outlining the summary of the offense prepared by DOC; the defendant's version of the offense; all statements and summaries of statements of the victim;

and the sentence recommendation of the DOC. AS 12.55.023(a)(1)-(4);

o A victim may submit to the sentencing court a written statement that the victim believes is relevant to the sentencing decision and may give an oral presentation to the court at the sentencing hearing. If the victim declines to make a statement, the victims' advocate may submit a written statement or oral presentation at the sentencing hearing on behalf of the victim AS 12.55.023(b);

o In a felony sentencing, the victims may make a written or oral statement for use in preparation of the pre-sentence report AS 12.61.010(a)(9);

o In a conviction for a felony offense, the court shall specifically make a finding regarding financial, emotional, and medical effects of the offense on the victim; the need of the victim for restitution AS 12.55.025(a)(5)(A)-(B);

o Victims may address the three-judge sentencing panel if the panel chooses to supplement the record AS 12.55.175(b).

Restitution rights of crime victims:

o Public policy favors requiring criminals to compensate their victims for injuries and damages sustained AS 12.55.045(a)(1);

o Restitution is not limited to a criminal court award, victims may also seek restitution in civil court proceedings AS 12.55.045(b);

o Restoration of the victim shall be specifically considered as part of the sentencing criteria AS 12.55.005(7);

o Information regarding violent crimes compensation and the procedure for applying for such aid under AS 18.67 should be given to the victim AS 12.61.010(a)(5); AS 18.67.175.

Post sentencing crime victims' rights:

• Prosecuting entity, if requested, shall notify the victim of a felony or domestic violence crime, in writing of the final disposition of the case within 30 days after final disposition of the case AS 12.61.015(a)(3);

• Notice of an appeal by prosecuting entity if requested by victim in felony or domestic violence crime AS 12.61.010(a)(2);

• Notification if the offender escapes from custody or is released to the community on a furlough, on an early release program, or for any other reason AS 12.61.010 (a)(14); AS 33.30.013 Automatic in domestic violence crimes; upon request in other crimes AS 33.30.013(b) Requires victim to keep address on file with DOC;

• After conviction, the victim is entitled to be informed by the prosecutor about the defendant's complete conviction history AS 12.61.010(a)(10);

o Every person contracting with an offender with respect to the reenactment of the offender's

crime by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of the offender's thoughts, feelings, opinions, or emotions regarding the crime, shall pay the victim's restitution claims first, the remainder of the monies go to the state AS 12.61.020.

Post sentencing - modifications:

• Victims are entitled to address the court presiding over a prisoner's motion to modify or reduce their sentence AS 12.55.088(d) Victim may request notice by providing address information to DOC AS 12.55.088(h);

o Department of Corrections shall send the victim a copy of any motions to modify or reduce sentence and inform the person of that person's rights under this section, the deadline for receipt of written comments, the hearing date, and the court's address. AS 12.55.088(e) Victims must maintain updated address information with DOC AS 12.55.088(h);

• Notification of hearings to consider or review discretionary parole of the defendant AS 12.61.010(a)(13); AS 33.16.120 Victim must maintain address information with DOC and Parole Board;

o Before granting probation to a person convicted of a crime involving domestic violence, the court shall consider the safety and protection of the victim and any member of the victim's family AS 12.55.101(a) The court may also impose any other condition necessary to protect the victim and any members of the victim's family or to rehabilitate the defendant AS 12.55.101(a)(3).

Public Records-exception for crime victims:

Alaska statute 40.25.120(a), Alaska's public records law, provides in pertinent part: "Every person has a right to inspect a public record in the state, including public records in recorders' offices, except

(6) records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information

(C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;"

State of Alaska Office of Victims' Rights
Katherine J. Hansen, Interim Director
1007 West 3rd Avenue, Suite 205
Anchorage, Alaska 99501-1936

Phone: 907-272-2620
Toll free within Alaska: 866-274-2620
Fax: 907-272-2640

Email: officeofvictimsrights@legis.state.ak.us

CHILD ABUSE AND VICTIMIZATION

In 2003, an estimated 906,000 children were determined to be victims of child abuse or neglect.

(Children's Bureau, Administration for Children and Families. 2005. *Child Maltreatment 2003*. Washington, DC: U.S. Department of Health and Human Services.)

During 2003, 60.9 percent of victims experienced neglect, 18.9 percent were physically abused, 9.9 percent were sexually abused, 4.9 percent were emotionally or psychologically maltreated, and 2.3 percent were medically neglected. An additional 16.9 percent of victims experienced such "other" types of maltreatment as "abandonment," "threats of harm to the child," and "congenital drug addiction." (Ibid.)

The youngest children accounted for the largest percentage of victims. Children younger than one accounted for 9.8 percent of victims. (Ibid.)

An estimated 1,500 children died as a result of abuse or neglect in 2003. More than three-quarters (78.7 percent) of children who were killed were younger than four years of age. (Ibid.)

In 2003, 51.7 percent of victimized children were girls and 48.3 percent were boys. The racial breakdown of child victims was 53.6 percent white; 25.5 percent African American; 11.5 percent Hispanic; 1.7 percent American Indian or Alaskan Natives; 0.6 percent Asian; and 0.2 percent Pacific Islanders. (Ibid.)

The majority of child victims were maltreated by a parent acting alone. Approximately two-fifths (40.8 percent) of child victims were maltreated by their mother; 18.8 percent were maltreated by their father; 16.9 percent were abused by their mother and father; and 13.4 percent were abused by a non-parent. (Ibid.)

Children who were identified by Child Protective Services as victims in the past were 60 percent more likely to be determined to be maltreated than children who were not previously victimized. (Ibid.)

Between 1980 and 2000, the murder rate for children younger than one was greater than the rate for any age from one to 15.

(Harris, Paul D. and Howard N. Snyder. September 2004. *Trends in the Murder of Juveniles: 1980-2000*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.)

Both black females and white females were more likely to be murdered before their first birthday than at any other time in their juvenile years. (Ibid.)

Based on extrapolations from the National Incident-Based Reporting System, approximately 2,900 nationwide crime incidents of pornography with juvenile involvement were known to state and local police in 2000.

(Finkelhor, David and Richard Ormrod. December 2004. *Child Pornography: Patterns From NIBRS*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.)

The proportion of all pornography incidents with juvenile involvement increased from 15 percent in 1997 to 26 percent in 2000. (Ibid.)

Of the juvenile victims identified in conjunction with pornography crimes, 62 percent were female; 25 percent were members of the offender's family; 28 percent were elementary school age (6-11 years old); and 13 percent were preschoolers (younger than six years old). (Ibid.)

Every day, between 1.3 million and 2.8 million runaway and homeless youth live on the streets of America. One out of every seven children will run away before the age of 18.

(The National Runaway Switchboard. <http://www.nrscrisisline.org>. Accessed July 29, 2005.)

In America last year, treatment was sought for approximately 1,200 to 1,400 children who were shaken. Of these victims, 25 to 30 percent died as a result of their injuries. The rest will have lifelong injuries.

(National Center on Shaken Baby Syndrome. <http://www.dontshake.com/>. Accessed July 29, 2005.)

The direct cost of child abuse and neglect in the United States totals more than \$24 billion annually. (This figure includes law enforcement, judicial system, child welfare, and mental and physical health costs.) When factoring in indirect costs (special education, mental health and health care, juvenile delinquency, lost productivity, and adult criminality), the figure rises to more than \$94 billion annually.

(Fromm, Suzette. 2001. "Total Estimated Cost of Child Abuse and Neglect." *Prevent Child Abuse America*.)

PRESENTED AS A PUBLIC SERVICE BY:

CRIME AND VICTIMIZATION

In 2004, U.S. residents age 12 or older experienced an estimated 24 million violent and property victimizations.

(Catalano, Shannan M. September 2005. *Criminal Victimization, 2004*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

In 2004, there were an estimated 18.6 million property crimes to persons and their households including burglary, motor vehicle theft, and theft; an estimated 5.2 million violent crimes including rape, sexual assault, robbery, aggravated assault, and simple assault; and an estimated 224,000 personal thefts such as pocket picking and purse snatching. (Ibid.)

There were an estimated 501,820 robberies, 1,030,080 aggravated assaults and 3,440,880 simple assaults in 2004. (Ibid.)

There were an estimated 209,880 rapes, attempted rapes and sexual assaults to people age 12 and older in 2004, an increase from 198,850 in 2003. (Ibid.)

In 2004, there were 1,014,770 thefts of motor vehicles. (Ibid.)

Youths between the ages of 12 and 15 experienced the highest rate of overall violent victimization in the 2003-2004 period at a rate of 50.7 per 1,000 persons. Youths between the ages of 16 and 19 had the second highest rate, at 49.4 per 1,000 persons. (Ibid.)

During 2004, 50 percent of all violent victimizations and 39 percent of all property crimes were reported to the police. (Ibid.)

African Americans experienced more overall violence and simple assault in 2004 than whites or persons of other races. (Ibid.)

During 2004, 22 percent of all violent crime incidents were committed by an armed offender, and six percent by an offender with a firearm. (Ibid.)

The Federal Bureau of Investigation (FBI) reported that there were 16,503 criminal homicides in 2003. The number of murders increased by 1.7 percent in 2003, increasing in cities with 100,000 to 249,999 inhabitants by 6.8 percent and increasing in towns under 10,000 by 20 percent.

(Federal Bureau of Investigation. October 2004. *Crime in the United States, 2003*. Washington, DC: U.S. Department of Justice.)

Law enforcement made an estimated 597,026 arrests for violent crime in the United States in 2003. Whites accounted for 60.5 percent of violent crime arrestees and African Americans accounted for 37.2 percent. (Ibid.)

In 2003, about 17 million households experienced one or more property crimes or had a member age 12 or older who experienced one or more violent crimes.

(Klaus, Patsy A. October 2004. *Crime and the Nation's Households, 2003*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

Adolescents and adults in three percent of U.S. households experienced one or more violent crimes in 2003. Simple assault was the most common violent crime sustained by households. Members age 12 or older of an estimated 2.3 million households experienced simple assault. (Ibid.)

In 2003, 12.7 percent of U.S. households experienced one or more property crimes. Ten percent of U.S. households experienced at least one incident of theft, the most common property crime. (Ibid.)

Larger households experienced more victimization in 2003. Twenty-eight percent of households with six or more persons experienced one or more crimes, compared with 21 percent of households made up of four or five persons, 14 percent of households with two or three persons, and nine percent of one-person households. (Ibid.)

Households in urban areas (19 percent) were more likely to experience one or more crimes than suburban households (13 percent) and rural households (12 percent) in 2003. Households in the West were more likely to experience one or more crimes when compared to other regions in the U.S. (Ibid.)

Gang members committed about 373,000 violent victimizations on average each year between 1993 and 2003. Gang members were more likely to victimize younger persons than older persons.

(Harrell, Erika. June 2005. *Violence by Gang Members, 1993-2003*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

Approximately 38,000 carjacking victimizations occurred on average annually between 1993 and 2003. About 32 percent of victims of completed carjackings and about 17 percent of attempted carjackings were injured.

(Klaus, Patsy. July 2004. *Carjacking, 1993-2002*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

Between 1992 and 2001, American Indians experienced a per capita rate of violence twice that of the U.S. resident population.

(Perry, Steven W. December 2004. *American Indians and Crime*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

Among American Indian victims of violence, the offender was more likely to be a stranger than an intimate partner, family member, or acquaintance. (Ibid.)

American Indians faced an offender with a weapon in nearly a third of the violent crime incidents. (Ibid.)

PRESENTED AS A PUBLIC SERVICE BY:

CYBERCRIME VICTIMIZATION

Law-enforcement agencies nationally made an estimated 1,713 arrests for Internet-related crimes involving the possession of child pornography during the 12 months beginning July 1, 2000.

(National Center for Missing and Exploited Children, Crimes Against Children Research Center. 2005. *Child Pornography Possessors Arrested in Internet-Related Crimes: Findings From the National Juvenile Online Victimization Study*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.)

Almost all arrested child pornography possessors were male; 91 percent were white; and 86 percent were older than 25. (Ibid.)

Most arrested child pornography possessors (83 percent) had images of prepubescent children, and 80 percent had images graphically depicting sexual penetration. (Ibid.)

Approximately one in five arrested child pornography possessors (21 percent) had images depicting sexual violence to children such as bondage, rape and torture. (Ibid.)

Forty percent of arrested child pornography possessors were "dual offenders," who sexually victimized children and possessed child pornography, with both crimes discovered in the same investigation. An additional 15 percent were dual offenders who attempted to sexually victimize children by soliciting undercover investigators who posed online as minors. (Ibid.)

Working to Halt Online Abuse (WHOA) received 196 reports of cyberstalking or online harassment in 2004.

(Working to Halt Online Abuse. "Online Harassment/Cyberstalking Statistics." <http://www.haltabuse.org/resources/stats/index.shtml>. Accessed September 23, 2005.)

A survey of the cyberstalked victims reporting to WHOA in 2004 reveals that 78 percent were Caucasian; 69 percent were women; and 48 percent were between the ages of 18 and 30 years old. (Ibid.)

In 2004, 52.5 percent of the cyberstalkers reported to WHOA were male, 23.5 percent were female, and in 24 percent of the cases, the gender of the harasser was unknown. (Ibid.)

In 2004, 40.5 percent of the cyberstalking victims received threats of offline harassment. (Ibid.)

The Federal Bureau of Investigation's Internet Crime Complaint Center received 190,143 complaints in 2004 that were referred to enforcement agencies. The complaints were composed of many different fraud types, such as auction fraud, non-delivery, credit/debit card fraud, and non-fraudulent complaints, such as computer intrusions, unsolicited e-mail, and child pornography.

(National White Collar Crime Center. 2005. *IC3 2004 Internet Fraud - Crime Report*. Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation.)

The total dollar loss from all referred cases of fraud in 2004 was \$68.14 million, with a median dollar loss of \$219.56 per complaint. (Ibid.)

A pilot Computer Security Survey of U.S. businesses found that nearly 75 percent of responding companies had detected at least one incident of cybercrime in 2001. Over half of the victimized businesses experienced multiple incidents of computer virus, denial of service, and fraud. (Rantala, Ramona R. March 2004. *Cybercrime Against Businesses*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

The most common forms of cybercrime detected by companies in 2001 were computer virus infections (64.1 percent), denial of service attacks (25.3 percent), and vandalism or sabotage (18.7 percent). Hacking and spamming are other common breaches of computer security that occur with frequency. (Ibid.)

PRESENTED AS A PUBLIC SERVICE BY:

ELDER CRIME AND VICTIMIZATION

During the 2003-2004 period, there was a 37.6 percent decrease in violent crimes against persons age 65 or older. Victimization rates for violent crime were 2.0 per 1,000 persons age 65 or older, down from 3.3 per 1,000 persons in the 2001-2002 period.

(Catalano, Shannan M. September 2005. *Criminal Victimization, 2004*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

For the period 1993 to 2002, the elderly experienced non-fatal violent crime at a rate 1/20th that of persons age 12 to 24. Households headed by persons age 65 or older experienced property crimes at a rate about a fourth of that for households headed by persons under age 25.

(Klaus, Patsy, January 2005. *Crimes Against Persons Age 65 or Older, 1993-2002*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

Property crimes accounted for 92 percent of victimizations affecting persons or households headed by someone 65 or older and 88 percent of victimizations against persons or households headed by persons age 50 to 64. (Ibid.)

About one in five of personal crimes against the elderly was theft. (Ibid.)

Thirty percent of victims age 65 or older of violence faced offenders with weapons. (Ibid.)

When compared to victims age 12 to 64, elderly victims were somewhat more likely to face offenders who were strangers (53 percent versus 46 percent), and were more likely to face offenders age 30 or older (48 percent versus 30 percent). (Ibid.)

Seventy-six percent of perpetrators of crimes against the elderly were male. (Ibid.)

Approximately 46 percent of violent crimes and 67 percent of property crimes against the elderly occurred at or near their homes. (Ibid.)

Compared to younger victims, persons age 65 or older were more likely to report violence (53 percent of persons age 65 or older versus 44 percent of persons under age 65) to the police. (Ibid.)

Although the number of homicides of people age 65 and older has been decreasing, this age group still has the highest percentage of homicides that occur during the commission of a felony.

(Fox, James Alan and Marianne W. Zawitz, November 2004. *Homicide Trends in the United States-2002 Update*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

Between January and December 2004, the Federal Trade Commission received 145,895 consumer fraud and identity theft complaints from consumers age 50 and over. Sixty-five percent were fraud complaints and 35 percent were identity theft-related.

(Federal Trade Commission, July 2005. "Fraud and Identity Theft Complaints Received by the Federal Trade Commission from Consumers Age 50 and Over." Washington, DC: Federal Trade Commission.)

Fraud victims age 50 or older reported losses of over \$152 million. (Ibid.)

There were 566 homicides reported in 2003 of people 60 years of age and over.

(Federal Bureau of Investigation, October 2004. *Crime in the United States, 2003*. Washington, DC: U.S. Department of Justice.)

Between one million and two million Americans age 65 or older have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection.

(Bonnie, Richard J. and Robert B. Wallace, 2003. *Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America*. National Academy Press, Washington, DC.)

There was an increase in older victims of lesbian, gay, bisexual, and transgender violence between 2003 and 2004. Incidents involving victims between the ages of 50 and 59 rose 25 percent. The number of victims age 60 and older, though representing only two percent of all victims, rose 63 percent.

(Patton, Clarence, 2005. *Anti-Lesbian, Gay, Bisexual, and Transgender Violence in 2004*. New York, NY: National Coalition of Anti-Violence Programs.)

More than 33,000 people age 60 and older were treated for non-fatal assault-related injuries (not including sexual assault) in emergency room departments in 2001. Assaults happened almost equally at home (25.9 percent) and in public places (27.5 percent).

(Centers for Disease Control and Prevention, August 29, 2003. "Non-fatal Physical Assault-Related Injuries Among Persons Aged 60 Years Treated in Hospital Emergency Departments--United States, 2001." *Morbidity and Mortality Weekly Report*, 52(34): 812-816.)

Compared with persons aged 20 to 59 years, a greater proportion of older assault victims were women, had fractures, and were hospitalized at the time of diagnosis.

(Ibid.)

PRESENTED AS A PUBLIC SERVICE BY:

FINANCIAL CRIME AND IDENTITY THEFT

According to the Better Business Bureau, 9.3 million Americans were victims of identity fraud in 2004. The annual dollar volume of identity fraud in 2004 was \$52.6 billion.

(Council of Better Business Bureaus, Inc. January 2005. *New Research Shows That Identity Theft Is More Prevalent Offline with Paper than Online*. Arlington, VA: Council of Better Business Bureaus, Inc.)

The most frequently reported source of information used to commit fraud was a lost or stolen wallet or checkbook. Computer crimes accounted for just 11.6 percent of all known-cause identity theft in 2004. (Ibid.)

A nationwide survey of 1,097 victims of identity theft found that 28 percent of victims have not been able to restore their identities, even after spending a year trying to restore them.

(Nationwide, July 26, 2005. Press Release "ID Theft Victims Struggle to Achieve Resolution."

<http://vocuspr.vocus.com/VocusPR30/Temp/Sites/2133/a1c28924f2fd4ef8a9ba8373a0ebdcd3/national%20release.pdf>. Accessed July 29, 2005.)

The average amount of total charges made using a victim's identity was \$3,968. Sixteen percent of victims reported having to pay for some or all of the fraudulent purchases. (Ibid.)

More than half of all victims discovered the identity theft themselves; only 17 percent were notified by a creditor or financial institution of suspicious activity on their account. It took an average of five-and-a-half months before the victim realized that the crime had occurred. (Ibid.)

Between January and December 2004, the Federal Trade Commission complaint database received over 645,000 consumer fraud and identity theft complaints. Consumers reported losses from fraud of more than \$565 million.

(Federal Trade Commission, July 2005. "Fraud and Identity Theft Complaints Received by the Federal Trade Commission from Consumers Age 50 and Over." Washington, DC: Federal Trade Commission.)

The average loss to victims of telemarketing fraud was \$1,974 in 2004, an increase from an average of \$1,504 in 2003. Phony prize/sweepstakes claims were the most-reported scam.

(National Fraud Information Center, 2005. *Telemarketing Scams January—December 2004*. Washington, DC: National Consumer League.)

Victims lost the most money in the categories of lotteries/lottery clubs (average loss of \$5,194), prize/sweepstakes (average loss of \$3,135), advance fee loans (average loss of \$1,721), travel/vacations (average loss of \$1,268), and work-at-home plans (average loss of \$1,085). (Ibid.)

Thirty-three percent of telemarketing fraud complaints were made by victims age 60 and older. (Ibid.)

Foreigners comprised 26 percent of telemarketing perpetrators, up from 18 percent in 2003. There was an increase in both Canada-based frauds and those outside the U.S. and Canada. (Ibid.)

In 2004, for the first time, phishing (calls pretending to be from a well-known source asking to confirm personal information) was one of the top 10 scams of the year. The average loss per victim of phishing was \$399. (Ibid.)

The average loss to victims of Internet fraud was \$895 in 2004, an increase from an average of \$527 in 2003.

(National Fraud Information Center, 2005. *Internet Scams Fraud Trends 2004*. Washington, DC: National Consumer League.)

Victims lost the most money in the categories of fake checks (average loss of \$5,201), Nigerian money offers (average loss of \$2,649), fake escrow services (average loss of \$2,585), lotteries/lottery clubs (average loss of \$2,225), and computer equipment/software (average loss of \$1,401). (Ibid.)

E-mail is a growing method of contact used by Internet fraud perpetrators. In 2004, 22 percent of Internet fraud perpetrators initiated contact with the victim via e-mail, an increase from just five percent in 2003. (Ibid.)

Most victims of identity theft do not report the crime to criminal authorities. Only about 25 percent of victims who participated in a national identity theft survey said that they had reported the crime to local police.

(Synovate, September 2003. *Identity Theft Survey Report*. Washington, DC: Federal Trade Commission.)

Fifteen percent of all identity theft victims reported that the identity thief used their information in non-financial ways. Four percent of all victims said that they were aware that the thief provided the victim's name and identifying information when the thief was caught committing a crime. Three percent of all victims said that they were aware that the thief had used their personal information to obtain government documents (such as a driver's license or Social Security card). Two percent of all victims said that they knew the identity thief used the victim's personal information to rent housing, obtain medical care, obtain employment, or file a fraudulent tax return. (Ibid.)

PRESENTED AS A PUBLIC SERVICE BY:

COST OF CRIME AND VICTIMIZATION

State compensation programs paid crime victims and their families \$426 million in benefits in federal fiscal year 2004. Compensation is nearly double what it was seven years ago.

(National Association of Crime Victim Compensation Boards. "FY 2004: Compensation to Victims Continues to Increase..." <http://www.nacvcb.org>. Accessed September 16, 2005.)

In 2004, 51 percent of all compensation payments were made for medical expenses, 19 percent went to cover lost wages and lost support in homicides, 11 percent went to funeral bills, and nine percent was paid for mental health costs. (Ibid.)

Victims of child abuse comprised 20 percent of recipients of compensation in 2004. (Ibid.)

The National Association of Crime Victim Compensation Boards reports that 25 percent of adult victims receiving crime victim compensation benefits in 2004 were victims of domestic violence, and 34 percent of all assault claims were paid to victims of domestic violence. (Ibid.)

Compensation programs paid \$16.3 million for forensic sexual assault exams, a nearly 50 percent increase from 2003. (Ibid.)

The direct cost of child abuse and neglect in the United States totals more than \$24 billion annually. (This figure includes law enforcement, judicial system, child welfare, and mental and physical health costs.) When factoring in indirect costs (special education, mental health and health care, juvenile delinquency, lost productivity, and adult criminality), the figure rises to more than \$94 billion annually.

(From: Suzette. 2001. "Total Estimated Cost of Child Abuse and Neglect." *Prevent Child Abuse America*.)

Robbery offenders took an estimated \$514 million from their victims in 2003.

(Federal Bureau of Investigation. October 2004. *Crime in the United States, 2003*. Washington, DC: U.S. Department of Justice.)

Nationally, the average monetary value of property stolen during a robbery was \$1,244. Banks lost an average of \$4,767 per robbery, and commercial houses (such as supermarkets, department stores, restaurants, hotels, etc.) lost an average of \$1,778 per robbery. The estimated value of losses from robberies of residences was \$1,472 per robbery. (Ibid.)

Among the individual property crimes, the 2003 estimated dollar losses were \$3.5 billion for burglary, \$4.9 billion for larceny-theft, and \$8.6 billion for motor vehicle theft. (Ibid.)

Arson had an average dollar loss of \$11,942 and average structural loss of \$21,276 for the 64,043 offenses for which monetary values were reported. (Ibid.)

A 2003 survey sponsored by the Federal Trade Commission indicates that the total cost of identity theft approaches \$50 billion per year. The average loss from the misuse of a victim's personal information is \$4,800.

(Synovate. September 2003. *Identity Theft Survey Report*. Washington, DC: Federal Trade Commission.)

The cost of an incident of identity theft is significantly smaller if the misuse of the victim's personal information is discovered quickly. When the misuse was discovered within five months of its onset, the value obtained by the thief was less than \$5,000 in 82 percent of the cases. When victims took six months or more to discover that their information was being misused, the thief obtained \$5,000 or more in 44 percent of cases. (Ibid.)

Insurance fraud (non-health insurance) costs the average family between \$400 and \$700 per year, with a total cost exceeding \$40 billion.

(Federal Bureau of Investigation. May 2005. *Financial Crimes Report to the Public*. Washington, DC: U.S. Department of Justice.)

Telemarketing fraud is a flourishing crime problem with estimated losses to U.S. elderly citizens exceeding \$500 million per year. (Ibid.)

Since 1982, total justice expenditures more than quadrupled from nearly \$36 billion to over \$167 billion in 2001.

(Bauer, Lynn. May 2004. *Justice Expenditure and Employment in the United States, 2001*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.)

Overall, local police spending represented 30 percent of the Nation's total justice expenditure and State corrections accounted for the second largest portion, 23 percent. (Ibid.)

Many school districts report losses in excess of \$250,000 because of school closings and costs of bomb search squads.

(Newman, Graeme R. February 2005. *Bomb Threats in Schools*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.)

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