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D.C. Homicide Total Continues to Climb Despite Evidence of Declining Drug Use

HOMICIDES, From A1

cides continues to rise while drug use appears to be declining is not easily answered. Some police officials and criminologists believe it is evidence of a shrinking drug market, which pits well-armed drug dealers and groups against one another.

In the region, police in Prince George's County are seeing a marked decrease in the homicide rate and the number of drug-related killings. The county, the suburban jurisdiction whose problems with drugs and violence most nearly resemble the District's, has had 109 homicides this year, compared with 118 at the same time in 1989. In Fairfax and Montgomery counties, where drug-related killings have not been a problem, authorities say domestic violence has driven up the homicide rate.

The most comprehensive statistics, released by the FBI in October, show an 8 percent nationwide increase in homicides during the first six months of this year.

As in the District, the consensus is that this surge in violent crime is partly driven by the availability of guns.

Police had few details on yesterday's killings. Two of the victims—Reginald Cobb, 17, and an unidentified woman in her mid-twenties—were found dead in separate areas of the District. Both had been shot repeatedly, and police said there are no suspects or motives in either case.

Cobb, of Logan Way in Bladensburg, was found at 12:49 a.m. in the 1200 block of Clifton Street NW, near Cardozo High School. The woman was found shortly after 3:30 a.m. on the 200 block of 53rd Street NE, across from Richardson Elementary School.

The third slaying occurred about 12:30 p.m. yesterday in the 1300 block of 11th Street NW. Police said the victim, who was 27 and

whose name was being withheld until relatives could be notified, was stabbed during an apparent domestic dispute. Chanson Papillon, 25, of the 200 block of K Street NW, turned himself in to police, and was charged with homicide.

The year's homicide total in the city is now 39 more than it was at this time in 1989. In 1989, the city broke the previous year's record on Nov. 1. In 1988, the District broke the record on Oct. 31.

This year, 78 percent of the victims have been shot. Fulwood said only a national gun control law—which he and some other police chiefs endorse—would help reduce the killing.

The police department, which now has 16 more homicide investigators than it did a year and a half ago, has made arrests in about 60 percent of the killings this year. That is an improvement from 1989, when 56 percent of the homicide cases resulted in arrests.

Elsewhere in the region, where drug-related killings have not been a major factor, domestic violence has driven up the homicide rate this year.

Fairfax County, which had a record 28 homicides in 1989, has had 25 this year, most a result of domestic violence, police said.

As of Nov. 21, there had been 25 homicides in Montgomery County. There were 21 homicides there in all of 1989. Since Oct. 17, there have been six homicides in the county. Three of the slayings involved individuals who allegedly were killed by roommates. In one case, a 71-year-old woman was killed during a robbery attempt, allegedly by a 25-year-old man who later robbed his parents.

In Arlington, there have been 10 homicides this year, compared with only one in all of 1989, most of them also stemming from domestic disputes, county officials said. None appears to be drug-related.

In Alexandria, police have reported eight homicides this year, the same number as in all of 1989.

In Howard County, there have been five homicides this year, five fewer than in all of 1989.

And in Anne Arundel County, police said there have been nine homicides, compared with 20 for all of last year.

Nationwide, violent crime is up 10 percent, and police agencies elsewhere are contending with record increases in homicides this year.

New York City is expected to break last year's record-setting pace of 1,905 homicides. New York City Police Commissioner Lee J. Brown predicted earlier this year that the city, now averaging six homicides a day, will probably surpass 2,000.

Boston, which is about the size of

the District, is approaching its all-time homicide record of 135 slayings, set in 1973. The city has recorded 128 homicides, and, responding to the gruesome Halloween night gang rape and beating death of a woman, Mayor Raymond Flynn is discussing a curfew. Richmond

broke its homicide record when it recorded its 102nd slaying earlier this month.

Large cities such as Denver have seen increases in homicide rates during the first half of the year by as much as 29 percent; Chicago, Dallas and New Orleans were up by

more than 20 percent each, and Los Angeles went up 16 percent.

Staff writers Patricia Davis, Amy Goldstein, Stephanie Griffith, Veronica T. Jennings, Robert O'Harrow, Debbie M. Price, Camille Ross, Jeff Rowland and Carlos Sanchez contributed to this report.

AREA HOMICIDES 1980-1990

Jurisdiction	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990*
Alexandria	7	17	6	6	6	7	4	8	6	8	8
Anne Arundel County	20	23	19	13	16	15	16	14	11	20	9
Arlington County	9	7	6	6	5	7	11	4	5	1	10
District	200	223	194	186	175	148	194	225	372	434	436
Fairfax County	19	13	9	10	13	4	14	13	23	28	25
Howard County	6	4	7	7	6	3	2	6	2	10	5
Loudoun County	2	3	2	0	2	5	0	0	1	0	NA
Montgomery County	16	12	19	18	14	12	8	17	16	21	25
Prince George's County	53	59	67	55	39	43	47	88	94	123	109

*As of Nov. 23.

SOURCES: Area police departments.

D.C. Homicides, at 436, Set 3rd Straight Record

By Gabriel Escobar
Washington Post Staff Writer

A 17-year-old student and two other people were killed in the District yesterday, bringing the number of homicides in 1990 to 436—a record for the third consecutive year.

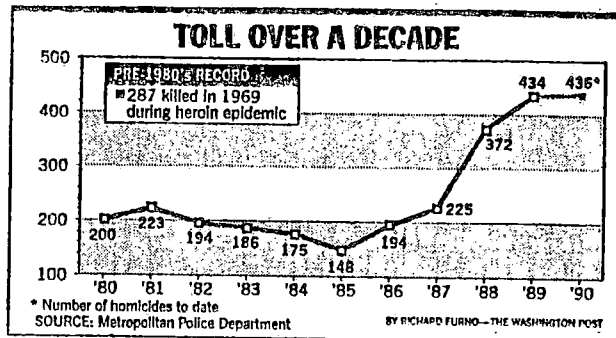
The upward spiral of violence that began in 1986 has now claimed 1,661 lives in the city.

The killings have continued to increase despite evidence that drug use in the city—the prime reason for the wave of intensified violence—is declining.

The proportion of slayings classified by police as drug-related has fallen from 66 percent in 1988 to 52 percent last year to 39 percent this year, according to police statistics.

The number of juveniles and adults testing positive for drug use after being arrested has dropped slightly in the last year.

All that makes the homicide record frustrating to police, especially



Chief Isaac Fulwood Jr., who has vowed to resign if the homicide rate doesn't decline.

"The community is still not angry enough about death and violence on the streets of Washington, D.C.," Fulwood said yesterday at a news conference to announce a new holiday police detail. "We have to get a lot more angry about young people being killed."

"People in this city love drugs.

There's no other way to describe it."

It is a theme Fulwood has sounded in the past, arguing that the police department alone cannot address what he calls society's skewed sense of values.

The violence of the last few years—which seemed to spin out of control about 1987, when the wave of crack cocaine hit Washington's streets—has had a profound and

lasting effect on a generation here. More than 400 of those killed this year have been black, the great majority male.

As of Wednesday, 63 juveniles had been charged with homicide, just two fewer than in 1989, and a sign that the number of young killers continues to be significant. It is a relatively recent phenomenon for police, who recorded 60 juvenile arrests for homicide between 1980 and 1987. The number of juvenile victims is down this year—28, compared with 40 for all of 1989.

"At the rate we're going, the next generation is going to be extinct," said Lt. Reginald Smith, a department spokesman.

Fulwood, who said he was saddened by the homicide record, stood by his vow that he would resign if the rate does not decline. He said he has not set a fixed date, but has expressed his views "briefly" to Mayor-Elect Sharon Pratt Dixon.

"You never set a deadline for yourself, but you always weigh what your options are," Fulwood said. "A

smart man does that, and I consider myself a smart man."

In this year alone, the department has added about 1,200 recruits. It has deployed more officers at night, when homicides generally occur, and recently formed a 100-member unit to combat street violence.

At the same time, a city sometimes referred to as the murder capital of the country saw Mayor Marion Barry convicted of cocaine possession, a wrenching spectacle that highlighted the destructive nature of drug addiction. There have been drug-related kidnappings and executions, a "mob-style" hit in which the victims' faces were bound in duct tape, a killing over a leather jacket and the beating death of an elderly widow. Weeks after his conviction, Barry was calling for the National Guard to work the streets—a proposal he later dropped.

Just why the number of homicides is up, said

See HOMICIDES, A8, Col. 1



The community is still not angry enough about death and violence on the streets of

Washington, D.C. ¶¶

— D.C. Police Chief Isaac Fulwood Jr.

OVER →

MATTER OF TECHNIQUE

TRENTON, N.J.—The Supreme Court of New Jersey has decided that the act of purse-snatching does not necessarily constitute robbery. Rather, it depends on how the purse is snatched.

Robbery, which carries more severe penalties than plain old theft, is legally defined as a crime in which the perpetrator inflicts injury, or otherwise uses force or the threat of force, while committing a theft.

In this particular case, Edythe Williams had just cashed a check in a convenience store and was on the way to her car when Francisco Sein grabbed her purse and ran off with it.

Sein was apprehended and later convicted of robbery. However, the state Supreme Court ordered that the original charge be changed to theft, a lesser crime.

The court, in overruling Sein's robbery conviction, said: "There was no evidence that the defendant used any force other than that required to slide the purse from beneath Mrs. Williams's arm."

So that guy grabbing your purse may be a robber or a thief; it all depends on how smooth he is.

—Charles Osgood, CBS

Why do we tolerate
abuses of justice
that let the innocent
suffer and wrongdoers
go unpunished?

CRIME & PUNISHMENT (U.S.A.)



A COMPILATION

CALL ABOUT FREEDOM

PHILADELPHIA—Shervonne Pryor was cleared of murder charges. But she seemed angry with herself for having to stand trial, accused of suffocating her two-year-old daughter, Lakeesha. "If I just would have kept my mouth shut, nobody

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would have known what had happened to Lakeesha," Pryor said.

The prosecution claimed that Pryor had told a social worker she put a pillow over Lakeesha's face because the child was crying. Dr. Robert Segal, the medical examiner, found that the little girl was plunged into a coma from which she never recovered. Pryor's three other children had been placed in foster homes.

Everything worked out all right for Pryor, though. Judge Lisa Richette said the evidence did not convince her beyond a reasonable doubt that murder had been committed. Pryor's lawyer had contended that testimony by Dr. Segal revealed that if Pryor had not admitted putting a pillow over the child's face, he would not have listed Lakeesha's death as a homicide.

"Shervonne Pryor has thumbed her nose at the court," said a frustrated prosecutor.

As for Pryor: "I am kind of glad the kids are gone," she told detectives. "Now I can go out and do what I want. It's all about freedom."

—Dave Racher in Philadelphia *Daily News*

PRISONER HEAL HIMSELF

KALAMAZOO, MICH.—A federal judge in Michigan issued a preliminary injunction ordering state prison officials to provide daily doses of estrogen to a male inmate who hopes one day to become a woman.

Marty Phillips, formerly employed as a female impersonator, is

currently serving a 20- to 40-year term for second-degree murder. Since age 17, Phillips has been trying to look more feminine through plastic surgery and estrogen therapy, hoping eventually to have a sex-change operation. He was receiving estrogen daily at one state prison, but a doctor at the Riverside Correctional Facility, where he was transferred in October 1988, refused to continue the treatment. In his order to resume the estrogen doses, U.S. District Judge Richard A. Enslen chastised the doctor for lacking "empathy for Marty Phillips's attempt to heal herself."

Phillips's lawsuit charging that the prison ignored his medical needs in violation of the Eighth Amendment's ban on cruel and unusual punishment was eventually dismissed. The doctor at his prison will not discuss whether Phillips is now receiving hormone therapy.

—Monica Powell in *Insight*

GOOD BOOK BANNED

YORK, PA.—The Supreme Court of Pennsylvania vacated a convicted murderer's death sentence, ordering a new sentence hearing, because the prosecutor quoted the Bible in closing arguments.

Karl S. Chambers, 28, was convicted of beating to death 70-year-old Anna Mae Morris while robbing her. The same jury that convicted Chambers agreed on the death penalty.

During the penalty phase of Chambers's trial, District Attorney

H. Stanley Rebert told the jury, "Karl Chambers has taken a life. As the Bible says, 'And the murderer shall be put to death.'"

Justice Nicholas P. Papadakos, writing for the state Supreme Court, warned prosecutors that they could be subject to disciplinary action if they cited the Bible or other religious works in support of a death penalty.

"Ludicrous!" Rebert called the high court's opinion. "I don't know of any God-fearing prosecutor that has not used some scriptural reference in arguing to a jury." —AP

A CLEAR MESSAGE

LOS ANGELES—After receiving complaints from neighbors that Eloise Kennon, 45, was dealing drugs, narcotics officers raided her home. Kennon, who had been selling PCP-laced cigarettes for more than eight months, was charged with maintaining a place to sell controlled substances and possession for sale of PCP—crimes that together carry a maximum of five years in prison.

Kennon had been arrested at least 16 times previously, including four times for possession of other dangerous drugs. She had done eight brief stints in jail, all before 1975.

"In order to send a loud and clear message," a probation officer wrote, "state prison is the only reasonable recommendation. Defendant is ineligible for probation."

But, after serving six months,

that is exactly what Kennon got. The district attorney's office, citing problems with evidence, allowed Kennon to plead guilty to possession, and the remaining charge was dropped.

Superior Court Judge J. D. Smith then sentenced her to six months in jail to be followed by five years' probation. He also ordered that Kennon undergo periodic drug testing and pay a \$100 fine.

After her release from jail, Kennon was arrested for violating probation. Smith sentenced her to two years in state prison and then immediately suspended the sentence.

—David Freed in Los Angeles Times

WRONG CHARGE

BARTOW, FLA.—Lee Curtis Davis, 48, sentenced to life for sexual battery (Florida's legal term for rape) of a 13-year-old girl with muscular dystrophy, walked free because his victim wasn't helpless enough.

The 2nd District Court of Appeal ruled that Davis was prosecuted under the wrong charge in his 1987 trial. Sexual battery of a physically helpless person—defined by statute as someone "asleep, unconscious or physically unable to communicate unwillingness"—did not apply because the victim screamed for help and tried to push away her assailant.

Ultimately, Davis was resentenced to one year in jail on two counts of misdemeanor battery. He was given credit for time served and released.

—Tampa Tribune

Study Puts Probationers' Rearrest Rate at 43%

A Justice Department study released yesterday found 43 percent of state felons sentenced to probation were rearrested within three years on a new felony charge.

More than a third of those rearrested were charged with a property offense, a third were charged with a drug offense, and a fifth were charged with a violent offense.

The researchers tracked 79,000 felons in 17 states who were sentenced to probation in 1986. The 53 percent of the offenders with a drug-abuse problem were more likely to be rearrested than the others, the study found. The researchers also found judges did not require drug testing or treatment for 42 percent of those known to have a drug problem.

"The probationer's compliance with special conditions of drug testing or treatment . . . does provide pos-

sible evidence of a lower likelihood of rearrest," the study says.

Robbers, burglars and those convicted of drug possession had the highest rearrest rates. Those sentenced to intensive supervision had a higher rearrest rate than those sentenced to routine supervision. Patrick A. Langan, one of two authors of the study, said that result was "not surprising" because judges use intensive probation programs for the more high-risk offenders.

A much smaller 1986 study by the Rand Corp. had similar findings. Of 511 prisoners sentenced to probation in California, 63 percent were rearrested within two years. Rand researchers have also found that offenders sentenced to intensive probation programs had a slightly higher rearrest rate than those sentenced to routine supervision.

WPost

TEN DEADLY MYTHS ABOUT CRIME AND PUNISHMENT IN THE U.S.

by Charles H. Logan & John J. DiIulio, Jr.

False ideas can have tragic consequences. For the last quarter-century, a network of anti-incarceration, pro-prisoner analysts, activists, lawyers, lobbyists, journalists, and judges has perpetuated a number of false ideas about crime and punishment in the U.S. For average law-abiding American citizens, if not for predatory street criminals and elite penal reformers, the consequences of these false ideas have been quite tragic indeed. As these ideas have been carved into federal, state, and local penal codes, they have succeeded in making it easier for the criminals to hit, rape, rob, burglarize, deal drugs, and murder with impunity. Worse, they have succeeded in concentrating such criminal mischief in economically distressed inner-city neighborhoods, inviting the criminal predators of these areas to repeatedly victimize their struggling underclass neighbors.

In this essay, we propose to identify and rebut ten deadly ideas about crime and punishment in the U.S. Before we do so, however, three cautions are in order.

First, we refer to these ideas as "myths."



In the *The American Heritage Dictionary*, myth is defined in four ways, including a "fiction or half-truth, especially one that forms part of the ideology of a society"; for example, "the myth of racial superiority." The false ideas about crime and punishment in the U.S. that we wish to challenge are myths in that sense. As we will

show, in some cases the ideas are flatly untrue; in other cases, they are more or less skillful, more or less well-publicized exaggerations of half-truths. But, in all cases, they are byproducts of an ideological vision in which punishing all save the most vicious chronic criminals is considered either morally illegitimate, or socially counterproductive, or both. For the purposes

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of the present essay we shall confine ourselves to the discussion of ten particular myths about crime and punishment in the U.S., driving our points through the gaping empirical and other holes in each of them, and suggesting what a truer, or at least a more balanced, vision of the realities in question might be.

Second, our list of ten is by no means exhaustive. There are other myths that could as easily come in for critical scrutiny, such as the myth that building new prisons encourages the courts to fill them up, while a moratorium on prison construction will prevent that outcome. Tempted though we are to try and clean up each and every myth, data availability, interpretive range, and space have limited us to rounding up the ten "worst offenders" below.

Third, we do not believe that most of those who have perpetrated these myths have done so with any sort of malicious intent. Instead, we believe that their intentions have been good, but that they have been blinded by ideology to the connection between the false ideas they have pushed, and the dire human and financial consequences that have resulted.

Myth One: *Crime in the U.S. is caused by poverty, chronic unemployment, and other socio-economic factors.*

Many academic criminologists, most of whom are sociologists, believe that capitalism produces pockets of poverty, inequality, and unemployment, which then foster crime. The solution, they believe, is government intervention to provide jobs, stimulate the economy, and reduce poverty and other social ills. There certainly is a correlation between the geography of crime and the geography of certain socio-economic factors, but to interpret the correlation as evidence that poverty causes crime is to get it just about backwards.

As James K. Stewart, former Director of

the National Institute of Justice, has pointed out, inner city areas where crime is rampant have tremendous potential for economic growth, given their infrastructure of railways, highways, electric power, water systems, and large supply of available labor.¹ There is every reason for these areas to be wealthy and, indeed, many of them have been rich in the past. But crime takes a terrible toll on physical, fiscal, and human capital, making it difficult to accumulate wealth and break out of the cycle of poverty. Criminals steal and destroy property, drive away customers and investors, reduce property values, and depreciate the quality of life in a neighborhood. Businesses close and working families move away, leaving behind a vacuum of opportunity. As Stewart says, crime "is the ultimate tax on enterprise.... The natural dynamic of the marketplace cannot assert itself when a local economy is regulated by crime."² What these areas need most from government is not economic intervention but physical protection and security. The struggling inner-city dwellers whom sociologist William Julius Wilson has dubbed "the truly disadvantaged" deserve greater protection from their truly deviant neighbors.

People who are poor, uneducated, unskilled, and unemployed may need and deserve help, but not because of their alleged propensity toward crime. In high crime urban areas, most poor people do not commit serious crimes. Fighting poverty and other problems only where, when, and because they are associated with crime would be an injustice to those who are neediest. It also would not succeed; that was the lesson of the 1960s and 70s, when the Great Society and its massive War on Poverty stemmed neither inner-city poverty nor crime.³

Economists, like sociologists, see a relation between economic conditions and crime, but the connection they make is much more straightforward. They see criminal behavior, like all behavior, as a rational response to in-

centives and opportunities. Statistical analyses have provided only mixed and limited evidence that levels of arrest and imprisonment may have deterrent effects, but as a matter of both theory and common sense, the belief that criminal behavior is responsive to reward and punishment has considerable strength.

Crime rates rose during the 60s and early 70s, then fell during the 80s. In contrast, imprisonment rates as a percentage of crimes fell during the 60s and early 70s, then rose during the 80s.⁴ A deterrence-minded economist looking at these mirrored trends would say that crime rose and fell in response to its expected cost in terms of punishment.⁵ An interpretation more favored by sociologists is that crime rose and fell as the "baby boom" cohort of young men in the population moved through their most crime-prone years. Economist Bruce Benson notes, however, that this "alternative" interpretation still requires some further explanation of why it is that young men are more prone to

commit crimes. He provides an economist's answer: the opportunity costs of crime are lower for this group than for others. "Wages for young people are low, and their unemployment is always substantially higher than for the older population. In addition, punishment for young criminals tends to be less severe, particularly for those under eighteen who are prosecuted as juveniles. Even for those over 18, punishment may be less severe in a relative sense."⁶

Myth Two: In the 1980s, the U.S. enacted all sorts of "get tough on crime" legislation and went on an incarceration binge.

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Prison populations have risen sharply over the last decade; that much is true. The myth is that this is due to an unprecedented and purely political wave of punitivity sweeping the nation, as epitomized by the War on Drugs and by legislative demands for longer and mandatory sentences. Several elements of this myth are shattered by a meticulous and authoritative article published recently in *Science* by Patrick A. Langan, a statistician at the Bureau of Justice Statistics.⁷

Langan examined the tremendous increase in state prison populations from 1973 to 1986. He determined that the growth was due to

increases in prison admissions, rather than to (alleged but nonexistent) increases in sentence length or time served. He estimated that about 20 percent of the growth in admissions could be accounted for by demographic shifts in age and race. Increases in crime were offset by decreases in the probability of arrest, with the result that combined changes in crime and arrest rates ac-

counted for only 9 percent of admissions growth. Increased drug arrests and imprisonments contributed only 8 percent.⁸ By far the strongest determinant, explaining 51% of growth in prison admissions, was an increase in the post-arrest probabilities of conviction and incarceration.⁹ Prosecutors convicted more felons, judges imposed more prison sentences, and more violators of probation or parole were sent or returned to prison. The data suggest that the system may have gotten more efficient but not harsher.

A column in the *Washington Post* captures well the form and spirit of the "imprisonment binge" myth.¹⁰ In "The Great American Lockup," Franklin E. Zimring, a professor of

law at Berkeley, claims that we are more punitive now than ever before in history, that the rising tide of imprisonment is a matter of overzealous policy rather than a response to need, and that we must come to our senses and reverse an essentially irrational imprisonment policy.

When Professor Zimring says that we are experiencing a "100-year peak in rates of imprisonment," he does not inform the reader that this is true only when you measure imprisonment on a crude per capita basis. If, however, you wish to describe the *punitivity* of our imprisonment rate, you need to measure the amount of imprisonment relative to the number of crimes for which people may be sent to prison. To get an even more complete measure of punitivity, you should multiply this probability of imprisonment by the length of time served. When just such an index is examined for all the years in which it is available, 1960 through 1986, it becomes clear that we have not been marching steadily forward to an all-time high in punitivity. Instead, this index of "expected days of imprisonment" fell steadily from its high in 1959 (93 days) to about one seventh of that figure in 1975 (14 days). From 1975 through 1986 it returned to about one-fifth (19 days) of its 1960 level.¹¹ Even if we ignore the factor of time served and look only at prison commitments divided by crimes, we see much the same pattern. In 1960 there were 62 prison commitments per 1,000 Uniform Crime Index offenses; that number fell to 23 in 1970, remained relatively stable during the 1970s, then climbed from 25 back to 62 between 1980 and 1989.¹²

Thus, when we look at imprisonment per crime rather than per capita, and over 30 rather than 10 years, we see that our punishment level is not rocketing to a new high but recovering from a plunge. The myth of the imprisonment binge requires that we focus only on punishment and not on crime, and that we ignore all

data prior to about 1980.

Myth Three: *Our prisons hold large numbers of petty offenders who should not be there.*

Tom Wicker, writing in the *New York Times*, asks: "Why does our nation spend such an exorbitant amount of money each year to warehouse petty criminals?"¹³ He takes his question, and its underlying assumption, from a study by the National Council on Crime and Delinquency (NCCD), which he summarizes as finding "that 80 percent of those going to prison are not serious or violent criminals but are guilty of low-level offenses: minor parole violations, property, drug and public disorder crimes." Neither Wicker's account nor the NCCD's own summary, however, is supported by the data.¹⁴

The NCCD study involved interviews with 154 incoming prisoners in three states.¹⁵ Based primarily on "facts" related by these new convicts, their crimes were classified as "petty," "medium serious," "serious," or "very serious." While the NCCD claims in its summary that the "vast majority of inmates are sentenced for petty crimes," we discover in the body of the report that "inmates" refers to just the entering cohort and not all inmates, that "vast majority" refers to 52.6 percent, and that "petty crimes" refers to acts that most Americans believe it is appropriate to punish by some period of incarceration.

Since more serious offenders receive longer sentences (and therefore accumulate in prison), the profile of incoming offenders differs significantly from that of the total population. The NCCD study is based on this distinction, but obscures it by referring always to "inmates," rather than "entering inmates."

A careful reader will find buried in the NCCD report sufficient information to calculate that 25.4 percent of the sample were men whose conviction offense was categorized by

the researchers as "petty" but who revealed to the interviewers that they were high rate offenders who were committed to a criminal lifestyle. If that fact was revealed also to the judge, in the form of a prior criminal record, it would have been a valid factor in sentencing. In any case, shouldn't these 25.4 percent have been added to the 47.4 percent whose crimes were in some degree "serious" (i.e., more than "petty")? Then the study would show that nearly three-quarters of new admissions are either serious or high-rate offenders. And that does not even count 21 percent of the sample who, while not identified as high rate offenders, were described as having been on a "crime spree" at the time of their commitment offense.

The major fallacy in the NCCD study, however, was in concluding that certain property crimes are "petty"—and therefore undeserving of punishment by imprisonment—merely because they score low on a scale of "offense severity" developed in 1978. For example, burglary of a home resulting in a loss of \$1,000 received a relatively low score on the severity scale, albeit higher than some descriptions of robbery, assault requiring medical treatment, bribery, auto theft for resale, embezzlement of \$1,000, and many other offenses. A severity score, however, does not tell us what punishment is proper for any particular crime. In a recent survey, an overwhelming majority (81 percent) of Americans said that some time in jail or prison was a proper punishment for a residential burglary with a \$1,000 loss. A clear majority (57 percent) thought jail or prison was appropriate even for a nonresidential burglary resulting in only a \$10 loss.¹⁶

What the American public seems to un-

derstand, but NCCD does not, is that it is not just the amount of money or other material harm that makes a property crime like burglary or robbery serious rather than petty. It is the breach of an individual's security and the violation of those rights (to property and person) that form the foundation of a free society. Moreover, the NCCD dichotomy of crimes into "serious" and "petty" omits several factors that are very important both legally and morally. These include the number of counts and the offender's prior record, both of which the law recognizes as legitimate criteria in determining the culpability of offenders and the gravity of their acts.

Comprehensive national data from the Bureau of Justice Statistics show that U.S. prison populations consist overwhelmingly of violent or repeat offenders, with little change in demographic or offense characteristics from 1979 to 1986.¹⁷ There may be individuals in prison who do not deserve to be there, and there may be some crimes now defined as

felonies that ought to be redefined as misdemeanors or decriminalized altogether (some would argue this for drug crimes). But most people now in prison are not what most of the public would regard as "petty" offenders.

Myth Four: Prisons are filthy, violence-ridden, and overcrowded human warehouses that function as schools of crime.

There are two popular and competing images of American prisons. In one image, all or most prisons are hell holes. In the other image, all or most prisons are country clubs. Each image fits some prisons. But the vast majority of prisons in the U.S. today are neither

*U. S. prison
populations
consist
overwhelmingly
of violent or
repeat offenders.*

hell holes nor country clubs. Instead, most American prisons do a pretty decent job of protecting inmates from each other, providing them with basic amenities (decent food, clean quarters, recreational equipment), offering them basic services (educational programs, work opportunities), and doing so in a way that ensures prisoners their basic constitutional and legal rights.

It is certainly true that most prison systems now hold more prisoners than they did a decade ago. The Federal Bureau of Prisons, for example, is operating at over 160 percent of its "design capacity," that is, federal prisons house 60 percent more prisoners than they were designed to hold. When the federal prison agency's current multi-billion dollar expansion program is completed, it will still house about 40 percent more inmates than its buildings were designed to hold. That is by no means an ideal picture, and much the same picture can indeed be painted for dozens of jurisdictions around the country.

Contrary to the popular lore and propaganda, however, the consequences of prison crowding vary widely both within and between prison systems, and in every careful empirical study of the subject, the widely-believed negative effects of crowding—violence, program disruption, health problems, and so on—are nowhere to be found. More broadly, several recent analyses have exploded the facile belief that contemporary prison conditions are unhealthy and harmful to inmates.

For example, in a study of over 180,000 housing units at 694 state prisons, the Bureau of Justice Statistics reported that the most overcrowded maximum-security prisons had a rate of homicide lower than that of moderately crowded prisons and about the same as that of prisons that were not crowded.¹⁸ By the same token, a recent review of the prison crowding literature rightly concluded that, "despite familiar claims that crowded prisons

have produced dramatic increases in prison violence, illness, and hostility, modern research has failed to establish any conclusive link between current prison spatial and social densities and these problems."¹⁹ Even more compelling was the conclusion reached in a recent and exhaustive survey of the empirical literatures bearing on the "pains of imprisonment." This conclusion is worth quoting at some length:

"To date, the incarceration literature has been very much influenced by a pains of imprisonment model. This model views imprisonment as psychologically harmful. However, the empirical data we reviewed question the validity of the view that imprisonment is universally painful. Solitary confinement, under limiting and humane conditions, long-term imprisonment, and short-term detention fail to show detrimental effects. From a physical health standpoint, inmates appear more healthy than their community counterparts."²⁰

Normally, those who for ideological or other reasons are inclined to paint a bleaker portrait of U.S. prison conditions than is justified by the facts respond to such evidence with countervailing anecdotes about a given prison or prison system. Perhaps because good news is no news, most media pundits lap up these unrepresentative prison horror stories and report on "powder keg conditions" behind bars. And when a prison riot occurs, it is now de rigueur for "experts" to ascribe the incident to "overcrowding" and other "underlying factors." For selfish and short-sighted reasons, some prison officials are all too willing to go along with the farce. It is easier for them to join in a Greek chorus about the evils of prison crowding than it is for them to admit that their own poor leadership and management were wholly or partially responsible for the trouble (as it so often is).

Indeed, recent comparative analyses of how different prison administrators have handled crowding and other problems under

like conditions suggests that the quality of life behind bars is mainly a function of how prisons are organized, led, and managed.²¹

Overwhelmingly, the evidence shows that crowded prisons can be safe and humane, while prisons with serious problems often suffered the same or worse problems before they were crowded. In short, the quality of prison life varies mainly according to the quality of prison management, and the quality of prison life in the U.S. today is generally quite good.

More specifically, contrary to the widely-influential "nothing works" school of prison-based criminal rehabilitation programs, correctional administrators in a number of jurisdictions have instituted a variety of programs that serve as effective management tools, and appear to increase the probability that prisoners who participate in them will go straight upon their release. Recent empirical studies indicate that prisoners who participate in certain types of drug abuse, counseling, and work-based programs may be less likely than otherwise comparable prisoners to return to prison once they return to the streets, as over 95 percent of all prisoners eventually do.²²

Unfortunately, the recent spate of analyses that support this encouraging conclusion remain empirically thin, technically complex, and highly speculative. Moreover, each of the successful programs embodies a type of highly compassionate yet no-nonsense management approach that may be easier to describe in print than to emulate in practice or export widely. But, taken together with the more general facts and findings mentioned above, these studies—and the simple reality that most of those released from prison never return there—re-

but the notion that most or all prisons in the U.S. are little better than crowded human warehouses that breed crime and other ills.

Myth Five: *The U.S. criminal justice system is shot through with racial discrimination.*

Most law-abiding Americans think that criminal sanctions are normally imposed on people who have been duly convicted of criminally violating the life, liberty, and property of their fellow citizens. Many critics, however, harbor a different, ostensibly more sophisticated view. They see prisons as instruments of

"social control." To them, America is an oppressive, racist society, and prisons are a none-too-subtle way of subjugating the nation's poor and minority populations. Thus are roughly one of every nine adult African-American males in this country now under some form of correctional supervision—in prison, in jail, on probation, or on parole. And thus in the "conservative"

The system now permits poor and minority citizens to be victimized readily and repeatedly.

1980s was this "net of social control" cast over nearly a quarter of young African-American males in many jurisdictions.

There are at least three reasons why such race-based understandings of the U.S. criminal justice system are highly suspect at best. First, once one controls for socio-economic and related factors, there is simply no empirical evidence to support the view that African-Americans, or the members of other racial and ethnic minorities in the U.S., are far more likely than Whites to be arrested, booked, indicted, fully prosecuted, convicted, be denied probation, incarcerated, disciplined while in custody (administrative segregation), or be denied furloughs or parole.

In one recent study, for example, the RAND Corporation found that "a defendant's racial or ethnic group bore little or no relationship to conviction rates, disposition times" and other adjudication outcomes in 14 large urban jurisdictions across the country.²³ Instead, the study found that such mundane factors as the amount of evidence against a defendant, and whether or not a credible eyewitness testified, were strongly related to outcomes. This study echoed the findings of several previous empirical analyses.²⁴

Second, the 1980s were many things, but they were not a time when the fraction of African-Americans behind prison bars skyrocketed. In a recent report, the Bureau of Justice Statistics revealed that the number of African-Americans as a percentage of the state prison population "has changed little since 1974; 47% in 1974, 48% in 1979, and 47% in 1986."²⁵ It is certainly true that the imprisonment rate for African-Americans has been, and continues to be, far higher than for Whites. For example, in 1986 the rate of admission to prison per 100,000 residential population was 342 for African-Americans and 63 for Whites.²⁶ But it is also true that crime rates are much higher for the former group than for the latter.

Finally, it is well-known that most crime committed by poor minority citizens is committed against poor minority citizens. The typical victims of predatory ghetto criminals are innocent ghetto dwellers and their children, not middle- or upper-class Whites.²⁷ For example, the best available data indicate that over 85 percent of single-offender crimes of violence committed by Blacks are committed against Blacks, while over 75% of such crimes committed by Whites are committed against Whites.²⁸ And if every credible opinion poll and victimization survey is to be believed, no group suffers more from violent street crime, "petty" thefts, and drug dealing, and no group is more eager to have courts, cops, and cor-

rections officials crack down on inner-city criminals, than the predominantly minority citizens of these communities themselves.

The U.S. criminal justice system, therefore, may be biased, but not in the way that elite, anti-incarceration penal reformers generally suppose. Relative to Whites and more affluent citizens generally, the system now permits poor and minority citizens to be victimized readily and repeatedly: The rich get richer, the poor get poorly protected against the criminals in their midst. The system is thus rigged in favor of those who advocate community-based alternatives to incarceration and other measures that return violent, repeat, and violent repeat offenders to poor, drug-ravaged, minority communities far from the elites' own well-protected homes, offices, and suites.

Myth Six: *Prisons in the U.S. are prohibitively expensive.*

Certainly, no sane citizen relishes spending public money on prisons and prisoners. A tax dollar spent to confine a criminal is a tax dollar not spent to house the homeless, educate the young, or assist the handicapped. There are many intrinsically rewarding civic ventures, but the imprisonment of wrongdoers is hardly at the top of anyone's list.

Nevertheless, it is morally myopic, and conceptually and empirically moronic, to argue that public money spent on prisons and prisoners is public money wasted. That, however, is precisely what legions of critics have argued.

To begin, nobody really knows how much the U.S. now spends each year to construct, renovate, administer, and finance prisons. Widely-cited estimates range from \$20 billion to over \$40 billion. Corrections expenditures by government have been growing rapidly of late; in New Jersey, for example, the corrections budget has increased five-fold since 1978, and corrections threatens to become the largest

single item in many state budgets. But viewed as a fraction of total government spending, in the 1980s the amount spent on corrections was trivial; for example, despite enormous growth in the Federal Bureau of Prisons, less than one penny of every federal dollar went to corrections. Just the same, estimating the costs of corrections in general, and of prisons in particular, is an exceedingly complex business to which competent analysts have given only scant attention.²⁹ Still, it is possible to get a conceptual and empirical handle on the financial costs and benefits of imprisonment in the U.S. today.

When critics assert that we are spending "too much" on imprisonment, we must ask "too much relative to what?" Is it the case, for example, that the marginal tax dollar invested in low-income housing, inner-city high schools, or programs for the disabled poor would yield a greater social benefit than the same dollar invested in constructing or administering new prison cells? The

heart says yes, but the answer is far from obvious. Meaningful benefit-cost analyses of such competing public purposes are hard to conduct, and great difficulties attend any serious effort to quantify and compare the costs and benefits of this versus that use of public money. It is somewhat easier, but still problematic, to ask what benefits we would forego if we did not use public money for a given purpose. For example, U.S. taxpayers now spend somewhere between \$14,000 and \$25,000 to keep a convicted criminal behind bars for a year. What would they lose if they chose instead to save their money, or apply it elsewhere, and allowed the criminals to remain on the streets rather than paying to keep them

behind bars?

At least one thing they would lose is personal and property protection against the criminals. In simplest terms, if the typical street criminal commits X crimes per year, then the benefit to society of locking him up is to be protected against the X crimes he would have done if he were free. Thus, if the typical offender committed only one petty property crime per year, then paying thousands and thousands of dollars to keep him confined would be a bad social investment. But if he committed a dozen serious property or violent crimes each year, then the social benefits of

keeping him imprisoned might well exceed the social costs of doing so.

Is imprisonment in the U.S. today worth the money spent on it? While critics assert that it is not, only a few serious efforts have been made to grapple with this question.³⁰ The first such effort was made in 1987 by National Institute of Justice economist Edwin W. Zedlewski.³¹ Zedlewski sur-

veyed cost data from several prison systems and estimated that the annual per prisoner cost of confinement was \$25,000. Using national crime data and the findings of criminal victimization surveys, he estimated that the typical offender commits 187 crimes per year, and that the typical crime exacts \$2,300 in property losses and/or in physical injuries and human suffering. Multiplying these two figures (187 times \$2,300), he calculated that, when on the streets, the typical imprisoned felon was responsible for \$430,000 in "social costs" each year. Dividing that figure by \$25,000 (his estimate of the annual per prisoner cost of confinement), he concluded that incarceration in prison has a benefit-cost ratio of just over 17. The

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implications were unequivocal. According to Zedlewski's analysis, putting 1,000 felons behind prison bars costs society \$25 million per year. But not putting these same felons behind prison bars costs society about \$430 million per year (187,000 crimes times \$2,300 per crime).

There were, however, some flaws in Zedlewski's study. For example, he used dated data from a RAND prisoner self-report survey of prison and jail inmates in Texas, Michigan, and California. The inmates in the survey averaged between 187 and 287 crimes per year, exclusive of drug deals. He opted for the lower bound of 187. But the same RAND survey also found that half the inmate population committed fewer than 15 crimes per year, so that the median number of crimes committed was 15. There are plenty of good analytical reasons for using the median rather than the average in a benefit-cost study of this type. Making this one adjustment (using 15 rather than 187 for the number of crimes averted through incapacitation of an offender) reduces the benefit cost-ratio to 1.38—still positive, but more credibly and realistically so.

Last December one of us published a report on corrections in Wisconsin that featured an analysis of the benefits and costs of imprisonment.³² The analysis was based on one of the largest and most recent scientific prisoner self-report surveys of inmates in a single system ever conducted. Among a host of other interesting results, the survey indicated that the prisoners committed an average of 141 crimes per year, exclusive of drug deals. The median figure was 12. Using the median to calculate, the study estimated the benefit-cost ratio to be 1.97.

In an attempt to satisfy the more reasonable critics, the Wisconsin data were reanalyzed and the results of the reanalysis were published in a recent edition of *The Brookings Review*, journal of The Brookings Institution.³³ But even after factoring in a host of assumptions that

would be likely to deflate the benefits of imprisonment, the study reported a benefit-cost ratio of 1.84. This does not prove that "prison pays"; indeed, the Brookings study suggested that, for the lowest-level offenders, imprisonment probably is not a good social investment. But it does indicate that the net social benefits of imprisonment could well meet or exceed the costs.

At a minimum, the studies discussed above cast grave doubts over the notion that prisons clearly "cost too much," either in absolute terms or relative to alternate uses of the public monies that now go to build and administer penal facilities. What we simply do not know at this point is whether any given alternative to incarceration yields as much relative to costs as imprisonment apparently does. Recent studies have put question marks over several strictly supervised community-based correctional programs that might well represent a better investment than imprisonment for certain categories of low-level offenders.³⁴ Still, further research on the costs and benefits of imprisonment and other correctional sanctions is badly needed.

Myth Seven: Interventions by activist judges have improved prison and jail conditions.

In 1970, not a single prison or jail system in America was operating under judicial orders to change and improve. For most of our legal and constitutional history, prisoners were "slaves of the state," and judges followed the "hands-off" doctrine by normally deferring to the policies and practices of legislators and duly appointed corrections officials.

Today, however, over three dozen correctional agencies are operating under "conditions of confinement" court orders; many have class action suits in progress or population limits set by the courts; and several have court-

mandated early release programs that put dangerous felons right back on the streets before they have served even one-tenth of their sentences in confinement. Despite the proliferation of Reagan- and Bush-appointed judges on the federal bench, activist federal judges continue to be the sovereigns of the nation's cellblocks, issuing directives on a wide range of issues, including health care services, staff training procedures, sanitation standards, food services, and the constitutionality of conditions "in their totality." Indeed, in some prison systems, the texts of court orders and consent decrees are now used as staff training manuals and inmate rulebooks, and everything from inmate disciplinary hearings to the exact temperature of the meat served to prisoners at supper is governed by judicial fiat.

There are at least three general points that can be safely made about the course and consequences of judicial intervention into prisons and jails. First, especially in the South, but in many jurisdictions outside the South as well, judicial involvement has substantially raised the costs of building and administering penal facilities.³⁵ Second, many of the most significant expansions in prisoners' rights, and most of the actual improvements in institutional conditions, made over the last two decades were conceived and implemented by professional correctional administrators, not coerced or engineered by activist judges.³⁶ Third, in the small but significant fraction of interventions that have succeeded at a reasonable human and financial cost, judges have proceeded incrementally rather than issuing all-encompassing decrees. In conjunction, they have vacated the serenity of their chambers for the cellblocks to get a first-hand understand-

ing of things, working with and through the professionals who must ultimately translate their orders into action, rather than relying solely on self-interested special masters and neatly-typed depositions.³⁷

Even taking into account the human and financial accidents caused by judges driving at breakneck activist speed through the intersection of corrections and the Constitution, the net of judicial involvement in this area is arguably positive. But there is at least as much evidence here for the thesis, articulated well by Nathan Glazer, Lon Fuller, and other scholars, that judges should limit themselves to doing what

they are schooled to do; namely, to gather and weigh legal evidence, to analyze factual and legal issues, and to apply precedent standards in resolving disputes between parties.³⁸ At most, the idea that activist judges have helped to make prisons and jails more safe and humane is a half-truth.

The Sentencing Project recommends racial quotas in the distribution of criminal justice.

Myth Eight: *The United States has the most punitive criminal justice system in the world.*

Over a decade ago, the National Council on Crime and Delinquency foisted on the media a statistic it produced in a 1979 report: in terms of severity of punishment, as measured by the number of prisoners per capita, only two countries in the world—the Soviet Union and South Africa—were more ruthlessly repressive than the United States. The media have been parroting this claim ever since, never asking the NCCD why they were so willing to accept Soviet figures at face value, nor why they did not include the four or five million prisoners held captive in the forced labor camps that have been indispensable to the Soviet

economy.³⁹

Well, maybe a sloppy attitude toward data didn't matter before; we merely would have been a more distant third. But now the NCCD, the Soviets, and the South Africans have all been trumped. According to The Sentencing Project, a Washington-based research group, the U.S. has moved into first place, with 426 prison and jail inmates per 100,000 population, compared to 333 in South Africa and 268 in the Soviet Union.⁴⁰ The media, including commentators as diverse as Tom Wicker and William Raspberry, have reacted just as uncritically to the new figures as they did to the old ones.

While gullibility toward Soviet statistics is the most glaring, it is not the most fatal flaw in this comparison, which also shows American incarceration rates to be much higher than, say, those of European countries, for which we have more reliable figures. The fatal flaw is very simple and very obvious: to interpret incarceration as a measure of the punitivity of a society, you have to divide, not by the population size, but by the number of crimes.

More competent comparative studies have discovered that when you control for rates of serious crime, the difference between the United States and other countries largely, and for some crimes completely, disappears.⁴¹ For example, after controlling for crime rate and adjusting for differences in charge reduction between arrest and imprisonment, the U.S. in the early 1980s had an imprisonment rate virtually identical to Canada and England for theft, fell between those two countries in the case of burglary, and lagged well behind each of the others in imprisonments for robbery.⁴²

In addition to the myth of the U.S. as the world's most punitive nation, the Sentencing Project perpetuates in its report several of the other myths we discuss in this essay. It notes that African-American males are locked up at a rate four times greater than their counterparts in South Africa. A fleeting reference to

the very high crime rate among Black males is immediately buried in an avalanche of references to root causes; poverty, diminished opportunities, the gap between rich and poor, and the failure of schools, health care, and other social institutions—all wrapped up as "the cumulative effect of American policies regarding Black males." The report calls for increased spending on supposed "prevention policies and services" such as education, housing, health care, and programs to generate employment. In a truly wacky expression of faith in social engineering, the report urges the General Accounting Office "to determine the relative influence of a range of social and economic factors on crime."

Most of all, the Sentencing Project advocates the expanded use of alternatives to incarceration, but with a unique twist: they recommend racial quotas in the distribution of criminal justice. Independent of any preceding reduction in criminal behavior, the "Justice Department should encourage the development of programs and sanctions designed specifically to reduce the disproportionate incarceration rate of African-American males."⁴³ The Sentencing Project endorses the language of one such program designed to reduce the incarceration "of ethnic and minority groups where such proportion exceeds the proportion such groups represent in the general population." Methods recommended for such reduction include diversion from prosecution, intensive probation, alternative sentencing, and parole release planning, among others.

That crime rates are very high in this country, particularly among Black males, is an unhappy fact. When that fact is taken into account, it exposes as a myth the argument that we are excessively punitive, relative to other countries, in our imposition of imprisonment. A related myth is that we have failed to consider sanctions other than incarceration.

Myth Nine: We don't make enough use of alternatives to incarceration.

According to this myth, we could reduce prison crowding, avoid new construction, and cut our annual operating costs if we would just take greater advantage of intensive probation, fines, electronic monitoring, community service, boot camps, wilderness programs, and placement in nonsecure settings like halfway houses.

It is important to distinguish the myth of a supposed need for "alternative" sanctions from the more valid assertion of a need for "intermediate" sanctions. Norval Morris and Michael Tonry, among others, argue that, for the sake of doing justice and achieving proportionality between crime and punishment, we need a greater variety of dispositions that are intermediate in punitivity between imprisonment and simple probation.⁴⁴ Most people will find that argument perfectly sensible, even if they disagree about what crimes deserve which intermediate punishments.

The myth that we need more sanctions to use as *alternatives* to imprisonment is based on the false premise that we do not already make the maximum feasible use of *existing* alternatives to imprisonment. Consider, however, the following figures for the most recent available years:⁴⁵

2,356,486 (63%)	on probation
407,977 (11%)	on parole
771,243 (21%)	in state and federal prisons
195,661 (5%)	in jails, post-convicted
3,731,367 (100%)	Total

It is true that about two-thirds of convicted felons are sentenced to at least some period of incarceration.⁴⁶ (A felony, by definition, is punishable by a year or more in prison.) However, at any time after sentencing and prior to final discharge from the criminal justice system, the great majority of those under correctional supervision (74 percent in the figures above) will be in the community and not incarcerated. In other words, they will be experiencing an "alternative sanction" for at least some part of their sentence.

If one-third of convicted felons receive no incarceration at all, and three-quarters receive

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at least some time on probation or parole, how much room is left for expanding the use of alternatives to imprisonment? Some, perhaps, but probably not much, especially if you look at offenders' prior records when searching for additional convicts to divert or remove from prison. Two-thirds of inmates currently in state prisons were given probation as an alternative sanc-

tion one or more times on prior convictions, and over 80 percent have had prior convictions resulting in either probation or incarceration.⁴⁷ After how many failures for a given offender do we say that alternatives to imprisonment have been exhausted?

In sum, the idea that we have not given alternatives to imprisonment a fair chance is a myth. Any day of the week you will find three times as many convicts under alternative supervision as you will find under the watchful eye of a warden. And most of those in the warden's custody probably are there at least partly because they did not do well under some prior alternative.

Myth Ten: *Punishment is bad.*

Underlying all the myths we have discussed so far, and motivating people to believe them, is the biggest myth of all: that punishment itself is inherently wrong. It is largely because they are opposed to punishment generally and to imprisonment in particular that many people argue so strongly that we must address the root causes of crime, that our criminal justice system discriminates, that we are overly punitive and haven't considered alternatives, that prisons are too costly and overcrowded, and that we must look to the courts for reform.

The "Big Myth" is that punishment has no value in itself; that it is intrinsically evil, and can be justified as a necessary evil only if it can be shown to be instrumental in achieving some overriding value, such as social order. Even retributivists, who argue that the primary purpose of the criminal sanction is to do justice by imposing deserved punishment (rather than to control crime through such strategies as rehabilitation, deterrence, or incapacitation), can find themselves caught up in utilitarian terminology when they speak of the "purpose"—rather than the "value"—of punishment.

Andrew von Hirsch provides the major contemporary statement of the justice model in his book, *Doing Justice*.⁴⁸ Following Immanuel Kant, von Hirsch calls for penal sanctions on moral grounds, as the "just deserts" for criminally blameworthy conduct. Unlike Kant, however, von Hirsch sees deservedness only as necessary, but not sufficient, to justify punishment. There is supposedly a "countervailing moral consideration"—specifically, "the principle of not deliberately causing human suffering where it can possibly be avoided."⁴⁹ Accepting this principle, von Hirsch argues that for punishment to be justified, it must also be shown to have a deterrent effect. A utilitar-

ian element has been added.

Von Hirsch's compromise is internally inconsistent, and this is weaker than a purely retributivist justification. The principle that punishment for wrongdoing is deserved, and the principle against all avoidable suffering, are logically incompatible. To say that *some* suffering (i.e. punishment) is deserved is to say that we do *not* believe that *all* avoidable infliction of pain *should* be avoided. The justice model is stronger when the utilitarian requirement of deterrence is dropped.⁵⁰

The best defense of punishment is not that it upholds the social order, but that it affirms important moral and cultural values.⁵¹ Legal punishment is a legitimate and, if properly defined and administered, even a noble aspect of our culture. Imprisonment, in order to be respectable, does not need to be defined as "corrections," or as "treatment," or as "education," or as "protection of society," or as any other instrumental activity that an army of critics will forever claim to be a failure.

We must reject the false dichotomy between punishment and "humanitarianism." It is precisely within the context of punishment that humanistic concepts are most relevant. Principled and fair punishment for wrongdoing treats individuals as persons and as human beings, rather than as objects. Punishment is an affirmation of the autonomy, responsibility, and dignity of the individual.

Punishment in the abstract is morally neutral. When applied in specific instances and in particular forms—including imprisonment—its morality will depend on whether or not it is deserved, justly imposed, and proportionate to the wrongfulness of the crime. Where these conditions are met, punishment will not be a necessary evil, tolerable on utilitarian grounds only when held to the minimum "effective" level. Rather, under those conditions, it will have positive moral value.

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- 2 *Ibid.*
- 3 See Charles Murray, *Losing Ground: American Social Policy, 1950-1980* (New York: Basic Books, 1984); and James Q. Wilson, *Thinking about Crime* (New York: Basic Books, 1975).
- 4 See Myth Two, below.
- 5 Morgan Reynolds, *Crime in Texas*, NCPA Policy Report No. 102 (Dallas: National Center for Policy Analysis, February, 1991).
- 6 Bruce Benson, *The Enterprise of Law: Justice without the State* (San Francisco: Pacific Research Institute, 1990), p. 258.
- 7 Patrick A. Langan, "America's Soaring Prison Population," *Science*, March 29, 1991, Vol. 251, pp. 1568-1573.
- 8 The war on drugs probably had a greater effect on state prisons after 1984 and undoubtedly has had a great effect on federal prisons, where over half of last year's admissions were for drug offenses.
- 9 *Ibid.*, p. 1572.
- 10 Franklin E. Zimring, "The Great American Lockup," *The Washington Post*, February 28, 1991.
- 11 Mark Kleiman et al., *Imprisonment-to-Offense Ratios* (Washington, D.C.: Bureau of Justice Statistics Report, November 1988), p. 21; we are using his figures without adjustment for under-reporting by the UCR, since that adjustment is only possible from 1973 on.
- 12 Robyn L. Cohen, *Prisoners in 1990* (Washington, D.C.: Bureau of Justice Statistics, 1991), p. 7.
- 13 Tom Wicker, "The Punitive Society," *The New York Times*, January 12, 1991, section 1, p. 25.
- 14 James Austin and John Irwin, *Who Goes to Prison?* (San Francisco: National Council on Crime and Delinquency, 1990). The discussion here draws on Charles H. Logan, "Who Really Goes to Prison?" *Federal Prisons Journal*, Summer, 1991, pp. 57-59.
- 15 See Logan, op. cit., for a critique of the study's methodology, including the sample.
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- 17 Christopher A. Innes, *Profile of State Prison Inmates, 1986* (Washington, D.C.: Bureau of Justice Statistics Special Report, 1988).
- 18 Christopher A. Innes, *Population Density in State Prisons* (Washington, D.C.: Bureau of Justice Statistics, December, 1986).
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- 20 James Bonta and Paul Gendreau, "Reexamining the Cruel and Unusual Punishment of Prison Life," *Law and Human Behavior*, Volume 14 (1990), p. 365.
- 21 For example, see Bert Useem and Peter Kimball, *States of Siege: U.S. Prison Riots, 1971-1986* (New York: Oxford University Press, 1989), and John J. DiIulio, Jr., *Governing Prisons: A Comparative Study of Correctional Management* (New York: Free Press, 1987).
- 22 For an overview, see DiIulio, *No Escape*, *ibid.*, chapter 3.
- 23 Stephen P. Klein et al., *Predicting Criminal Justice Outcomes: What Matters?* (Santa Monica, CA: RAND Corp., 1991), p. ix.
- 24 For example, see Stephen Klein et al., "Race and Imprisonment Decisions in California," *Science*, volume 247, February, 1990, pp. 769-792.
- 25 Patrick A. Langan, *Race of Prisoners Admitted to State and Federal Institutions, 1926-86* (Washington, D.C.: Bureau of Justice Statistics, May 1991), p. 8.
- 26 *Ibid.*, p. 7.
- 27 See Stewart, op. cit., and DiIulio, "Underclass," op. cit.
- 28 Joan Johnson et al., *Criminal Victimization in the United States, 1988* (Washington, D.C.: Bureau of Justice Statistics, December 1990), p. 48.
- 29 For a good overview, see Douglas C. McDonald, *The Cost of Corrections: In Search of the Bottom Line* (Washington, D.C.: National Institute of Corrections Research in Corrections Report, February 1989).
- 30 In addition to the efforts to be described in the remainder of this section, see the following: David P. Kavanaugh and Mark A.R. Kleiman, *Cost-Benefit Analysis of Prison Cell Construction and Alternative Sanctions* (Cambridge, MA: Biotech Analysis Corp., June 1990); Tara Gray et al., "Using Cost-Benefit Analysis to Evaluate Correctional Sentences," *Evaluation Review*, Volume 15 (August 1991), pp. 471-481; and Peter W. Greenwood et al., *The RAND Intermediate-Sanction Cost Estimation Model* (Santa Monica, CA: RAND Corp., September 1989).
- 31 Edwin W. Zedlewski, *Making Confinement Decisions* (Washington, D.C.: National Institute of Justice Research in Brief, 1987). The material in the remainder of this section is adapted from John J. DiIulio, Jr., *Crime and Punishment in Wisconsin: A Survey of Prisoners* (Milwaukee, WI: Wisconsin Policy Research Institute, December 1990), and John J. DiIulio, Jr. and Anne Morrison Piehl, "Does Prison Pay?," *The Brookings Review*, Fall 1991.
- 32 See DiIulio, *Crime and Punishment*, op. cit.
- 33 DiIulio and Piehl, op. cit.
- 34 For example, see Joan Petersilia and Susan Turner, *Intensive Supervision for High-Risk Probationers: Findings from Three California Experiments* (Santa Monica, CA: RAND Corp., December 1990).
- 35 Malcolm M. Feeley, "The Significance of Prison Corrections Cases: Budgets and Regions," *Law and Society Review* (1990).
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BLIND TO THE RECORD

CHESTER, VA.—Everett Lee Mueller was arrested last February and charged with killing ten-year-old Charity A. Powers, a blond, blue-eyed fifth-grader whose body was found in a shallow grave. As it turns out, the accused has a history of unprovoked attacks on females.

In March 1972 Mueller was charged with attempting to kidnap a young Riverside, Calif., woman at knife-point. He pleaded guilty to re-

duced charges of disturbing the peace and panhandling.

Less than a month later, Mueller was charged again in Riverside with kidnapping and rape in two separate attacks. In exchange for his plea of guilty to one count of rape, the remaining three charges were dismissed.

Declared a "mentally disordered sex offender," Mueller was committed to a psychiatric hospital. He was discharged after 23 months and placed on five years' probation. Within six months, however, a judge ruled that Mueller had violated his probation terms and ordered him arrested. The warrant was never served.

In July 1976, Mueller was charged with the knife-point rape of an 18-year-old Richmond, Va.,

Why do we tolerate abuses
of justice that let
the innocent suffer and
the guilty go free?

CRIME & PUNISHMENT (U.S.A.)



A COMPILATION

woman. He was sentenced to 40 years in prison, with 20 years suspended. Mueller was released on mandatory parole on February 23, 1988. Later, according to court testimony, Mueller admitted to raping and murdering little Charity Powers.

—Mark Bowes in Richmond
News Leader

talons while in flight, they swirled toward the ground. At the last moment they released themselves, squawking wildly like children on a roller coaster.

During the first week of August, the fledglings began to hunt, and as the month progressed they slowly began to spend time apart. Only at night did the brothers' dependence on each other still show. Albert would not sleep alone. He would drop everything at dusk to find Leopold. The two young peregrines would sit close together under the stars, waiting for Arthur to come home.

In the third week of August, Bold Leopold, always the one to take the initiative, left Chimney Rock to begin his arduous winter migration to Mexico. I wondered how Albert, who showed no intention of budging, felt about Leopold's desertion. In the evenings, perched close to home, he seemed to be waiting for his brother. Eventually even Albert, the late bloomer, left home.

I had to leave for winter too. As I slowly walked down the mountainside, the barren face of Chim-

ney Rock was washed russet by the mid-September sunset. In the distance I heard Arthur's cry. I knew that as long as he lived he would return to this place. The male peregrine's love of his cliff is the strongest bond in his life, even greater than the attachment to his mate.

I realized I cherished what the sight of the falcons did for my spirit. The peregrine is God's creature, and by understanding its beauty and function I appreciated more and more my own Creator.

THE FOLLOWING SPRING, Arthur came home to the aerie with a new mate. I named her Lady, and she remained with him for the next four nesting seasons.

One year Arthur and Lady did not return to Chimney Rock, and the aerie has remained uninhabited. In recent years, observers have reported seeing peregrines circling high above the mesa. The birds do not light, apparently trying to make up their minds. They may yet decide to nest on Chimney Rock.

I like to believe they may be Arthur's descendants.

Buffaloed!

How do you get a buffalo to attack an actor without endangering either? By using stunt buffaloes, says Jim Wilson, Kevin Costner's co-producer on *Dances With Wolves*. One such creature named Cody has a fondness for Oreos, which made him a natural for the scene where a buffalo charges an Indian youth. Although it looks as if Cody is headed straight for the young boy, the burly bison was in fact charging a pile of cookies.

—Yardena Arar in *Chicago Tribune*

DEADLY ROUTINE

BROOKLYN, N.Y.—On March 29, 1990, a grand jury indicted Douglas Latta, a 48-year-old handyman, on charges of raping, sodomizing and sexually abusing his common-law wife, Carethey Lamb. But a week elapsed between the grand jury's vote and the district attorney's filing of charges.

"Routine procedure," said Patrick Clark, a spokesman for Brooklyn D.A. Charles Hynes. When something was done, on April 5, it was a day too late. Lamb was dead of multiple stab wounds—after naming Latta as her attacker.

Clark claims quicker action would not have put Latta behind bars before he allegedly killed his wife. That's because he had been arrested on the rape, sodomy and sexual-abuse charges—and freed by Brooklyn Criminal Court Judge Albert Koch on his own recognizance.

Koch also granted Lamb an order of protection against her husband. She died with that order in her pocket.

Finally, on November 1, 1990, police located Latta and closed in on the apartment where he was staying. When they entered, they found he had just hanged himself.

—Marsha Kranes and Kieran Crowley
in *New York Post*

LICENSE TO DEAL

ANNAPOLIS, MD.—Reginald G. Benbow, serving a ten-year prison sentence after he was caught speed-

ing with more than \$3000 worth of cocaine in his car, was set free by the Maryland Court of Appeals.

Stopped by state police, who clocked his BMW at 93 miles per hour, Benbow told Trooper Kevin Welkner that he had lost his Maryland driver's license. When Welkner checked, he learned Benbow had a suspended Virginia license.

He arrested Benbow for driving with the suspended license, frisked him and found \$2279 in cash and a beeper. Later Welkner searched Benbow's car and discovered 29.4 grams of cocaine and traces of marijuana—enough to get a conviction for possession with intent to distribute.

But the appeals court ruled Trooper Welkner had no reason to arrest Benbow. Why? He had a valid Maryland license. Hence, concluded the court, there was no legal reason to search the car, and the drugs and money therefore could not be used as evidence.

Although Benbow broke the law by speeding and failing to produce his license for police, he could only be ticketed—not arrested—for those offenses under Maryland law.

—Joel McCord in *Baltimore Sun*

VICTIM'S OUTRAGE

BOSTON—Paul Nee, owner of a small variety store, wanted nothing less than a jail term for the thief who stole \$170 from his cash register.

Nee got his wish, but then had it snatched from him. After the thief, Paul Cipoletta, was convicted by a

READER'S DIGEST

Dorchester District Court judge and given a year in jail, he demanded a jury trial at Boston Municipal Court. That delayed his case for two years, postponing the trial 17 times before eight different judges.

Then Cipoletta's lawyer struck a deal. Cipoletta pleaded guilty, and Judge Walter J. Hurley sentenced him to probation rather than jail time.

When Hurley announced this, he berated Cipoletta: "You get in trouble the next year, I'll send you to jail!"

The scolding rang hollow. After all, Hurley had access to records showing that Cipoletta, while his case was delayed, had been charged with several other break-ins. Nonetheless, he was a free man.

"He admitted to it, and they let him go!" said an outraged Nee. "There's no justice."

That's the way it works at Boston Municipal Court.

—Patricia Wen in *Boston Globe*

DON'T PRESUME JUSTICE

BOCA RATON, FLA.—A 43-year-old man who raped his young daughter probably will serve less than five years in prison—rather than 25—because his attorney found a loophole.

The man, not identified to pre-

serve his daughter's anonymity, was convicted of rape in Palm Beach County Circuit Court. The daughter testified that her father raped her in 1989 when she was 11, forced her to perform oral sex and on numerous occasions made her view his pornographic magazines.

In Florida a man older than 17 who rapes a child under 12 gets an automatic life term with no parole for 25 years. But sentencing guidelines for defendants under 18 with no criminal record establish a maximum term of 12 years.

After the jury found the man guilty, defense attorney Jack Fleischman argued that his client was eligible for the more lenient sentence. Reason: the verdict form—the paper jurors fill out in deliberations—did not specifically ask them to make a finding that the defendant was over 17.

So Judge James Carlisle sentenced the man to nine years in prison. He likely will go free in less than five. "The man was obviously more than 17 years old," Carlisle conceded. "But you can't just presume that."

The case is being appealed. The defense is appealing the conviction, and the prosecution is appealing the sentence.

—David Zeman in *Miami Herald*

SEN. PHIL GRAMM: "Balancing the budget is like going to heaven. Everybody wants to do it. They just don't want to do what you have to do to make the trip."

—Quoted by David E. Rosenbaum in *New York Times*

Serving Time or Serving Tennis

Defense Lawyers Offer Tips on Getting Clients Into 'Club Fed'

By Tracy Thompson
Washington Post Staff Writer

Tears used to work. Packing the courtroom with relatives, preferably babies, could be effective. At the least, someone being sentenced for a federal crime once was able to make a subtle plea for mercy by wearing nice clothes to court and looking very, very sorry.

Times have changed. Today, as more people accused of federal crimes are going to prison for longer terms, one sign of the times is contained in the current issue of the *Champion*, a magazine for defense lawyers.

"How to Get Your Client Into Club Fed," it reads—more evidence that, for many, the question no longer is, "Can I avoid prison?" but "Can I get the top bunk?"

The "where" question is vital. If the answer is the Atlanta Federal Penitentiary, the prisoner will enter a grim 19th-century edifice and find triple tiers of barred cells stacked like rabbit hutches. But federal prison also can mean relatively genteel work camps with tennis courts instead of fences, dormitories, quiet libraries and the opportunity for college course work.

There is no question that the chances of ending up in a federal prison have increased. There are approximately 60,000 inmates in federal prison today, up 10 percent from 1989, according to the Bureau of Prisons. The current ratio of 274 inmates per 100,000 population is a record high, a trend fueled by the drug crisis and an emphasis on federal drug prosecutions.

Moreover, a recent study in the *Georgetown Criminal Law Review* of 800 cases in the Midwest concludes that sentences, on average, are more than twice as long as those imposed before sentencing guidelines came into widespread use in 1989.

The guidelines are the single most important reason for the change in sentencing because they reduce judicial discretion. Instead of listening to character witnesses and tearful pleas, judges now must calculate prison terms using a formula that measures things such as the severity of the crime and even the gram weight of the narcotics seized in drug cases.

post-conviction experts with offices in Alexandria, Mill Valley, Calif., and Philadelphia.

But, they add, don't get your hopes up: "We can count on the fingers of one hand the number of times we've been able to have that happen."

More common, Dunne said, is for lawyers to ask the judge to jot down a recommendation in the paperwork that goes to the bureau. Though every federal prison these days is crowded—the system is running at 163 percent of capacity—Dunne said the bureau makes an effort to take the judge's recommendation into account.

In drug prosecutions, which make up the bulk of the criminal cases tried in federal court here, prison time, and thus prison placement, is directly affected by the amount of drugs involved in the case—and not just the amount of which the defendant is formally found guilty, either.

A part of the sentencing guidelines called "related conduct" allows the judge to consider criminal conduct beyond what's contained in the actual criminal charge. Prison time—and prison assignments—can change accordingly.

With fewer options for keeping clients out of prison or reducing their sentences, defense lawyers still can make themselves useful, the *Champion* article said. But, it added, lawyers are finding "very little guidance" in trying to help clients with "the other side of the confinement equation," a euphemism for what joint lies ahead.

The options are summarized in a volume published by the Bureau of Prisons titled "Facilities 1991." A sort of Michelin guide to the 67-institution federal prison system, it describes the accommodations at each facility, from the minimum-security camp at Petersburg, Va., temporary home of former D.C. mayor Marion Barry, to the maximum security prison at Marion, Ill.

Unlike the usual travel guide, however, *Facilities 1991* makes no effort at hype. Bureau spokesman Dan Dunne said that is intentional, since the bureau is sensitive on this topic.

R. Kenneth Mundy, the lawyer who represented Barry on charges of cocaine possession and perjury, always checks the government's lab reports on drugs "to make sure they're not jacking up the quantity."

Local defense lawyer G. Allen Dale never lets his clients talk to a probation officer alone.

"The probation officer might just say, 'Tell me what happened.' The guy is charged with [possessing] 10 grams, and that's all government knows about," Dale said. "Then the defendant says, 'I started a couple of years ago, and I've probably sold a couple of kilos.' They include that in 'related conduct.'"

No matter what kind of crime someone is charged with, however, lawyers still can help steer their client toward one prison or away from another by manipulating the Bureau of Prison's point system.

It works like golf: The lower the score, the better. The bureau awards points to inmates according to things such as what crime they committed and whether they have a history of violence or escape, then subtracts points based on other things, such as whether the judge

allowed the defendant to go free or bond pending trial.

"The trick is to try to get as many of those [minus] points as possible," said A.J. Kramer, head of the Federal Public Defender's office here. The "biggie," Kramer said, is talking a judge into letting defendants go home to put their affairs in order before reporting to prison on their own.

"The single biggest point [subtraction] is for voluntary surrender," Kramer said. "You get minus six for that."

As a last resort for the hapless client who has managed to pain himself into a corner, Mundy said lawyers can find out if there's a medical problem. If it's psychiatric for example, they might be able to steer the client to a place such as the medium-security prison at Butner, N.C., which offers an inpatient psychiatric hospital. It also lets inmates take college courses available through that state's well-regarded public university system.

While prosecutors generally like the new sentencing system because it minimizes sentencing disparities and punishes lawbreakers more harshly, many defense lawyers and judges get nostalgic for the days when tears—and sometimes even true contrition—could affect the outcome.

Sentencings "had a human element then," Kramer sighed. "Those were the good old days."

"The bureau is interested in dispelling the Club Fed myth," Dunne said. Even though some prisons are better than others, the fact is they are all prisons, he said, "and they all involve the loss of freedom."

Where a person will wind up already is largely determined by the time of arrest or arraignment. The basis for prison assignments is sentence length, which, in turn, is pegged to the type of crime and whether the defendant has a record. But there's still leeway, especially for first offenders. Defense attorneys freely admit they are looking hard at the angles available.

"The very best thing that a federal judge can do to help your client get into Club Fed is to pick up the telephone and call the director of the [Bureau of Prisons] ... and then follow up that call with a detailed personal letter," write the article's authors, lawyers Alan Ellis and Alan J. Chaset Jr. They are

New 'Philosophy' of Policing

Departments Seek to Join Forces With Public

By Laurie Goodstein
Washington Post Staff Writer

NEW YORK—Sgt. Andrew McGoeys has seen the future of police work, and it does not look like what was pictured in the old television dramas.

Days are waning for police officers who drive around listening to crackling radios for the next emergency call, speed to the site with sirens blaring, take care of the job, get back in the car and, between doughnuts, do it again.

No more "police officer as fire extinguisher," said McGoeys, a 23-year police veteran in Brooklyn. The future is police officer as community organizer, detective, alderman and crimefighter combined. Criminologists call it "community policing."

"Running around in a radio car is not a very effective way to work," said McGoeys, supervising the new era in his precinct, a model for community policing in this city. "Being a good cop is knowing the community and knowing enough to be able to solve problems rather than just react to them."

Community policing is not a program but a philosophy that has taken on a different incarnation in each city. A community police officer's goal is to become familiar with and accessible to law-abiding locals, gain their trust and draw on their knowledge to help uproot law-breakers and prevent crime. In effect, residents and regulars become informants for the police.

"Police departments continue to

See POLICING, A6, Col. 1

Police Departments Seek to Join Forces With Public

POLICING, From A1

grow, and so does crime," said St. Petersburg, Fla., police Sgt. Bill Gabler, who recently toured 10 cities that use the community-policing concept. "Now we are saying, we cannot do it all, we need your help. We need your eyes and ears, and you as the community need to take some of the burden on your shoulders."

Nearly two-thirds of the nation's 600 largest police departments have instituted some form of community policing in the last few years or are considering doing so, said Robert Trojanowicz, director of the National Center for Community Policing at Michigan State University.

From Los Angeles to Baltimore to the District, police officers have been pulled out of squad cars to walk a beat. In Seattle, Portland and Miami, they ride bicycles; in St. Petersburg, golf carts.

In Aurora, Colo., police attend "neighborhood watch" or local merchants' meetings. In Flint, Mich., and Houston, they have established storefront offices in malls and housing projects where residents can stop in at almost any hour.

In the District, Police Chief Isaac Fulwood Jr. has initiated his own program in two police districts and plans to expand it next year. Eventually, a

properly trained officer will be able to advise residents on non-crime-related matters—pointing them to other city agencies, for example.

Officers using community policing may spend a whole day without making an arrest or even writing a ticket. Like doctors who have abandoned emergency rooms to practice preventive medicine, officers involved in community policing find that results are less immediate and more elusive. The concept is so new in most police departments that it has not been evaluated fully, but preliminary studies and observations of community police officers on patrol provide clues to its strengths and weaknesses.

The concept is partly a revival of the "beat cop," evoking images of a mustachioed officer whistling as he walked the sidewalks swinging his nightstick.

But its roots lie in the days after riots and civil disturbances of the late 1960s and early 1970s, said Mary Ann Wycoff of the Police Foundation in Washington, a private organization that seeks to improve the effectiveness of policing. Some criminologists suggested then that citizens unfamiliar with local police are likely to perceive them as a hostile occupying force and that police likely would react with equal animosity. Efforts to institute commu-

nity policing in the 1970s in some cities were retracted quickly, however, in that era of budget cuts.

Only in the mid-to-late 1980s was the concept revived and spread. Many of its proponents insist it will require no additional funding because it is more a "philosophy" than a program. But many departments, including New York City's, have found that the strategy necessitates more officers—which could become a problem at a time when municipal budgets again are getting tight.

The program has different names in different cities—for instance, neighborhood-oriented policing in Houston, problem-oriented policing in Newport News, Va., or community-based policing in Los Angeles, where the City Council recently approved it to help heal wounds caused by the videotaped police beating of motorist Rodney King last spring.

The first shock for many residents in such cities is that response time to some emergency "911" calls becomes slower, as a recent report found in evaluating Houston's police department, one of the first to abandon traditional policing. Departments begin to rank calls in a sort of 911 triage, where only the most critical calls—say a man with a gun—receive an immediate response.

"We are used to getting police

services very quickly, whether the problem is a barking dog, a stolen car or loud party noises," Trojanowicz said. But under community policing, he said, "You guarantee quick-response time for all life-threatening situations, which is 5 percent in a typical community. Then citizens have to be patient in other situations. Often, they don't want to wait. They want that patrol car there right away."

In a city such as New York, most police officers spend 90 percent of working hours responding to emergency-service calls, said Police Commissioner Lee P. Brown, a proponent of community policing who came to New York last year after serving as Houston police chief. The target is to reduce that to 60 percent through new procedures such as handling minor incidents over the telephone "so they have 40 percent of their time . . . to make a difference," Brown said.

"If, for instance, someone has broken into my garage and stolen my lawnmower and I want to report it for insurance purposes, I don't need a cop to come out there," Brown said. "I can tell someone over the phone."

Under community policing, officers are entrusted with determining how they spend their time, so most

See POLICING, A7, Col. 1

'Community Policing' Returns Officers to Street Beats

POLICING, From A6

police unions favor the concept, said Robert Kleismet of the International Union of Police Associations.

For the last seven months, New York City's 72nd Precinct has devoted 53 officers, more than any other jurisdiction, to this new strategy, making it a model for community policing in this state. Each officer is assigned to a beat or "pulse" that covers 40 to 50 blocks, and in time each is expected to know every crime den, bad guy and helpful resident within its boundaries.

Each morning as they report for duty, officers are handed a computer printout of all emergency calls made from their beat overnight. They also are given a "hot sheet" listing burglaries, and during the morning they are to visit those locations, take fingerprints and ask questions.

On a recent winter afternoon, officers John Ward and Joe Costales walked their beats, stopping at several potential hot spots. They poked around a derelict dirt lot filled with cars, some of which they suspected had been stolen, and questioned a nervously kinetic man they knew as a local junkie, who sleeps in a broken-down white van on the property.

Their investigation led to an adjacent sweatshop, where seamstresses watched them with alarm from their sewing machines. The officers warned the shop manager, who acknowledged responsibility for the dirt lot, to begin locking its gates against junkies and questionable cars. They wrote no citations and made no arrests but promised that they would return, suspicious that the manager may have been collaborating with auto thieves.

A few blocks away, they let themselves into a half-deserted building with keys provided by the owner, who is cooperating with them to rid the place of drug dealers. As they bounded up the crumbling staircase, tiny plastic bags for dealing crack cocaine stuck to their boots.

They know the problem tenants and greeted by name a grizzled man peering from behind a half-open door—the former superintendent who had pledged to cooperate with police but then moved into a vacant apartment and opened his own drug dealership, the officers said. They also know the decent tenants, such as the shy woman in a bathrobe on the first floor, who may want to help but will not.

"They're scared of retaliation by

the drug dealers," Ward said, leaving the building and scanning the block.

A month earlier, Costales placed flyers under every door urging tenants to call him if they saw anything suspicious. No one has called.

Community policing relies on the assumption that, even in the most crime-saturated neighborhoods, the majority of citizens are of good will and victimized by lawbreakers.

Even under the best conditions, "it takes eight to 12 months before you really start to see the impact" of community policing, Trojanowicz said, and years for the new philosophy to pervade an entire police department.

It takes even longer to pay off in neighborhoods where residents are intimidated by, or colluding with, lawbreakers, community-policing advocates acknowledge.

About 27 cities have conducted formal evaluations of their community-policing strategies, Trojanowicz said, resulting in these general conclusions:

- People feel safer, regardless of whether crime has been reduced. Feeling less fearful, they spend more time outside their homes, further discouraging criminals, who generally prefer dark, empty streets.

- Satisfaction with police services improves as people become familiar with the local officer and camaraderie develops.

- Residents of minority communities also express more satisfaction with police and perceive less potential for police brutality.

- Neighbors participate more frequently in crime prevention and other community activities.

- Officers say their work is more satisfying and, as they get to know the community, feel safer on the job.

- Disorder of an unthreatening but disturbing nature is reduced. Examples: garbage in vacant lots, raucous noise, abandoned cars, graffiti and vagrancy.

Whether community policing actually reduces crime is unclear. Studies in Madison, Wis., and Houston show fewer household burglaries, Wycoff said. More serious crimes, such as rapes or murders, occur too infrequently in most cities to measure a significant change, she said. New York City may provide a laboratory for future studies.

"In some places with community policing, crime will actually increase because people will report crimes they wouldn't have before," Trojanowicz said. "But then after about a year, you will begin to see some decrease."

With community policing, famil-

iar standards for measuring law enforcement success become obsolete. For instance, under traditional policing, officers win promotion based partly on their arrest totals. But with community policing, the ideal is to deter situations that usually lead to arrest. At law enforcement conventions these days, police professionals are overheard boasting of new tactics they have discovered to reduce arrests.

"We stop in bars and tell the bartenders to announce to the patrons we're going to be doing [drunk-driving] enforcement outside of the bar on the highway," said police Capt. Dave Linnertz of Aurora, Colo. "If they are intoxicated, we would encourage them to take a cab."

"When I was a patrolman, if I went in and told a bartender that, I would have been disciplined," he added, laughing. "Our intent is not to make higher numbers of arrests but to keep drunk drivers off the street."

One Los Angeles officer was promoted to sergeant for stopping a rash of bank robberies by placing behind each bank counter a life-sized photograph of himself armed and in uniform. Would-be thieves apparently did not notice that every bank on the block was guarded by the same cardboard police officer.

Such creativity is so far from the image of police work as high-speed,

bang-up action that many officers are resisting the change. Officer Ward in New York's model 72nd Precinct admitted that he misses the "adrenaline-pumping" thrill of responding to emergencies in the squad car.

"The system under which they're working indoctrinates them to believe [they are] crime-fighters and shouldn't get close to the community," Kleismet said. "It's no wonder the rank-and-file say, 'I don't want to be a social worker. I want to be a crime fighter.' But you can be both and be successful."

Community policing requires a new breed of officer as skilled at public relations as police work, experts said. It demands adjustments in every aspect of law enforcement, affecting how officers and their superiors are recruited, trained, managed, evaluated and promoted.

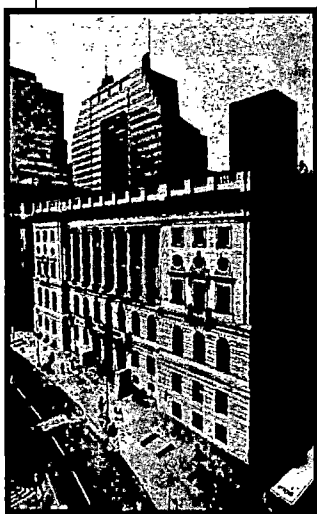
"It's going to take a generation," Wycoff said. "This is a very long-term view of change. Part of the problem is that communities expect immediate effects, and it won't happen that way."

Staff writer Gabriel Escobar in Washington and special correspondents Ricardo Castillo in Miami; Elizabeth Hudson in Austin, Tex.; Lauren Ina in Chicago, and Leef Smith in Los Angeles contributed to this report.

Corridors Of Agony

A rare look inside a juvenile court reveals a system waging a thankless struggle to save society's lost children

By **MICHAEL RILEY** BALTIMORE



Clarence Mitchell Courthouse is home to Baltimore's chaotic juvenile court

This is the story of a courthouse, a group of kids who passed through it one week and the people whose task it is to rescue them.

Clarence Mitchell Courthouse, a brooding Beaux Arts monolith in the heart of Baltimore, contains the Baltimore City Juvenile Court. Like the 2,500 similar juvenile courts across the nation, this is where the battles are being fought against some of America's toughest problems: drugs, disintegrating families, household violence. As these problems have grown worse over the past two decades, the judicial system designed to deal with them has crumbled. These courts are an indicator of the country's compassion for families and its commitment to justice, but increasingly they have neither the money nor the personnel to save most of the desperate young souls who pass through their doors. Almost no one seems to care.

To protect the children from the stigma of being branded as criminals, the proceedings of juvenile courts are hidden behind a veil of confidentiality. In an effort to show the strains on the system, a group of *TIME* correspondents was given unprecedented access to the Baltimore court. The identities of the children and their parents have been changed, but the stories are true, and they are typical.



Antwan

Ringed by Baltimore narcotics cops and sniffing into a tissue, Antwan Davey looks like a kid caught in a bureaucratic land of giants. Just three hours earlier, the cops nailed the skinny 10-year-old boy in a playground drug bust. Now, in a cinder-block squad room in east Baltimore, he slouches in a green office chair, unlaced Etonic tennis shoes just touching the floor.

Two teenage drug dealers, sullen and silent, sit nearby. Moments before their arrest, they had forced Antwan to hide their wares in his socks. "That's usually what they do now—give the stuff to a little kid," says arresting officer Ed Bochniak, who watched the deal go down. "We were lucky to see it."

Crime and drugs are everywhere in America's inner cities. For Antwan, they were only a few yards away as the youngster floated high above his steamy ghetto playground on a turquoise-and-



orange swing set. At the playground's edge two teenagers were selling vials of cocaine from a curbside stash. One dealer cut a score with a passing woman; looking over at Antwan, his partner spotted an opportunity.

Sauntering up to the youngster, the pusher demanded that Antwan serve as a hiding place for the stash or else face a beating. At first the child refused, then gave in. Business continued—until the “Zone Rangers,” an undercover Baltimore vice-and-narcotics squad that had the dealers under surveillance, suddenly sprinted into action. One team of Rangers nabbed the dealers; another pulled Antwan off the swing and confiscated the vials. By the time they reached the station house, the little boy had dissolved in tears.

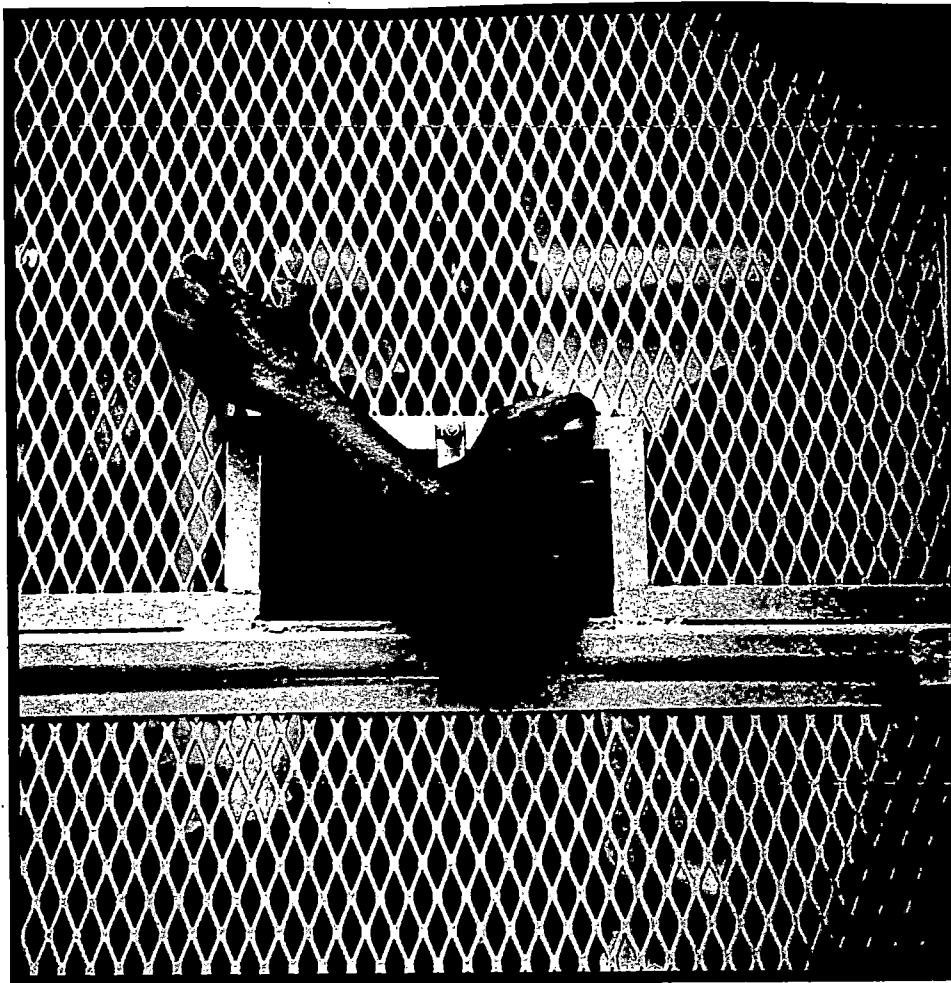
Then Antwan got his first break. A juvenile-services worker sat down beside him. “Are you sorry for what you’ve done this evening?” he asked the boy. “Yes,” mumbled Antwan. “Have you learned a lesson?” he asked. Another soft

yes. Alongside the boy stood his mother Syrita, 30, an attractive woman whose soft face belies the rugged ghetto life she has led. The worker decided to let Antwan go home—he had no prior arrests—so long as she brought him to court the next day.

Syrita had tried repeatedly to warn Antwan of illicit goings-on at the playground. But such warnings carry little weight for a kid growing up on society’s margin. Antwan lives in a storefront apartment just blocks from the drug-saturated playground. His mother and grandmother survive on public assistance, and his mother is battling depression with medication and counseling. His father is long gone.

The next day Antwan and his mom show up at juvenile court, which is crammed into the basement of Clarence Mitchell. The building’s massive columns, vaulted ceilings and dimly lighted corridors conjure fleeting images of a dungeon. Children wander the hallways, a few in tears. The wa-

Families find justice elusive as they wander the court’s hallways



Angry boys wait in a cramped detention cell for their hearings

Nationwide about 340,000 children have been placed in foster care; nearly 40% of them spend more than two years in temporary homes. Roughly 50% of the 340,000 are under the age of six. In Baltimore, the rate at which children are placed in foster care has doubled since 1989, to 180 cases a month. About 13 emergency-shelter cases enter the system daily.

ter fountains are too high for most to reach. Lawyers, their arms spilling over with folders, bustle about. Sheriff's deputies cast jaundiced eyes on it all.

Syrita Davey, dressed in a white blouse, purple skirt, hoop earrings, sits with her son in a noisy, claustrophobic interview room. Law student Harry Kassap, a volunteer in the public defender's office, listens to the boy's story. The defender's office, which represents indigent youthful offenders, usually has only a few minutes to learn about a case before the accused must appear before a master in chancery, one of the quasi-judicial hearing officers who presides in juvenile court. It does not take long for Kassap to become outraged. "The kid was a complete victim," he later observes, "yet the system treats him as an absolute criminal."

Antwan gets his second break. The defender's office assigns his file to chief public defender David Fishkin, a gentle giant who looks like a bearded Ichabod Crane. More than anything else, Fishkin decides, efforts must be made to keep Antwan "out of the system" by placing him in a "diversion" program, which offers counseling and individual attention rather than harsh penalties like incarceration. Like everyone else in the courthouse, Fishkin knows that once a kid falls deeper into the justice system, he may never get out. But the lawyer is worried that the prosecutor on the case may have something different in mind. He makes a call and discovers, to his dismay, that assistant state's attorney Mary McNamara, 29, a well-known hard-liner on drug issues, will oppose him.

"Oh," says a slightly flustered Fishkin.

"You sound disappointed," replies McNamara.

"Well, you know, I'd like to keep this case out of the system."

"Dave, you know my policy on drug dealing," McNamara answers, then pauses. "But I'll read the report and keep an open mind."

A third break for Antwan: McNamara, who worked as a night bailiff to get through law school, is actually on Fishkin's side this time. She was born and raised in New Jersey in a blue-collar family; her hard-nosed reputation is a reflection of a strong sense of outrage at the inner-city disaster. "Sometimes," she says, "I get home at night and I think my name is 'Bitch.' They stop being kids to you after a while. Some of them are vicious and nasty. They'd shoot you in a heartbeat."

For Antwan, however, her anger momentarily softens. After making some phone calls, McNamara finds a spot for the youngster in Choice, an acclaimed program that enlists college graduates to keep track of wayward kids and ensure that help is available to them. Sometimes volunteers visit offenders a dozen times a day to keep them on the straight and narrow. McNamara passes the news on to Fishkin.

Antwan finds out his fate later that day. "You don't want to be arrested again, do you?" state's attorney McNamara asks the youngster at his court appearance. He shakes his head no. She tells him that a Choice worker will be his big brother. "What's your job going to be?" she inquires. Replies Antwan: "Obey my mom or my Choice worker."

By this time, everyone in the courtroom realizes that this may be the most elusive quarry, a kid who can be saved. The tone in the courtroom changes. Master Bradley Bailey, presiding over the case, asks Antwan if he likes to read. The boy says yes. So Bailey writes something on a slip of paper and hands it to him. "Can you read that?"

"D . . . aaa . . . vid Fish . . . kin," Antwan responds. Directs Bailey: "You concentrate on doing that—reading—and leave all the other stuff out on the street." He remands Antwan to his mother's custody. In 60 days he must return to court to demonstrate how he's doing.

The outlook for the two teenage drug dealers who were arrested with Antwan—Daryl Williams and Donnell Curtis—is not as hopeful. Locked up overnight, they also appear in court before Master Bailey. Daryl's aunt sits in the courtroom, her eyes surrounded by dark circles and her face a tight constriction of lines. A drug addict on the nod, she slumps drowsily against the bench, a handkerchief over her mouth and nose. Donnell's mother sits alert and angry in the back row. Both youngsters wear a hard, empty-eyed look of fury.

McNamara argues for locking the boys up until their full-dress court hearing in thirty days. Assistant public defender Robin Ullman requests community detention, which would allow the accused to stay at home until then. Bailey decides to lock them up. "What's that mean?" asks Williams,

a tall, powerfully built kid. "It means you stay in Charles Hickey School until the trial," says Bailey.

"What?" shoots back Williams. "I didn't have nothin' to do with that little boy." Ullman, prim and bespectacled, jumps up and orders her client to be quiet. But he won't shut up. "F—ed up, man," he curses as a courthouse jailer leads him back toward a holding cell. His loud protests echo down the hall.

Williams has good reason to fear Hickey School, a grim correctional facility. The accused dealer told the arresting cops he was only 15, but at Hickey a counselor recognizes him as someone else entirely. "Tyrone, are you back? I thought you were too old for us now." Daryl is really Tyrone Roberts, age 19. He's headed for adult court.

Roberts too was once a lost youngster. He fell into the court system 11 years ago, accused of malicious destruction. He was already a neglected and abused child, a runaway and a truant. His mother wanted to kick him out of her home when he was 10 years old. At 15 he fractured a kid's skull with a brick for teasing him and was later arrested for arson. Psychologists claimed he suffered from neurological dysfunction, attention-deficit disorder and poor impulse control. For a time, Ritalin, an antihyperactivity drug, helped. But two years ago, he was arrested for assault, and in 1991 he was busted for possession of cocaine and joyriding.

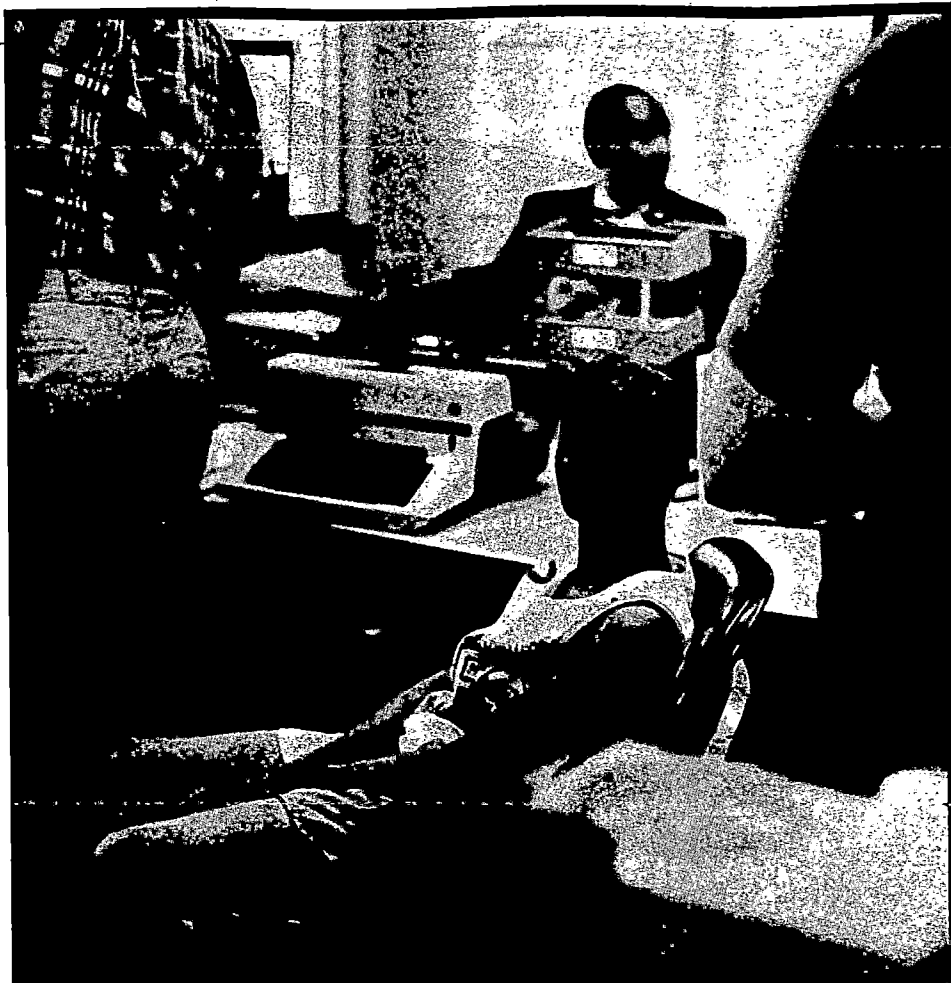
As Donnell is handcuffed and led out the courtroom door, his mother is asked if she would like to talk to him. "I ain't got nothin' much to say," she mutters, turning away. Her son does not look at her as he walks out.

Antwan's case is one of 1,070 hearings that moved through the court in this single week. Last year juvenile court accounted for 61% of all Eighth Circuit Court hearings. Moving cases through the gridlocked court is often more important than dispensing justice. In 1991 about 14,000 new cases were filed, or 20% more than five years ago. Delinquency cases jumped 15%, while abuse and neglect cases soared 40%.

Emily

Nearly 80% of juvenile-court work involves youthful offenders like Antwan. The rest focuses on abused and neglected children. Perhaps the most tragic case to pass through Baltimore's juvenile court this week involved Emily Travis, 6. Several months earlier, Emily had told two department-of-social-services workers that her father sexually abused both her and her sister Tracy, 10, in the bedroom while their mother cooked dinner. Since then, Emily has been in a foster home. The court hopes to find a permanent place for her.

Clinging to a doll that plays *It's a Small World*, Emily walks into the court's waiting room, a windowless place, where children play with a well-worn set of plastic blocks. This is not her first visit. Three years ago, high levels of lead were found in Emily's blood; her parents resisted health-depart-



ment efforts to rid their home of the toxic metal. Court papers described the home as filthy, unsanitary and insect infested.

Apparently little has changed since then. Lawyers in Master Bright Walker's courtroom pass around recent photographs of the same house. The photos display insects crawling in a bowl of soup; trash containers overflowing; food spoiling on a table; bare, broken mattresses; pornographic pictures strewn on the floor.

The Travis family could be torn straight from the pages of a William Faulkner novel: a clan to rival the Snopeses in its deviance. Emily's older brother maims rats in an alley for recreation. Her younger brother's medical reports indicate he may have suffered anal penetration. Emily claims her father has touched her breasts and genitalia.

To sort out the family's history of incestuous relationships, lawyers devise a complicated family tree. The man accused of molesting Emily is not only her father but also her step-grandfather. Emily and her three siblings are the result of an incestuous relationship their mother had with her stepfather. And Emily had been sleeping in a bed with her mother and her father.

Child-welfare worker Viola Mason, who removed Emily from her parents' house, is concerned that the family may again slip out of the control of social-service authorities. The department wants the court to place Emily in a foster home.

This court, as *parens patriae* (literally father of the country), spends a lot of time trying to salvage children's lives and build new homes for them. But a climate of increased litigiousness and confrontation, along with a lack of money, has made the task

A child's fate often depends on the compassion of a caseworker

Nearly 10,000 reports of child abuse or neglect are investigated each year in Baltimore. Nationwide reported cases have climbed 226% during the past decade, with 2.4 million in 1989. About 35% of these were substantiated; more than half of those involved physical abuse, and a quarter were sexual-abuse cases. More than half of all confirmed abuse reports and 75% of child deaths involve alcohol or drug abuse on the part of parents.



*A violent culture
has spawned a new
breed of offenders*

tougher. In addition, the overburdened Baltimore city social-services department has pathetically inadequate means to care for the children after they are removed from their homes, a situation that undermines the department's mission from the start.

Before Emily's hearing begins, her Legal Aid Bureau lawyer, Joan Sullivan, takes her by the hand and walks her upstairs to a quiet corner. She asks Emily how she feels in her foster home. "I'm still scared," says Emily. "At night I see shadows on the wall. Monsters." The social-services department wants to place Emily with a cousin, but the young girl wants to live with her grandmother. No matter how Sullivan feels about the matter, she is obligated to express to the court whatever Emily, her client, wants. And that may not always appear to be the best solution.

Sullivan asks if Emily knows why she had to leave home. Emily says she does not, and then she spontaneously recants her claims of abuse. "That

wasn't for real," she says. "I lied." But her denial rings hollow.

"Do you like your dad?" Sullivan continues. Yes, says Emily. "He gives me money." She adds that her father promised to give her gifts and a party when she comes home.

As often happens in these circumstances, the lawyers cannot agree on a solution for Emily. Since the girl has recanted and no physical evidence of abuse exists, it appears she may go home with her parents. "It's an injustice," observes child-abuse expert Betsy Offerman, who has followed Emily's case. "It seems that no matter what we know, there is always a loophole that means the child will go back into the situation, and the cycle continues." Offerman explains that there is a tremendous incentive for children to deny sexual abuse. "The message kids get is, 'If I say something, I will go to court and get taken away from my family,'" Offerman says. "They start to think it is better for them if they keep their mouths shut." Offerman used to be a therapist in the social-service department's sexual-abuse-treatment unit, which was closed in 1990 because of budget constraints.

As the lawyers continue to argue in a corridor, Emily falls asleep on her cousin's shoulder in the courtroom. Then Master Walker arrives. At first things go badly for the social-services department. Emily's lawyer prompts a social-services worker to concede that the allegedly filthy house had been cleaned in time for a later scheduled visit. The attorney for the child's mother then gets the worker to admit that Emily's older sister Tracy has denied all charges of sexual abuse. Under questioning from the father's lawyer, the worker acknowledges that there is no physical evidence of sexual abuse.

Then Offerman testifies. Emily, she says, described her father's fondling as a game. "She talked about it as if she were going to a birthday party," says Offerman. "She had no sense of taboo around this." Offerman relates that when the father was told Emily was being removed from his home, he retorted, "You ask Tracy. She'll say nothing happened."

Finally Emily herself sits down on a wooden chair pulled up at the end of a long table to the side of the master's raised desk. "Do you remember talking to Miss Betsy?" asks Emily's lawyer, pointing to Offerman. The distraught child says nothing but fingers a piece of chalk she has carried from an interview room. "Was what you told her the truth?" the lawyer asks. Emily shakes her head no, then buries it in her elbow.

A few minutes later, social-services lawyer Donna Purnell tries to cut past Emily's reluctance to admit what she believes happened. "Are you scared that if you tell, you won't go home?" she asks? Emily nods yes. "If you said something to Betsy, would you be scared to say it now?" Emily nods her head yes again. "Does Daddy ever tickle you?" "On my feet. On my leg." Just 15 ft. away, her father leans forward, rests his elbows on the bench in front of him and stares right at Emily.

The final witness is Tracy, a chubby girl who smacks on chewing gum until Master Walker makes her remove it. In short order, the girl denies her father ever touched Emily and says Emily never told her of any abuse. She also claims she is not afraid of her father.

"Is there a reason why you wouldn't tell the truth if your father did touch you?" asks Purnell, trying to unmask the apparent cover-up. Tracy says no. Suddenly, Master Walker's loud voice booms across the courtroom. "She's giving more signals than a third-base coach for the Boston Red Sox," Walker says, gesturing toward the girl's mother. He has been watching her coach Tracy from the bench nearby.

Afternoon has slipped into evening. Emily's mother yawns. When closing arguments end, Walker, a kindly 20-year veteran of the bench who writes haiku and dabbles in abstract painting, rules that sexual abuse did, in fact, occur. After listening to two hours of testimony, Walker is convinced that Emily has been sexually abused by her father and wants to protect her from having it happen again. He orders Emily to remain in foster care and asks social services to evaluate the suitability of placing her in a relative's home.

Doll in hand, Emily leaves the courtroom. In the empty corridor, her siblings hug her and say goodbye. A few minutes later, Emily walks with her caseworker out of the building and back to her foster home, perhaps separated from her parents forever. The court has done what it can.

Timothy and Tommy

Julie Sweeney often wonders if her two cute grandsons traded one horrible situation for another when they were uprooted from their mother's home and placed in foster care. Today she has brought Timothy, 11, and Tommy, 9, to court to review their foster-care status. Their mother, Cassandra, Sweeney's 31-year-old daughter, is homeless; she chose cocaine over her two sons. There's a warrant out for her arrest on charges of prostitution, so she won't appear in court today. "Cocaine became her lover," Sweeney explains. "She told me the high was so good that she wanted it, even if it meant losing everything she had. She does love her children, but she loves Mr. C. more."

Sweeney, in her early 60s, is not well enough to take care of her grandsons. She waited for more than two years for the social-services department to rescue them from their mother's destructive grasp. "I was sending food to them by taxi at their mother's house," she tells Legal Aid Bureau lawyer Lisa Watts as they sit in the stuffy waiting room. "They were abused and hungry. They turned into children of the streets." Despite the grandmother's frequent requests, the children were not removed from the home. "[My daughter] was selling furniture out of the house and threatened to kill the younger boy. I called protective services again. They went in and said the house looked O.K. It's the laxest organization I've ever seen."

Finally Sweeney decided to become the children's forceful advocate. "Push, push, push," she says. "Nothing ever works according to the system. Someone in the family has to do it." Two years ago, when Cassandra's drug habit became uncontrollable, Sweeney says the social services informed her it had no home available in which to place her grandchildren. So the next day Sweeney went to collect the boys. Her daughter, high on drugs, slumped on the couch, while men walked in to buy drugs from someone upstairs. Cassandra was using cocaine, PCP and Ritalin. A social-ser-

vices caseworker told Sweeney she could not take her grandchildren, but she did anyway. After she got them home, they all broke into tears.

Then Sweeney called the social-services department and explained that she was not well enough to care for her grandsons herself, but she wanted the brothers kept together. Instead the boys were placed in separate foster homes. Tommy, the younger, slept on a urine-stained mattress without a sheet. "He cried pitifully," Sweeney recalls. "He wouldn't eat or play. He sat with a shopping bag under his arm." The youngster was returned to his grandmother's house, but soon his mother, who temporarily cleaned herself up with the help of a detox program, regained custody of the boys.

Things only got worse. One night Timothy walked downstairs to find his mother injecting drugs into her arm. Within months, the children were back with social services.

This time, after reviewing the case, lawyer Watts has designed an agreement that allows the boys to remain under official jurisdiction and continue a program of therapy. Sweeney will retain visitation rights. The boys want to live with their aunt; the department will try to help the woman afford better housing so that she can take them in. Finally Tommy will be assigned a Court-Appointed Special Advocate volunteer, who will look out for his best interests.

Almost every child at Clarence Mitchell could use an advocate, but there aren't enough to go around. "It's overwhelming, and nobody really has the time to prepare them for what's happening," says Diane Baum, who heads Baltimore's more than 160 volunteer advocates. What is needed, says juvenile-court administrative Judge David Mitchell, is "a fundamental change in the way society views the family and children." Nothing less than that will make the system work.

Antwan's Hope

Sometimes, though, against all odds, it does work. Days after Antwan Davey left court with his mother, Choice counselor Bob Cherry, a graduate from the tough streets of Boston's Southie district, paid his second visit. Like a shy colt, Antwan leaned close to Cherry as the young man drove the boy around town in his white Chevy Monte Carlo, its throaty exhaust pipes growling.

Everyday Cherry and members of his Choice team keep tabs on Antwan; so far, the boy's mother has only good things to say about the program. "They say he's got to call everyday," she says. "He has to come home at certain times and not hang out in the wrong places. I don't let him hang out at the playground anymore." Even Antwan is impressed with Cherry. "He seems like I can trust him."

After the car ride, Antwan steps back inside his apartment to do his homework. His mother unscrews the light bulb from the kitchen socket and screws it into the living-room ceiling. Its harsh glow illuminates a poster on a far wall of a black boy crying. "He will wipe away all tears from their eyes," the poster reads, "and there shall be no more death, nor sorrow, nor crying, nor pain. All of that has gone forever. —Revelation 21: 4"

— With reporting by Melissa Ludtke and James Willwerth/Baltimore

Judge David Mitchell believes only fundamental change can save the system and its children

The Maryland department of juvenile services spends \$60,000 a year to lock up an offender at Charles H. Hickey School, a grim correctional facility, but only \$200 a year per delinquent for preventive services. The department of social services, which handles neglect and abuse cases, is cleaning up its act under a court-ordered consent decree. But further state budget cuts threaten to undo that remedial work.



How many more innocent victims must be violated or murdered before we get tough with sex criminals?

Freed to Rape Again

BY ROBERT JAMES BIDINOTTO

BY THE TIME Michael L. Reese was 17, he had sexually assaulted at least four children. Each time he was caught he spent, at most, a few months in a youth facility or in counseling.

Later, given six years in prison for a rape, Reese was paroled in three. Within weeks, he attacked another girl and got six months in jail. Soon after his release, he raped again. But the judge refused to impose any mandatory minimum term. "I feel that is inconsistent with having him treated," he said.

After spending three years in a sex-offender program at Oregon

State Hospital, Reese was declared a "successful graduate" and paroled. Then he tried to sodomize an 11-year-old girl. He got three-to-ten more years, but was paroled after serving the minimum sentence. Last December, Reese kidnapped and tried to sexually assault a young woman.

James Charles Stark got three years to life for a kidnap-rape in California. He was paroled in less than three. After attempting rape again, he got one-to-20 years but was freed in three. Six months later, he molested a 14-year-old girl.

Stark was sent to Patton State



Hospital near San Bernardino. After four years there, he was returned to court and was sentenced to eight years in prison. Paroled only a year later, he then kidnapped, raped and shot a teen-age girl.

Sickening cases like these two are occurring with alarming frequency, a nationwide Reader's Digest investigation has discovered. Of the thousands of chronic rapists and child molesters who prey on society, surprisingly few are arrested or convicted. And for those who are, the punishment rarely fits the crime.

Their juvenile offenses are glossed over. They are allowed to plea-bargain. They are put on probation. When they do receive prison terms, they are paroled early. "Most return to their predatory ways," says Capt. Thomas Cronin of the Chicago Police Department, a noted expert on criminal psychology. "Often, their behavior escalates in frequency and brutality."

Haunting Picture. "Up to the mid-1960s, we saw few juvenile sex offenders," reports veteran forensic psychologist John Cochran. "Today, there's a flood."

The justice system has failed to come to grips with the problem. A study commissioned by Utah juvenile-court executives explained that many sexual offenses by youths went unreported, or charges were dropped, redefined as nonsexual crimes or minimized by officials as normal "experimentation."

Teen-agers Timothy Anthony Combs and Danny Lee Hill were well known to authorities in Warren, Ohio. Combs, who had an extensive arrest record, had been convicted for gross sexual imposition on another boy. Hill had been given a "permanent commitment" to juvenile facilities after raping two women at knifepoint, during which he threatened to kill his victims and rape one woman's three-year-old daughter. While incarcerated, Hill sexually molested a boy and threatened other boys with violence. Nevertheless, he was released after only a year.

On September 10, 1985, 12-year-old Raymond Fife of Warren, Ohio, was biking to a Boy Scouts meeting. He never made it. Hill and Combs raped, beat and tortured Raymond. After choking him with his clothes, they impaled the unconscious boy with a stick. Then they set him on fire.

Raymond, who was found by his father, Isaac, never regained consciousness and died two days later. The horrors of that evening still haunt Isaac. "I can't tell you the hell he has had to live with, seeing that picture in his mind," says his wife, Miriam.

"Bargain Day" in Court. Investigators have discovered that by the time sex criminals reach adulthood most have committed an extensive number of offenses that are never reported. Psychologist Philip Humbert of Eugene, Ore., was treating eight sex criminals charged

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with 16 offenses in all and convicted of 12. The eight admitted to over 13,000 deviant acts, including molestation and rape.

When the FBI's Behavioral Science Unit in Quantico, Va., researched the backgrounds of incarcerated serial rapists, they found that 41 of them were responsible for at least 837 rapes and over 400 more attempts. In a study funded by the National Institute of Mental Health, Emory University psychiatrist Gene G. Abel found that 453 criminals admitted to molesting more than 67,000 children. Those who abused girls had an average of 52 victims each. But men who molested boys had an astonishing average of 150 victims.

When these repeat sex offenders are finally caught, they are encouraged to plead guilty to lesser charges in exchange for reduced punishment. Multiple charges pending against them are dropped, and they are often given probation instead of prison. Wisconsin Court of Appeals Judge Ralph Adam Fine asks, "What is the serial rapist to think when it's 'bargain day' at the courthouse: three rapes for the price of one?"

Melvin Hemphill was arrested in Hollywood, Calif., for robbery and accused of sexual assault by the victim. A plea bargain dropped all but a misdemeanor charge. Hemphill was freed on two years' probation. Arrested again for robbery and sexual assault in Ohio, he was allowed to plea-bargain only to

robbery. His three-to-15-year sentence was suspended. Hemphill was put on probation and sent back to California.

A few months later, in May 1988, a janitor at Hollywood High School followed a 200-foot trail of blood to a ventilation shaft. There, strangled and sexually assaulted, was the body of teen-ager Robert Campo, Jr. Hemphill was soon arrested and allowed to plea-bargain to second-degree murder. He will be eligible for parole in 1998.

"More than one person murdered my son," says Robert's mother, Mary Campo. "The whole criminal-justice system let us down."

Crazy Like a Fox. Many of us assume that anyone who would molest, torture or kill women or children must be insane. As a result, says Terry Miller, an Oregon therapist who has worked with many violent offenders, "treatment programs have been used as a substitute for imprisonment." The Vermont-based Safer Society Program, which monitors treatment efforts, reports that such programs have mushroomed nationally, from fewer than 600 in 1986 to over 1400 today.

Yet, increasingly, experts reject the view that sexual deviants are mentally ill. Virginia clinical psychologist Stanton Samenow has studied criminals for over 20 years. "The sex criminal is anything but 'sick.' He is calculating and deliberate in his actions. He just shuts off his knowledge of right and wrong

long enough to commit his crimes."

Warren Bland, a serial rapist, was sent to California's Atascadero mental hospital, released on probation, convicted for more rapes, imprisoned and paroled. He then abducted, sexually assaulted and tortured an 11-year-old boy with clothespins, wire and pliers. "I get my fun this way," Bland told the screaming child.

Sexual predators take their primary pleasure in dominating a helpless victim. "They like playing God," says Miller.

No "Cure." Oregon researcher Lita Furby and two associates reviewed the re-offense rates of sex criminals from treatment programs throughout North America and Europe. They concluded: "There is as yet no evidence that clinical treatment reduces rates of sex re-offenses." Cautions forensic psychologist Cochran, "Treatment has been oversold."

Moreover, the legal system rarely monitors offenders once they are diverted into therapy. "Judges and parole boards order sex criminals into treatment, but do not necessarily follow up when they quit," complains Steve Jensen, director of the Center for Behavioral Intervention in Beaverton, Ore. And too often psychiatrists recycle dangerous offenders back onto the streets, says Wisconsin's Judge Fine.

Convicted of exposing himself to a small boy in Washington, Westley Allan Dodd entered a sex-offender treatment program.

Even though he repeatedly violated treatment rules, a court allowed him to move to Idaho and enroll in another therapy program. Officials there said he seemed to be "benefiting from the sessions." Less than a month later, he was arrested for molesting another boy. Dodd was ordered to resume treatment.

Dodd moved back to Washington, abused a four-year-old for months, then tried to lure another boy to an empty building. He spent 118 days in jail, was again put on probation and ordered to seek treatment.

In September 1989, Dodd raped and killed William and Cole Neer, ages ten and 11. In October he sodomized four-year-old Lee Iseli, then hung the boy in a closet to die. In November, Dodd was caught trying to abduct another boy from a movie theater. He now awaits execution.

Theodore Frank was convicted of numerous sadistic sexual assaults on children. Frank was committed to, then released from, several mental hospitals, where he became an eager student of psychology. He was invited back to a California hospital to lecture as a guest speaker and model of the effectiveness of therapy.

Weeks later, he raped, mutilated, then strangled a two-year-old girl. "When convenient," he admitted, "I have used my knowledge of psychotherapy as an ongoing game of manipulation."

"Sexual offenders are far better

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at manipulation and deceit than many therapists can comprehend," says therapist Jensen. "And I admit that I can be fooled by them."

Common-Sense Solutions. Sexual criminals must no longer be allowed to terrorize society with impunity. To control this growing menace, psychiatric experts and law-enforcement officers suggest these measures:

1. Get tough on first offenders. For those who commit violent assaults or sexually abuse children, penalties should be massive from the outset. Too many first-time sex offenders get suspended sentences or probation. "This is a gross perversion of justice and common sense," argues Chicago's Captain Cronin. "When first offenders get a slap on the wrist, they think, 'I've beaten the system.' They get the wrong message from the start."

Experts warn that therapy should never be a *substitute* for incarceration. "Every sex offender should do some jail time," Jensen says. "It gives them a taste of reality."

2. Get even tougher on repeaters. Jill Otey, a former sex-crimes prosecutor in Portland, Ore., who helps victims with civil suits, says of violent rapists, "After the second offense, such attackers deserve life in prison. Why give them a third chance?"

But tough sentences can be undermined by plea bargaining, which is sometimes meant to spare victims further pain. "This puts the rest of us at risk," Judge Fine says.

Though a judge must make sure that a trial is not overly traumatic to victims, Fine contends that "in my experience, the victim's worst trauma occurs when the attacker isn't properly punished."

In addition, the lunacy of basing parole on a sex criminal's behavior *in prison* must end. "Of course the rapist or pedophile is going to behave himself behind bars," observes Captain Cronin. "No women or children are there to attack."

3. Track them. Whenever sex offenders are freed, their activities must be carefully supervised and monitored.

"Right now, our country has huge gaps in the identification and tracking of convicted sex offenders," declares Ernie Allen, president of the National Center for Missing and Exploited Children.

David Barry Harrington was convicted of child molesting in Connecticut. While under investigation for a similar crime in Vermont, he disappeared. Then Harrington became principal of a private school in Maryland, where he molested several young boys. A pre-employment background check of Maryland records had revealed none of his out-of-state crimes.

California requires anyone convicted of specified sex crimes to register with the state, and to notify local police whenever they move. The registry helped lead police to serial rapist Warren Bland, for example, and to William Bonin, the infamous "Freeway Killer," who is

READER'S DIGEST

currently on death row for 14 sex murders.

"There should be a sex-offender registry in every state, and these should be coordinated through a national network," says Ernie Allen.

THE ULTIMATE PRICE of our leniency toward violent sexual marauders is paid each year by the thousands whose lives are destroyed.

Five-year-old Kenny Claudio of Roslindale, Mass., left his house to play one October afternoon. He never came back. A few days later, police discovered Kenny's body in a garbage bag. He had been sexually assaulted, then drowned in a bathtub.

They arrested Matthew Rosenberg, 14, who later pleaded guilty to first-degree murder in juvenile court. But the criminal-justice system responded in all-too-familiar ways. The Massachusetts Department of Youth Services placed Rosenberg in sex-offender therapy, from which he may be released as early as March. A DYS spokeswoman explains, "Every kid should be given a chance."

"He's a rapist and a murderer. How many chances does he get?" asks Marilyn Abramofsky, the woman who raised Kenny. "My Kenny is dead. How many more have to die?"

Reprints of this article are available. See page 218.



Autumn Memory

THE SUN, belying the thermometer's reading, streamed through the kitchen window, resting on the counter where an old apple sat. Three weeks ago, I'd bought it from the woman at the roadside stand. She and I praised the weather that fine Indian-summer day, for it was the last of autumn's brilliance.

I sighed as I put the paring knife to the apple and prepared to cut away its bruised spots before slicing it for my fruit salad. Overhead movement caught my eye. I looked out the window to see a flock of birds fly in formation like winged soldiers in precise step with one another. They flew across my vision and out of sight—no doubt to some warmer clime. It caused me to wonder for a moment if I, too, should fly away, chancing a new place

where warmth might bring comfort.

I looked down at my paring to discover that I was removing the apple's skin in one long peel, round and round its surface in an unending circle, and I saw my grandmother's hands performing this task many years before. When I came home from school tired and fussing, she would take a bright red apple from the fruit bowl, peel it thus and slice it into six even pieces and silently hand them to me.

Abandoning my fruit salad, I cut my old apple into six even pieces, carefully placed them in the blue dish that had belonged to my grandmother and sat down to enjoy them, marveling at the small miracle that allowed my grandmother to return in memory to comfort me.

—Judith Coulter in *New York Times*

DOES PRISON PAY?

THE STORMY NATIONAL DEBATE OVER THE COST-EFFECTIVENESS OF IMPRISONMENT

John J. DiIulio, Jr., and Anne Morrison Piehl

Today the U.S. prison population is hovering around the 800,000 mark. Before the end of the decade, it will easily surpass one million. Most analysts place the average annual cost per prisoner at \$25,000, and the labor-intensive business of penal administration would appear to offer no appreciable economies of scale. Building, staffing, and paying for prisons is the fastest-growing item in most state budgets. Not surprisingly, a debate is raging over the cost-effectiveness of imprisonment. The debate is being waged as a numbers game, with conservatives citing figures to show that "prison pays," and liberals citing figures to insist that it doesn't. So far, partisans appear not to have noticed that the kind of empirical analysis that would justify strong generalizations on either side of the argument has yet to be done.

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Given the fledgling state of empirical work, we question the wisdom of the rush to judgment. Our argument, which is based on our analysis of prisoner self-report survey data gathered from the largest scientifically selected sample of prisoners in a single system ever undertaken, moves from a simple benefit-cost analysis of imprisonment. Needless to say, such an analysis addresses many empirical and normative issues weakly or not at all. But benefit-cost analyses of imprisonment have figured prominently of late in national debates about corrections policy, and many judgments about the efficacy of imprisonment policies rest on implicit estimates of the costs and benefits of imprisonment.

The Zedlewski Controversy

In July of 1987 the National Institute of Justice published a report entitled "Making Confinement Decisions," by NIJ economist Edwin Zedlewski. Essentially, Zedlewski's study was a benefit-cost analysis of imprisonment. He surveyed cost data from several

prison systems and estimated that the annual per prisoner cost of confinement was \$25,000. Using national crime data and the findings of criminal victimization surveys, he estimated that the typical offender commits 187 crimes a year and that the typical crime exacts \$2,300 in property losses or in physical injuries and human suffering. Multiplying these two figures, he calculated that, when on the streets, the typical imprisoned felon was responsible for \$430,000 in "social costs" each year. Dividing that figure by \$25,000 (his estimate of the annual per prisoner cost of confinement), he concluded that incarceration has a benefit-cost ratio of just over 17. The implications were unequivocal. According to Zedlewski's analysis, putting 1,000 felons behind prison bars costs society \$25 million a year. But not putting these same felons behind prison bars costs society about \$430 million a year (187,000 crimes times \$2,300 per crime).

At least within criminal justice circles, NIJ's reports tend to get noticed, and like any study that bucks the conventional wisdom in a credible (or credible-looking) way, Zedlewski's analysis attracted its share of critical attention. In a 1988 article, "The New Mathematics of Imprisonment," published in the journal of the National Council of Crime and Delinquency, noted penologists Franklin E. Zimring and Gordon Hawkins charged that Zedlewski's analysis was fatally flawed. Zimring and Hawkins argued that Zedlewski had overstated the net benefit of incarceration by inflating the numerator (crimes per offender and social costs per crime) and deflating the denominator (annual per prisoner costs of confinement). They cited several good studies to bolster their charge, including one indicating that the typical offender commits fewer than 20 (as opposed to 187) crimes in a year.

But Zimring and Hawkins did not use their insights into Zedlewski's methodological errors to recalculate



the benefit-cost ratio of imprisonment. Instead, they asserted that such measures were inherently unreliable, dismissed Zedlewski's study as "the wrong dog barking up the wrong tree," and concluded by lamenting that, despite sharp escalations in the nation's prison population, many people continue to demand more prisons. They were joined by other critics who, in effect, wanted to have their corrections cake and eat it too. The logic of Zedlewski's fiercest critics was like the logic of nihilists who insist not only that people believe in nothing but in their particular brand of nothing. Metaphorically speaking, one is free to believe that the benefit-cost ballpark doesn't exist, but having taken that position, one cannot logically proclaim anyone to be out in left field (or, in this case, right).

There was, indeed, no shortage of serious methodological and related problems with Zedlewski's analysis. Zedlewski, for example, quoted the results of a survey by the RAND Corporation that "inmates averaged between 187 and 287 crimes per year, exclusive of drug deals." Although he noted that half the inmate population committed fewer than 15 crimes a year, so that the median number of crimes committed was 15, he used the mean (or average) in his analysis. Making this one adjustment (using 15 rather than 187 for the number of crimes averted through incapacitation of a criminal) reduces the benefit-cost ratio to 1.38.

Zedlewski's research also brings up several aggregation issues, both across crimes and across jurisdictions. The RAND survey, of offenders in prisons and jails in California, Michigan, and Texas, contained self-report data on criminal activity, demographics, and criminal records. The survey reported that inmates who committed burglaries averaged between 76 and 118 annually, while lesser thieves reported they averaged be-

tween 135 and 202 thefts a year. Although there is substantial variation in offense rates, the general pattern is that the pettier the crime, the more frequent the offense. Zedlewski's use of averages obscured these distinctions and inflated savings estimates.

Also obscured in the big picture drawn by Zedlewski are the differences among jurisdictions. States vary in many ways, including laws and the austerity with which they are enforced, the structure of the prison and jail systems, the generosity of the welfare system, and economic vitality. These differences influence the benefit-cost calculation by affecting the costs of incarcerating individuals and the characteristics of the arrested offenders. States that imprison a high proportion of offenders are likely to gain less at the margin than states known for their liberal attitudes toward imprisonment. Whereas the Zedlewski approach in a sense gives a benefit-cost estimate for the nation, a measure at the state level, which is the decisionmaking unit, is of more policy relevance.

Beyond Willie Horton

The controversy surrounding Zedlewski's analysis widened with Richard B. Abell's 1989 essay "Beyond Willie Horton: The Battle of the Prison Bulge," published in *Policy Review*, a journal of the Heritage Foundation. In this article, Abell, an Assistant Attorney General of the United States, repeated Zedlewski's findings. He used anecdotes to put flesh on the reality behind the numbers and to illustrate the potential costs of not imprisoning criminals. For example, Abell recounted the tale of a Michigan prisoner who in 1975 brutally shot and killed two people in a Detroit bar. A plea bargain reduced the killer's two first-degree murder charges to second degree, and he received a 20- to 40-year prison term. But on the day he entered prison

A DEBATE IS RAGING OVER THE COST-EFFECTIVENESS OF IMPRISONMENT, WITH CONSERVATIVES CITING FIGURES TO SHOW THAT "PRISON PAYS," AND LIBERALS CITING FIGURES TO INSIST THAT IT DOESN'T.

he was automatically granted nearly 10 years of "good-time" credits. He kept those credits even though, after dozens of serious disciplinary infractions, his behind-bars behavior was anything but good. His confinement time was further reduced under the terms of state laws designed to relieve prison overcrowding. In 1984, after serving only eight and a half years of his minimum sentence, the killer returned to the streets. Within three months of his early parole, he and a female accomplice—a fugitive who had been serving time in a halfway house—killed again. This time the victims were a young woman, who was shot as she opened her front door, and a local policeman, the father of six children.

Abell's article generated a storm of commentary, especially after an excerpt from it appeared as a featured op-ed essay in the *Wall Street Journal*. In addition to railing against Abell's use of a graph that showed crime rates falling when imprisonment rates go up, many experts challenged his uncritical reliance on Zedlewski's findings and ridiculed his use of "sensationalistic" anecdotes such as the one summarized in the preceding paragraph.

Abell's crime-imprisonment graph was misleading, but not half as much as the critics' assertion that no relationship exists between the probability of being imprisoned and the propensity to commit crime. Based on existing statistical evidence, the relationship between crime rates and imprisonment rates is ambiguous. By the same token, Abell's embrace of Zedlewski's analysis was uncritical, but no more so than the facile rejection of the same by his (and Zedlewski's) critics.

Finally, there was nothing sensationalistic about Abell's account. Policies that effect the release of convicted criminals have consequences, some of them ugly. It is not sensationalism to recount true stories of innocent people whose lives were ruined as a result of these policies. And it is not responsible to bury detailed evidence of the harms caused by these policies alongside their victims. Indeed, the Michigan killer discussed by Abell was atypical in that he had served more time in prison than most murderers now do. After lavishing good-time credits on its prisoners and reducing their sentences to relieve overcrowding, Michigan released thousands of violent criminals who had served less than half of their sentences in confinement, with tragic results for many of the state's citizens. Similar policies and programs have operated with similar results in many jurisdictions.

Still, the public debate over imprisonment policy is not enriched by analyses, systematic or anecdotal, that overdramatize the benefits of keeping criminals behind bars. Weighing in on the other side, in a September 1989 report, the RAND Corporation summarized and endorsed the academic and popular literature critical of Zedlewski's analysis. In a footnote, RAND stressed that Zedlewski had erred in using the mean figure of 187 crimes a year, when the median figure was 15 crimes a year. The report as a whole stressed the need to compare the costs and benefits of imprisonment to the costs and benefits of other correctional sanctions, especially intensively supervised probation programs.

The debate, however, has continued. Zedlewski has defended his research against its critics, and the chief finding of "Making Confinement Decisions" continues to be cited as settled fact in the popular media. In the November 1990 issue of *Reader's Digest*, for example, Zedlewski's 1987 study was cited to support the argument that "to pen every serious offender will cost billions, but it's money well spent." The entire text of the article was reprinted as a full-page ad in the *New York Times* on October 17, 1990.

Last December one of us published a report on corrections in Wisconsin that featured an analysis of the benefits and costs of imprisonment in that state. The report, published by the Wisconsin Policy Research Institute, accounted for many of the methodological problems in Zedlewski's analysis, and estimated the benefit-cost ratio to be a little less than 2. Nevertheless, fierce critics of the Zedlewski study, such as the National Council on Crime and Delinquency, charged that the Wisconsin report was meaningless, ignored its qualifications, and caricatured its contents. Meanwhile, individual champions of the Zedlewski study charged that the Wisconsin report understated the net benefits of imprisonment.

Estimating Crime Commission Rates

Hope for rational, nonideological discourse on this important public policy issue nevertheless springs eternal. Reasonable minds can and do differ over how best to conduct cost-benefit analyses of imprisonment policies, how best to interpret the results of such analyses, and how, if at all, to fashion or reorient public policies accordingly. Based on our reanalysis of relevant 1990 survey data from a scientifically selected sample of more than 7 percent of the Wisconsin male prison population, however, extremists on either side of the Zedlewski debate are bound to be disappointed. In Wisconsin, the net benefits of imprisonment are neither as large as Zedlewski's analysis would predict nor as minuscule as Zedlewski's strongest critics would assert.

We follow other analysts, including Zedlewski, in excluding the effects of incarceration on future crime rates through general deterrence, rehabilitation, or further criminalization of the offender. Because the applied research in this field gives us no firm basis for concluding that the net effects of prison time on future criminality are significantly positive or significantly negative, we focus on incapacitation (based on prisoners' self-reported past history)—that is, the number of crimes averted because the offender was kept off the street.

As other researchers have noted, a few offenders seem to be responsible for the majority of crimes committed, while the bulk of offenders commit a few crimes each. To illustrate this, table 1 shows four different ways to measure the number of crimes committed per prisoner per year in Wisconsin. The average (mean) number of crimes per prisoner per year including drug sales is estimated to be 1,834. The mean number of crimes excluding drug sales is 141. The median number of crimes including drug sales is 26. The median number excluding drug sales is 12.

Table 1. Wisconsin Prisoners' Yearly Crime Rate

	INCLUDING DRUG SALES	EXCLUDING DRUG SALES
Average	1,834	141
Median	26	12

Source: Calculations from the 1990 Wisconsin Prisoner Survey.

It is worth noting here that most analysts have omitted drug sales from their calculations of the net benefit of imprisonment. There is no pure methodological reason why drug sales should not be included in such calculations. Drug sales are crimes, and they involve both direct and indirect social costs. Systematic empirical knowledge about the economic and other consequences of drug sales is scarce. Such data as exist—for example, the June 1990 RAND report on drug dealing in Washington, D.C.—do not point clearly in the direction of leaving drug sales out of such calculations. The issue is complicated by individual moral attitudes toward the distribution of illegal drugs. Some people view drug sales as “victimless crimes” and favor drug legalization, while others view drug sales as serious crimes at the root of many other criminal activities and social ills. Either view may affect one’s inclination to include drug sales in calculations of the net benefit of imprisonment.

This is not the place to referee the drug debate. We note, however, that a main reason why drug sales are widely viewed as socially harmful is that they are believed to be strongly correlated with other criminal activities. In the analysis that follows, although we will follow previous studies in excluding drug sales, we will focus on several types of criminal activity that have been associated with drug involvement.

Estimating Social Costs of Crime

Estimating prisoners’ yearly rates of committing crimes is only the first step in our analysis. The next step is to estimate how much these crimes would cost society were the prisoners free to commit them. Or, to put it another way, our next step is to estimate how much society benefits from protecting itself from these crimes through imprisonment. Analytically, it is a complicated step, but not an impossible one.

The reason for the complexity should be rather obvious: different crimes impose different social costs. Other things being equal, a bank robbery in which someone is killed or seriously injured is more costly to society than a bank robbery in which no one is harmed. But does every burglary impose the same social costs as every other burglary? Is a petty burglary more or less costly to society than an attempted car theft that ends in vandalism? Are either or both of these crimes more or less injurious to society than a routine drug sale? Generally speaking, without being arbitrary it is difficult to rank categories of crimes in terms of their social costs, and

difficult to translate these costs into dollar values.

Indeed, it is often difficult even to classify a convicted offender as a “robber,” “burglar,” or “drug dealer.” About one-third of the property offenders we surveyed, for example, acknowledged involvement in more than one category of crime in the four months before their most recent arrest. Among other problems, official information on a prisoner’s conviction charge and past criminal record is often contaminated by plea bargaining and the exercise of judicial discretion.

In the face of these difficulties, the analyst has at least two options (apart from throwing in the towel). One option is to come up with a single estimate of the social cost per crime. In previous studies, many analysts (ourselves included) have done just that. As noted above, Zedlewski used an estimate of social costs per crime of \$2,300. Others have argued for and used both higher and lower estimates. While not totally without merit, the single estimate approach results in grossly oversimplified calculations and does not enable one to specify the net benefit of imprisonment for any given category of offenders. In addition, that approach does not capture the differences in the “crime mix”—that is, the types of crimes most frequently committed—from one jurisdiction to the next.

A second option, and the one we will exercise here, is to restrict the analysis to given types of crimes. The two basic categories of crime are violent crime and property crime. We know enough to make social cost estimates for certain types of property crime (robbery, burglary, auto theft, and fraud, forgery, and petty theft) and for at least one type of violent crime (assault). So we will restrict ourselves to an analysis of the net benefit of imprisonment for these crimes.

Using data drawn from the National Crime Survey and from a study of jury awards in cases involving pain and suffering and time lost from work, Mark A. Cohen has estimated the dollar values of these crimes (table 2). The estimates account for pain and suffering, risk of death, lost wages, and medical costs for psychological injury resulting from the crimes. Still, we acknowledge that further research is needed to refine these measures.

Table 2. Estimates of Social Costs of Selected Crimes

CRIME	SOCIAL COST
Robbery	\$ 12,060
Assault	11,518
Burglary	1,314
Auto theft	2,995
Fraud, forgery, petty theft	110

Source: Mark A. Cohen, “Pain, Suffering, and Jury Awards: A Study of the Cost of Crime to Victims,” *Law and Society Review*, vol. 22, no. 3 (1988). We have revised Cohen’s estimates to account for inflation and transfer of wealth.

PARTISANS APPEAR NOT TO HAVE NOTICED THAT THE KIND OF EMPIRICAL ANALYSIS THAT WOULD JUSTIFY STRONG GENERALIZATIONS ON EITHER SIDE OF THE ARGUMENT HAS YET TO BE DONE.

The Net Benefit of Imprisonment

To assess the net benefit of incapacitation we must make some assumptions regarding who would be incarcerated if prison capacity were expanded at the margin, say by 100 cells. Some researchers have considered lengthening sentences of those currently convicted, for example, by 10 percent, assuming they would remain as criminally active as they reported having been before their arrest. On the basis of evidence that the *probability* of being punished has more deterrent effect than the *degree of the sanction*, we believe a more practical alternative is to consider sending more offenders to prison. Zedlewski followed the same approach.

We have ranked the respondents to the Wisconsin survey according to their "social costliness" in the months just before arrest (see table 3). For each offender we calculated the total cost of having him on the street for a year, committing crimes at the rate he reported on the survey. For example, we simply multiplied an estimate of the number of robberies he would commit times \$12,060, giving us a measure of the cost of robberies he would do. Then we added a similar measure for the impact of his assaults (the number of assaults times \$11,518 each), continuing the process for each crime listed in the table. For technical reasons in the way the estimates were constructed, the resulting measure of "social costliness" is probably biased upward somewhat.

Table 3 summarizes the statistics for the whole sample. It may be more illustrative, however, to consider the criminal activities of a few actual offenders, shown in table 4. As expected from our earlier observation that a few individuals are responsible for most crimes, the distribution of social costs is seriously skewed—an important fact in interpreting the analysis. Offender A committed robberies at a rate of 151 a year and assaults at the rate of 12 a year, at a social cost of almost \$2 million dollars. Offender B committed 3 robberies and 3 assaults a year, at a social cost of \$70,734. Offender D is considered the "median" offender; half of those surveyed were more costly than he, half less costly. Actu-

ally there are several inmates who fit this profile, having committed 4 assaults a year. The offender at the 25th percentile cutoff, offender E, committed 12 burglaries with an estimated \$15,768 in social costs. Taking a simple average of social costs of all of the property or assault offenders gives a mean value of \$369,131.

Table 3. The Social Cost of Property and Assault Crimes per Offender

OFFENDER	COST
Average (mean)	\$ 369,131
Median	46,072
25th percentile	15,768
10th percentile	1,980

Source: Calculations from the 1990 Wisconsin Prisoner Survey.

Because attaching dollar values to criminal acts is much more contentious for such crimes as murder and rape, we do not consider those crimes here. In fact, we would venture that it is impossible to make an argument for incarcerating murderers based on projected social savings. Most murderers are not expected to kill again because their crime was one of passion or the result of drinking or drug use. Arguments for their imprisonment must be based on retribution and deterrence, which are quite valid, though not part of the current discussion.

Table 5 transforms the social costs associated with different prisoners in the Wisconsin study into benefit-cost ratios by dividing the numbers in table 3 by the cost of incarcerating an offender. We use an estimate of \$25,000 per prisoner per year, which accounts for cell construction costs and operating expenditures.

It clearly does not "pay" from an economic standpoint to keep the least criminal offenders behind bars. But how do we know which estimate is appropriate to

Table 4. Sample Criminal Profiles for Wisconsin Prisoners

	ROBBERIES	ASSAULTS	BURGLARIES	AUTO THEFT	OTHER THEFT	SOCIAL COST
A	151	12				\$ 1,959,276
B	3	3				70,734
C	3		12			51,948
D		4				46,072
E			12			15,768
F					18	1,980

assess current imprisonment policy? First, we need to define which of the current inmates the hypothetical additional 100 prisoners would be most like. To answer this question we need some evidence of how well the criminal justice system sorts out the high-rate, high-cost offenders. This depends on the degree to which police officers make accurate judgments about whom to arrest, how the ardor with which public defenders argue their clients' cases is related to criminality, and judicial decisions regarding the type and severity of sanction imposed. One technique for approaching this issue would be to compare self-reports of those sentenced to probation to those sent to prison to see how well judges and the participating attorneys do.

Greenwood, with Allan Abrahamse, helped kick off a "selective incapacitation" debate by proposing that it is possible to identify and incarcerate only the very active criminals, thus achieving the same crime rate with a much lower prison population and saving a great deal of taxpayers' money. The upshot of the debate, however, is that it is difficult to precisely identify those offenders with information generally available to the criminal justice system. A believer in the efficacy of selective incapacitation would maintain that we could concentrate on the most hard-core criminals, freeing the lowest quartile of inmates. In future work we will focus on more precise definitions of who the "marginal offender" is and how to assess his likely level of criminal behavior under such sanctions as parole or early release.

Table 5. Benefit-Cost Ratios of Incarceration for Selected Types of Offenders

OFFENDER	RATIO
Average (mean)	14.77
Median	1.84
25th percentile	0.63
10th percentile	0.08

But even without such information, we can still learn something from the benefit-cost ratios of table 5. Using the mean of the incarcerated population as a proxy for the costliness of the next person imprisoned for a property crime implies that you think the system is unable to do any sorting. If this assumption is true, increasing the number of prison beds is desirable public policy, as nearly \$15 in social costs is saved for every \$1 added to the imprisonment budget. Alternatively, the choice of the median as an admittedly blunt instrument implicitly assumes that the corrections community can ascertain whether an offender is likely to be in the most active half of the detained population, but cannot make a more specific determination based on the type of information to which they generally have access. This measure implies that the scope of corrections is just about right. On the other hand, if the system can precisely sift out the more active and more costly criminals, we are overinvesting in prisons.

In a 1982 RAND Corporation report, Peter

Policy Implications

Though one cannot conclude whether or not prison pays at the margin without further evidence on where that margin lies, we venture that the criminal justice system is able to do enough sorting that the margin will fall below the mean but above the 10th percentile. Consider, for example, using the median cost of a property offender as the estimate of the social cost of the crime committed by the marginal offender. The net benefits of imprisonment can then be expressed as follows. Imprisoning an additional felon costs the state \$25,000 a year, but letting him freely roam the streets in search of victims costs society \$46,072 a year; imprisoning 100 people costs \$2.5 million, but leaving these criminals on the streets costs \$4.6 million.

The effect of other forms of punishment such as parole, probation, intensive supervision, and electronic monitoring on the ultimate benefit-cost ratio is not even considered here and must be the next step in understanding more fully the economics of corrections.

At this point, we cannot conclude that a meticulous benefit-cost analysis (aided by improved data availability) would result in a ratio much greater than 1. While supporting the view that prison is useful, from an economic standpoint, for a portion of the criminal population, our results challenge the implication of Zedlewski's original work: that every available dollar of public money go into expanding prison capacity.

Even if we find that "prison pays" at the margin, it would not mean that every convicted criminal de-

serves prison; it would not mean that it is cost-effective to imprison every convicted felon; and it would not mean that it is more cost-effective to imprison offenders than to supervise them intensively in the community. Indeed, community-based intensive supervision programs are among our most promising, proven, and viable corrections options. Recent evidence that these programs do not work as well as had been hoped based on early studies should not divert efforts to improve and experiment with them.

What finding that "prison pays" *would* mean is that we have reason to make a balanced use of correctional sanctions, that imprisonment is not "too expensive," and that an affirmative response to the clear and present need for more prison beds is a necessary if unfortunate social investment that will probably pay dividends over time.

Cautions

Three issues may bias our estimate one way or the other. There is, of course, always the possibility that prisoners in a given survey might exaggerate (or understate) the level of criminal activity, or that the extrapolations built into the calculations might exaggerate or understate the actual level of criminal activity among prisoners in the sample. Yet this is the best we can do at this point. Other prisoner surveys have reported higher median figures, but nothing far out of line with our finding of 12. Our survey mimicked the 1987 RAND Second Inmate Survey to take advantage of its extensive before-and-after testing of the survey instrument for accuracy of responses. At a minimum, our work can be confidently compared with other work that has relied upon similar surveys, such as the RAND Corporation's and Zedlewski's.

Second, one might quarrel with the social costs per crime calculated by Cohen. The use of jury awards is questionable, but probably the closest one can come to capturing public valuation. It is easy to recalculate the

benefit-cost ratio using the reader's preferred measure of social costs.

The third consideration, the estimate of annual costs of incapacitation, is also contentious, but probably less so than the first two issues. One might argue that the national per prisoner per year estimate of \$25,000 is too low. Few states, however, report spending even that much; Wisconsin's most recent estimate, for example, is under \$20,000, and New Jersey reports just over \$22,000. Also, Douglas C. McDonald, in the most recent and sophisticated analysis of corrections costs available, places the average per prisoner per year figure at \$14,000 for operating costs. Using McDonald's correction for the underestimation of capital and indirect costs results in an approximation of yearly incarceration costs in the \$20,000-\$25,000 range.

Calculating Conclusions

We cannot currently claim that prison either pays or does not pay at the margin. The evidence is not overwhelming on either side. The often-heard argument that slightly changing the methodology will result in wildly variant answers to the question of the net benefit of incarceration is enough to cause even the most reasonable-minded person to mutter "Garbage in, garbage out." And even if one were to conduct a far more sophisticated study of the same subject, certitude about its findings would still be impossible.

But making imprisonment policy based on implicit assumptions about the criminal characteristics of prisoners is merely a path of lesser intellectual resistance. Getting a rough handle on the net benefit of imprisonment by the type of analysis presented above is a useful way of introducing a measure of rationality into debates about the future of corrections. Both those who insist that prisons are costless panaceas and those who shout that prisons cost "too much" resist such analysis because they prefer to make corrections policy in the dark. ■

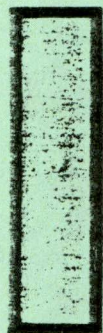
WE CANNOT CURRENTLY CLAIM THAT PRISON EITHER
PAYS OR DOES NOT PAY AT THE MARGIN. THE
EVIDENCE IS NOT OVERWHELMING ON EITHER SIDE.



**HOW
SAFE ARE
YOU?**

Drug Use Is Beginning to Drop in Washington, But Violent Crime Continues to Increase. Here's a Neighborhood-by-Neighborhood Report Showing Where the Greatest Danger Is.

By Steven D. Kaye



In the next 24 hours, odds are that two people will be murdered in the Washington area—one in the District and the other in the suburbs. One will be shot in the chest or head; the other may be stabbed, beaten, or strangled.

Between now and this time tomorrow, at least seven area women will be raped. Some 75 people will be robbed, and about the same number will be violently assaulted. Nearly 200 homes, stores, and offices will be burglarized, and about 100 cars will be stolen.

Most of the violence and theft will occur in areas notorious for crime—parts of Southeast DC, Hyattsville in Prince George's County, Silver Spring in Montgomery County, Arlington in Alexandria, and neighboring Arna Valley in Arlington.

But your daily habits may reveal a consciousness of crime that nags at every Washington-area resident. Maybe you don't walk or jog alone after dark. Maybe you don't carry much cash—or only enough to appease a robber. Driving through certain neighborhoods, you may double-check your car's door locks. If your car breaks down on a lonely road, you may pray that a police officer notices you before anyone else does.

Many Washingtonians have learned new survival techniques the hard way. Charlotte Ruhe, now a 29-year-old economist at the Treasury Department, was walking near her Dupont Circle apartment three years ago when a man pushed her to the ground, slugged her twice in the face, cut her purse strap with a knife, and ran off with the handbag.

Early this year, in an elevator in her apartment building, it happened again: A man hit her in the face and grabbed her purse. But this time, Ruhe's money and keys were in her pockets, not her purse, and the most valuable thing the robber got was a can of cream-cheese icing she had bought for a friend's birthday cake. "I learned from the first time I got mugged that you carry everything spread out," she says.

A few months after the second attack, she moved to DC's Woodley Park, where she hopes to be safer.

Is Washington Dangerous?

It was big news last year when the District became the "murder capital" of the country by having more killings per capita than any other city. With 434 murders and about 600,000 residents, DC beat out the cities usually thought of as dangerous—New York, Detroit, Chicago, Miami, Los Angeles—and got tagged with such nicknames as "District of Crime" and "Dodge City" in the national and international press.

When it became clear that DC was going to rack up the nation's highest murder rate, the *Washington Post* and local television news shows began reporting a body count almost daily.

Had the Washington area become the country's most dangerous place to live?

Not by a long shot. Even within the District, most murders were in parts of town known for drug dealing, and most victims were drug dealers or buyers. Although a high murder rate makes sensational news, it alone doesn't tell much about the relative safety or danger of a city.

When it comes to violent crime overall—murder plus rape, robbery, and aggravated assault—the District is statistically about as dangerous as most major cities, including Dallas, Baltimore, Boston, and Kansas City. The Washington area, including the Maryland and Virginia suburbs along with DC, has less violent crime per capita than most major metropolitan areas, and far less than Miami, New York, and Los Angeles, the three most violent.

But those comparisons are not necessarily reassuring. Washington, like every major city in the country, has been getting more dangerous every year.

According to the Justice Department, crime in the United States was at an all-time high last

year—the result of five straight years of increase. Violent crimes rose fastest of all. The trend has continued this year, with violent crime increasing nationwide by 10 percent in the first six months of the year. The most dangerous industrialized country in the world is more dangerous than ever.

Washington has followed the trend. After a few years of less crime in the early 1980s, area crime rates began a steady climb upward and are now at record or near-record levels not only in the District but also in every other jurisdiction. In the last two years, the number of robberies and violent assaults in the metro area rose nearly 20 percent, the number of rapes 27 percent, and the number of murders 30 percent.

The three most urbanized jurisdictions—DC, Prince George's County, and Alexandria—are the most violent. But no jurisdiction has been spared. In Loudoun County, a quiet, largely rural area ten years ago, serious crime has risen 37 percent since 1987. Drug dealing, assaults, robberies, and thefts now plague parts of Leesburg and the Route 28 corridor near Dulles Airport.

Crime has shot up in sparsely populated Prince William County as well, especially violent crime. Robberies have increased about 20 percent in the last three years, aggravated assaults 44 percent, rapes 75 percent. Murders have quadrupled.

The Drug Connection

Washington's increased crime has been blamed on illegal drugs—crack cocaine in particular. Two years ago, when *The Washingtonian* con-

ducted its last extensive review of area crime, crack cocaine was relatively new here.

Nationally, Washington had never been known as a big drug market. There had always been a steady demand for heroin, marijuana, and powdered cocaine. PCP, a veterinary tranquilizer that can make abusers paranoid, violent, and nearly immune to pain, was more popular in Washington than in most other cities. But the demand for illegal drugs was satisfied without much violence and without much public notice.

In 1986, crack dealers from New York and Miami hit Washington with a vengeance when they found they could get two to three times as much for the drug here. At first the out-of-towners made most of the money, but locals soon started dealing crack. That's when the violence really started.

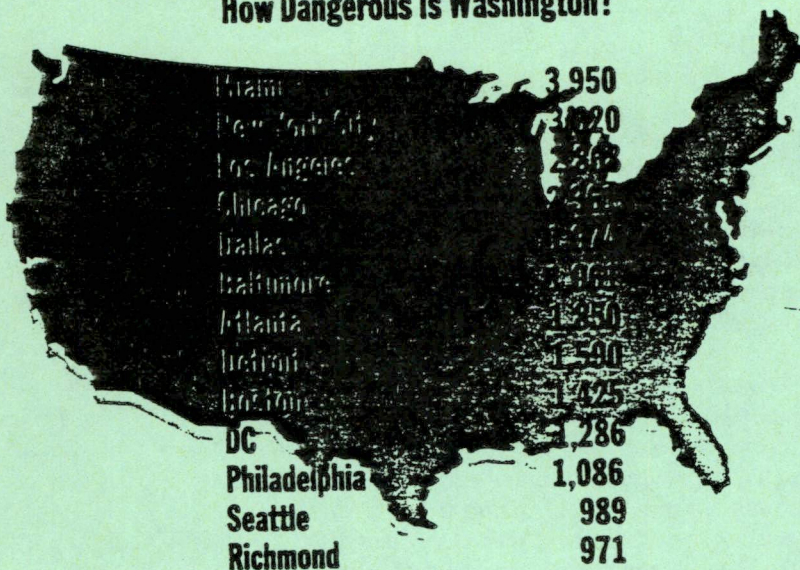
Washington didn't have much of a city-wide drug-dealing network to handle the demand for crack, no gangs with defined territories as in New York or Los Angeles. And if the District had little organization, the suburbs had almost none. A violent free-for-all erupted as competing dealers tried to carve out territory.

That's why crack brought more violence to Washington than to other cities, and why DC became Dodge City.

According to a study released by the Rand Corporation earlier this year, one-sixth of the District's 18-year-old black males in 1985 were charged with selling drugs by 1988.

But it wasn't just black males in DC who were to blame. More than 40 percent of those arrested for drug possession in DC from 1985 to 1987 were from outside the District, and 30 percent of those nonresidents were white. In Montgomery, Fairfax, and Arlington counties, about half of the people arrested for drug possession are white.

Crime in the United States: How Dangerous Is Washington?



Violent crimes—homicide, rape, robbery, and aggravated assault—per 100,000 residents in selected metropolitan areas in 1989

Violence for Its Own Sake

If drugs are to blame for Washington's increasing crime, then crime should subside when drug use goes down. That's the theory.

But it may not. There have been signs this year that drug use in Washington is declining. The DC Pretrial Services Agency reports that the proportion of arrestees testing positive for illegal drugs has dropped. In the summer of 1989, 70 percent of adults and 26 percent of juveniles arrested tested positive. Last summer the numbers dropped to 54 percent of adults and 16 percent of juveniles.

In the Virginia and Maryland suburbs, there are fewer outdoor drug markets now than a year ago, and drug arrests have declined. Cocaine seizures have dropped. Most area hospitals have seen the number of drug-related emergency-room admissions go down.

But the area's continued escalation of violence

during an apparent decline in drug use suggests that the violence has taken on a life of its own. The assumption that reducing drug use would reduce violent crime may not be true.

Two years ago, police reckoned that about 60 percent of homicides metro-wide were drug-related. This year the number is down to about 40 percent. But the total number of murders continues to increase.

Among the reasons: Guns are everywhere. Children find them on DC sidewalks; suburban teenagers bring them to school; gunfights break out between motorists on the street. Some citizens have grown accustomed to resolving disputes by force. Metro-area police have responded by replacing their old-fashioned six-shooters with nine-millimeter, semiautomatic handguns capable of firing fifteen or more rounds before being reloaded.

The increase in murders this year, at a time when drug slayings have dropped, reflects more "in-your-face" aggressiveness, more violence for its own sake. So do the increases in assaults and rape. In Alexandria, the rate of rape has been steady, but in the last year it has gone up about 9 percent in Montgomery County, 38 percent in Arlington County, 42 percent in Fairfax County, 54 percent in Prince George's County, and 72 percent in the District.

One of the rules of survival in New York City is to avoid eye contact with strangers. That rule is now being applied in many Washington neighborhoods, from DC's Metro Center shopping district to close-in Prince George's County and even parts of Montgomery County, Arlington, and Alexandria.

If the violence keeps increasing, we may have to learn new social strictures: Don't argue with strangers. Don't gesture at rude drivers. Avoid controversy. You never know who might have a gun.

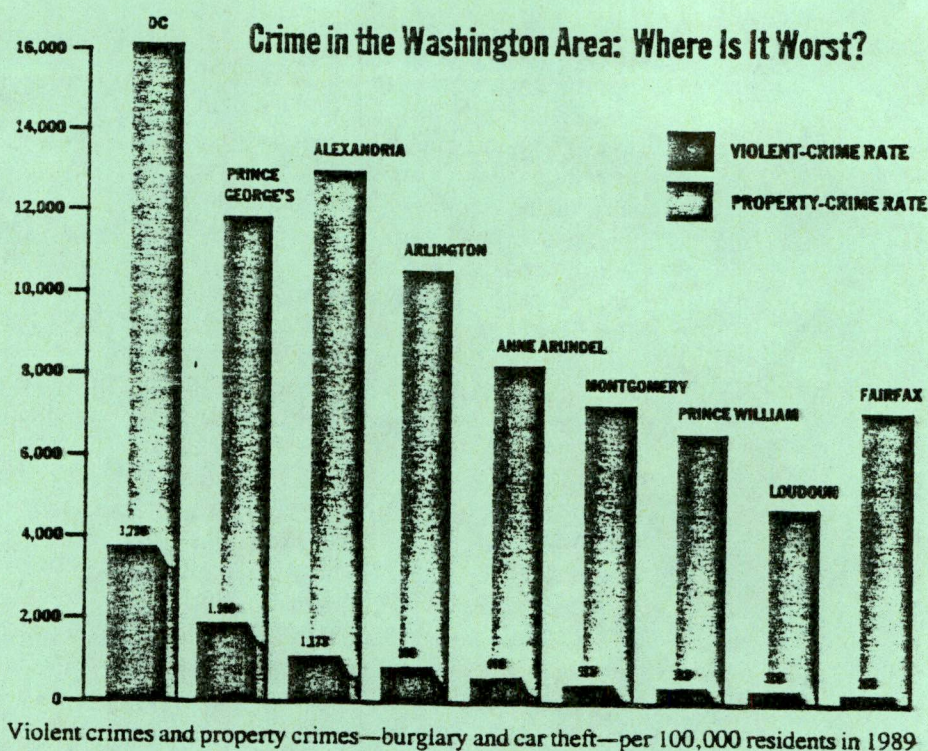
Crime in Your Neighborhood

How safe are the places where you live and work? The maps on the following pages use five colors to show the relative danger of becoming a crime victim in six jurisdictions: the District of Columbia, Montgomery County, Prince George's County, Arlington County, Fairfax County, and Alexandria.

We divided each jurisdiction into sections—either census tracts or police beats, depending on how the local police keep records—and calculated the 1989 crime rate in each section.

The District, for example, was divided into 181 census tracts, and 33,000 crimes were apportioned to the tracts in which they occurred.

Six types of offenses classified by the FBI as "serious crimes" were counted—homicide,



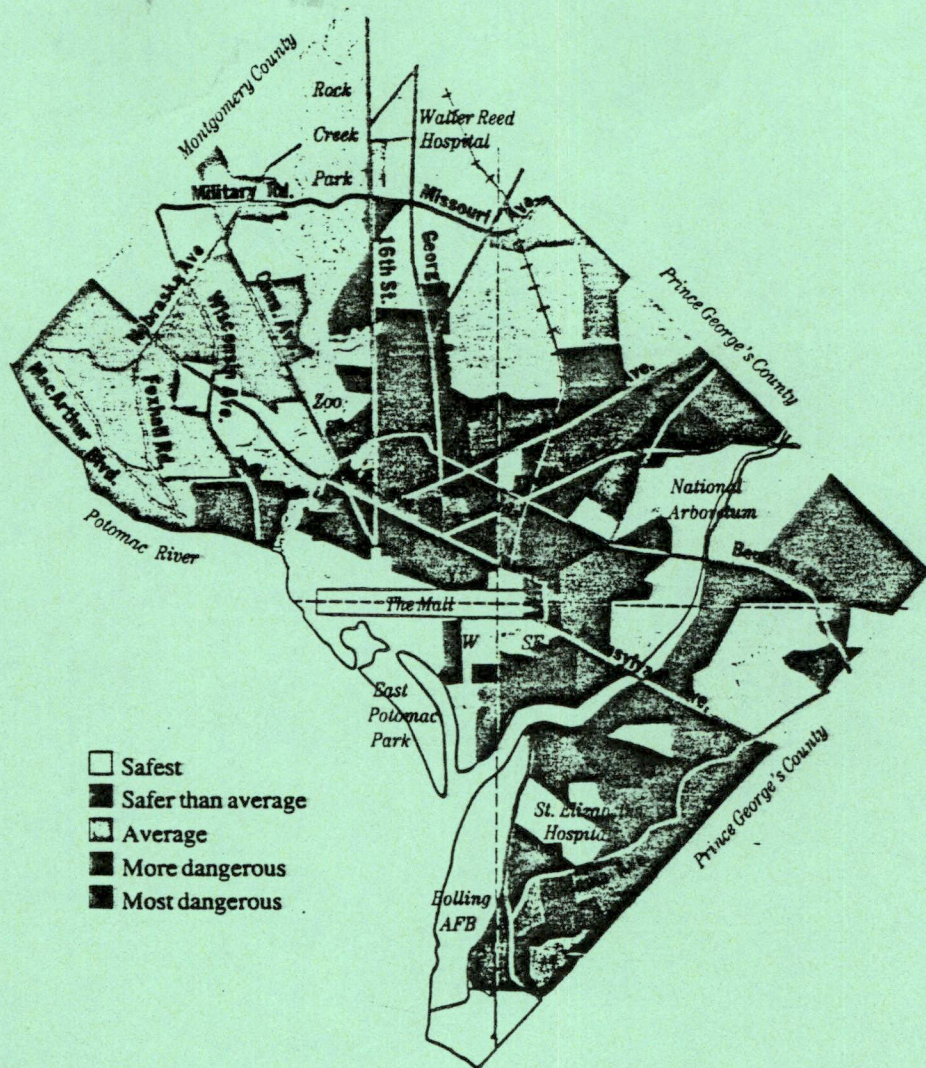
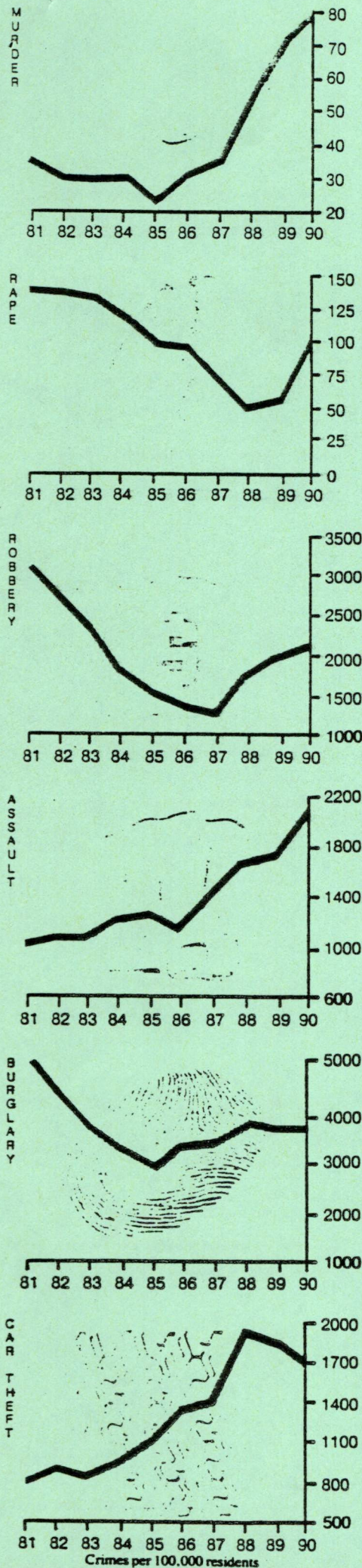
rape, robbery, aggravated assault, burglary, and car theft. Primarily business crimes—larceny, which consists mainly of shoplifting, and arson—were excluded.

Each section on the maps is color-coded according to how its crime rate compares with the average rate in the Washington area, which is about 55 crimes per 1,000 residents.

- ☐ **Blue:** The safest places, with less than one-fourth the area's average amount of crime.
- ☒ **Green:** Safer than average—a crime rate one-fourth to three-fourths the metro average.
- ☐ **Peach:** Roughly average amount of crime for the metro area.
- ☒ **Orange:** Danger zones, with 1.5 to 2.5 times as much crime as average.
- ☒ **Red:** The most dangerous areas, with more than 2.5 times as much crime as average.

All the maps are colored according to the same key, so neighborhoods can be compared from one jurisdiction to another. But since crime rates are determined not only by the number of crimes but also by the number of residents, even a few crimes can make sparsely populated business and tourist districts look dangerous. It's most accurate to compare similar areas—commercial to commercial; residential to residential.

Each color shows the average amount of crime within an area, so don't assume that crime rates rise and fall abruptly with changing colors. Adjoining areas also affect the safety of any neighborhood. For example, green areas that border blue areas are probably safer than green areas surrounded by peach-colored areas. ➤



District of Columbia

Death Takes No Holidays

Life gets cheaper and cheaper in the District of Columbia. With 434 killings in 1989, the city had the highest per-capita homicide rate in the country. The pace of killings this year is even worse. If it continues through the holidays, about 475 people will have been murdered by the end of the year.

After nine people were murdered on one October weekend, DC police chief Isaac Fulwood Jr. formed a "rapid deployment" unit, a squad of 100 police officers with orders to saturate high-crime areas to prevent homicides.

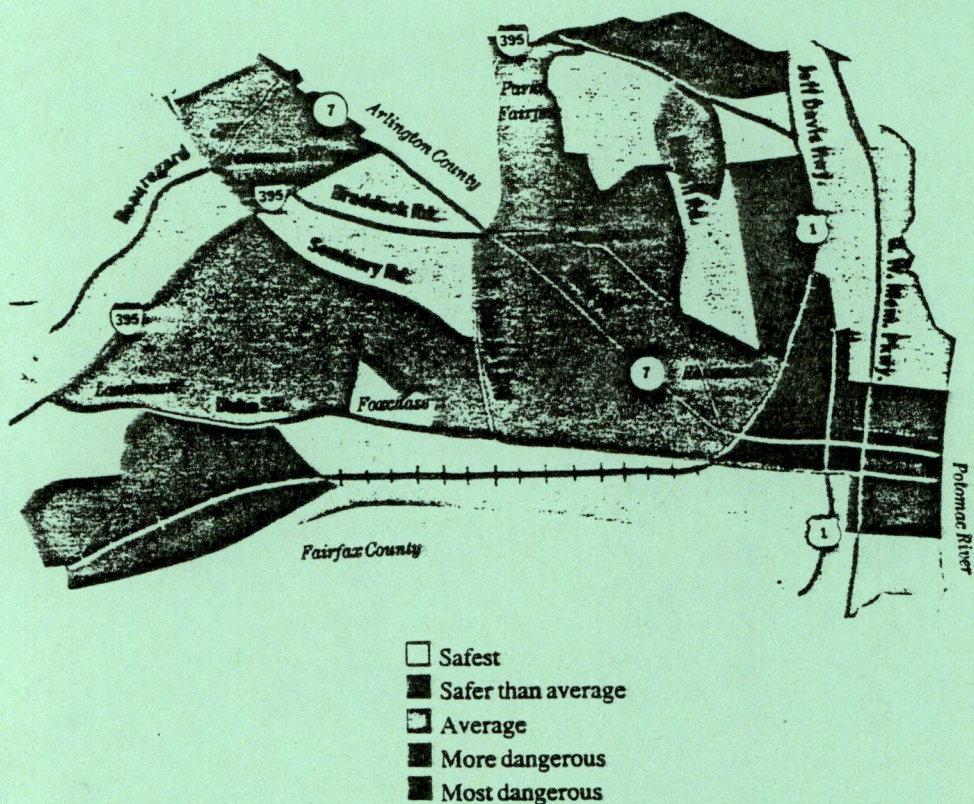
The rapid deployment unit follows two other high-profile anti-crime initiatives. The first was Operation Clean Sweep, a program started in 1986 that resulted in 48,000 arrests in two and a half years. Most arrestees were low-level drug dealers and buyers; after monopolizing police time and clogging up the jails and courts, most were let back on the street.

Next came federal drug policy coordinator William J. Bennett's splashy plan

to make the District a national "test case" for reducing drug abuse and crime. A year and a half later, murder, rape, robbery, and aggravated assault have all increased.

Most of the violence is still concentrated in DC's poorest neighborhoods in Northeast and Southeast. But in the third police district, which includes Adams Morgan and parts of the Dupont Circle and Kalorama neighborhoods, violent assaults are up 25 percent over last year, homicides have doubled, and rapes have quadrupled. Burglary and auto theft also have increased.

In the second police district, which covers the westernmost part of the city and includes Glover Park, Cleveland Park, Woodley Park, Friendship Heights, Foxhall, and Chevy Chase, robberies and car thefts are down this year, but rapes, assaults, and burglaries are up substantially. In Georgetown, gangs of teenagers beat passersby last summer, prompting Chief Fulwood to beef up weekend patrols there.



Alexandria

Fighting Back Against Crime

Alexandria is trying to avoid the fate of parts of the District and Prince George's County, where drugs and drug trafficking have wrecked entire neighborhoods. Many of Alexandria's poor neighborhoods, especially in the northern and eastern parts, are easy targets for drug dealers, and several are close to urban lawlessness.

Alexandria has been aggressive in fighting the drug trade. It was the first Virginia jurisdiction to apply the "drug-free school zone" law, which provides extra jail time for selling drugs near schools. After police officer Charles Hill was shotgunned to death by a drug addict in a public housing project in March 1989, the city intensified its efforts to evict drug violators from public housing.

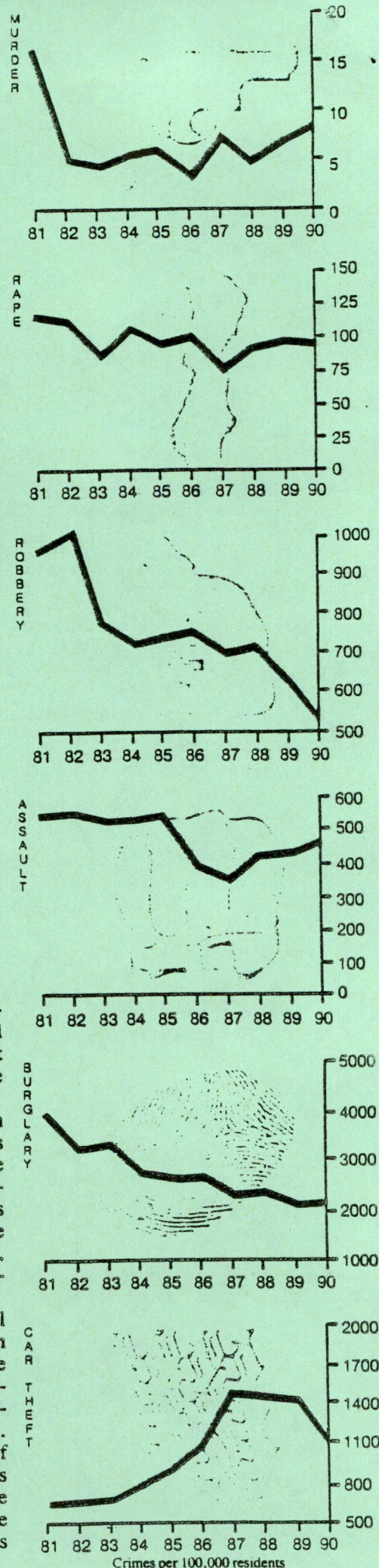
Last April, Alexandria passed an anti-loitering law to get drug dealers off the streets. It was applauded by many, but it was struck down as unconstitutional by a federal court in September.

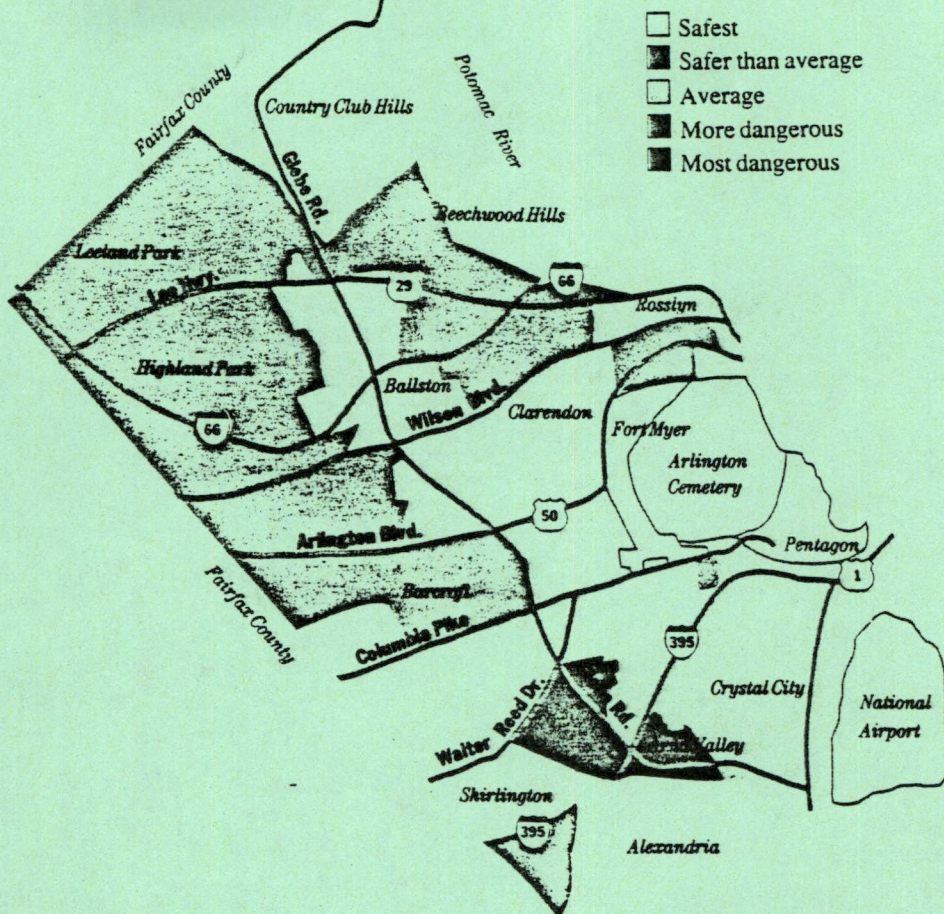
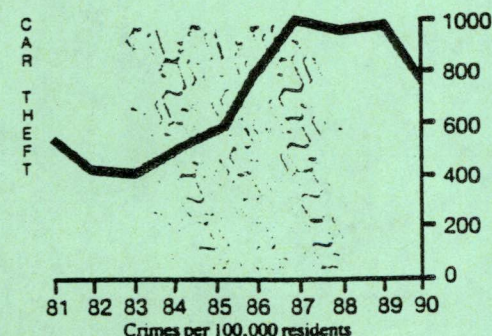
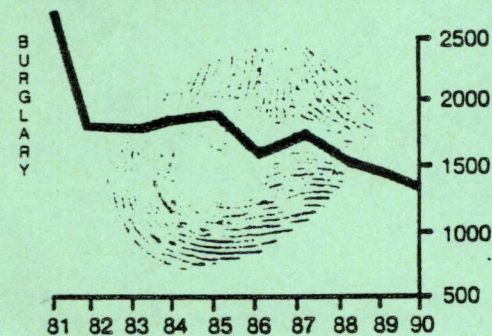
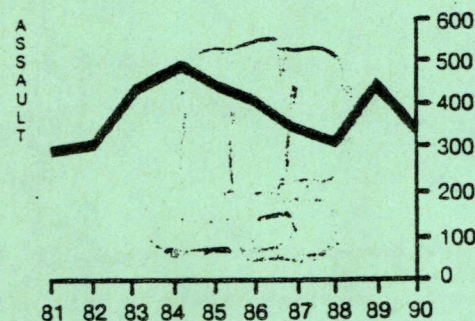
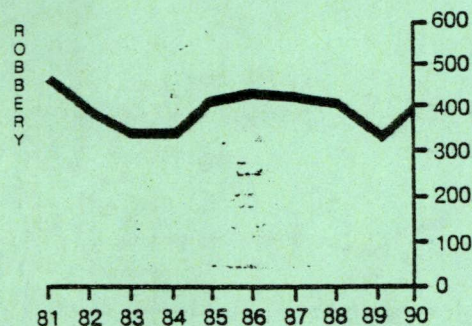
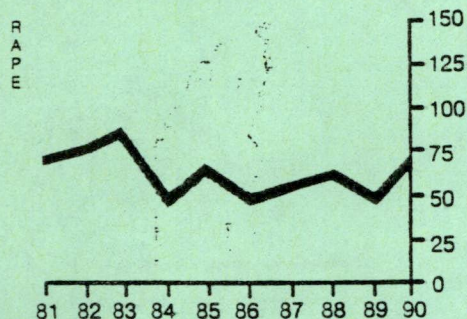
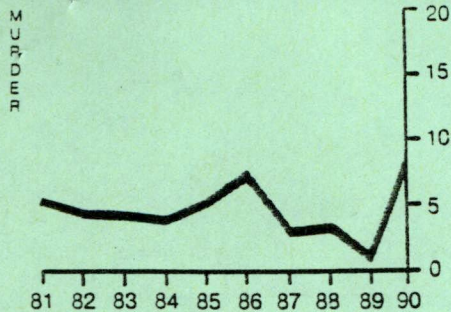
For now, Alexandria has two personalities. In the central and western residential neighborhoods, people still live

in peace and relative security, and tourists still can enjoy most of historic Old Town and the Potomac waterfront. But those areas seem more and more like refuges.

In Arlandria, just south of Arlington County, there is friction between blacks and a growing number of Hispanics. The area around the Charles Houston Recreation Center in Alexandria is notorious for drug dealing and violence. The Route 1 corridor in eastern Alexandria, along the Potomac Rail Yard, is rundown and dangerous.

Three T.C. Williams High School students were murdered this year in street violence, two of them shot and the other cut with a broken bottle. The murder rate is at a nine-year high, and assaults have been rising for three years. The police department, under new chief Charles Samarra, has stepped up patrols in troubled areas, and residents have formed watch groups to discourage crime. But more residents express greater fear.





Arlington County

Assaults Disrupt Way of Life

Arlington County lost some of its innocence when Anne Elizabeth Borghesani was murdered last March. Borghesani, who worked as a paralegal in the District, was walking on a well-used bike path near Lee Highway in Rosslyn when she was sexually assaulted and stabbed to death. She was on the way to her 23rd birthday party.

Two months later, on Memorial Day weekend, three more young women were slain in Arlington. They were beaten and then asphyxiated. And one morning in August, two women were attacked on a jogging trail in South Arlington and a third was apparently about to be attacked when police stopped a suspect.

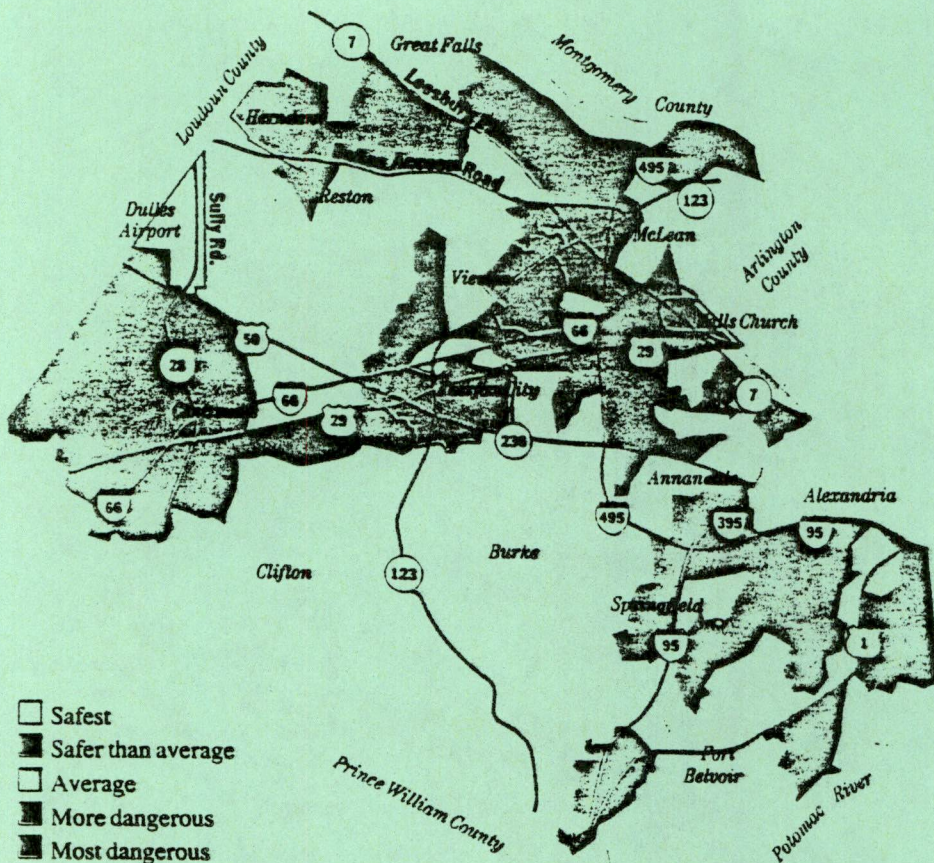
Arrests have been made in the attacks. No one has been charged in the Borghesani case; police say one man killed all three Memorial Day victims. But residents have been shocked. These were the kind of brutal, apparently random crimes found in DC, they thought, but not in Arlington.

Even with the increase in homicides this year—ten killings by early November versus just one in all of 1989—Ar-

lington is still relatively safe. The main reason is the county's wealth; Arlington has higher household income, more expensive housing on average, and a higher proportion of college graduates than the District, Prince George's County, or Alexandria. A low unemployment rate, well-tended residential streets, and prosperous shopping and business districts make much of the county, especially in the north and west, safe and quiet.

Arlington's violent-crime rate is about 80 percent lower than DC's and about 60 percent lower than the Prince George's rate, and Alexandria has about twice as many rapes and robberies per capita.

But Arlington's status as a "safe" suburb is in danger. Rapes are up 38 percent this year, robberies about 21 percent. And with other jurisdictions cracking down on open-air drug markets, Arlington could see an increase in drug trafficking. Some South Arlington residents resorted to citizen's patrols to scare off dealers and buyers this year, and met with some success. But dealers may set up shop elsewhere in the county, bringing drugs and violence to other Arlington neighborhoods.



Fairfax County

A Peaceful County Worries

Fairfax County had the area's lowest rate of violent crime last year. Even sparsely populated Loudoun County had more violent crime per capita, and only Loudoun and Prince William counties had lower rates of property crime. Montgomery County, similar in size and population, had a violent-crime rate nearly twice that of Fairfax County.

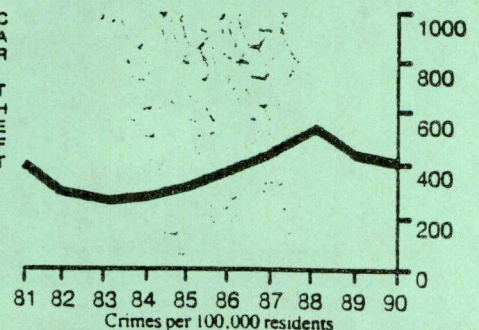
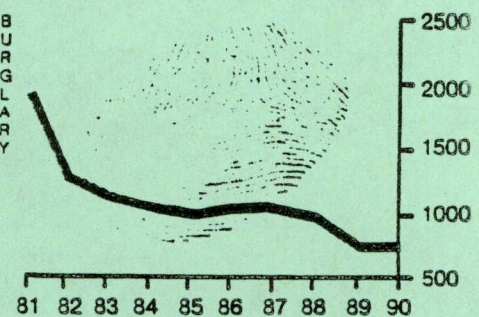
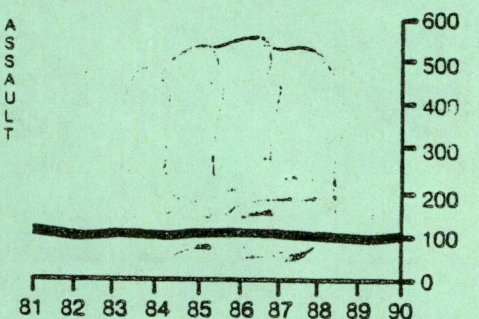
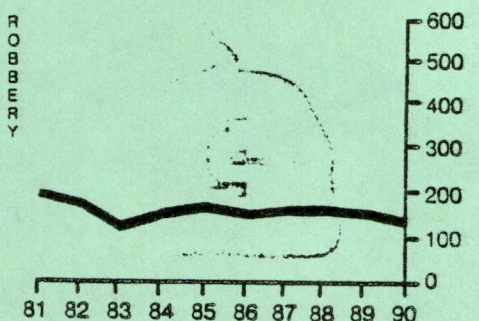
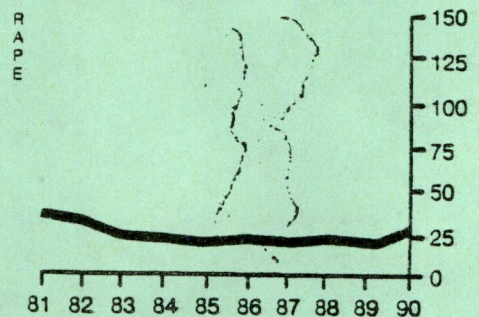
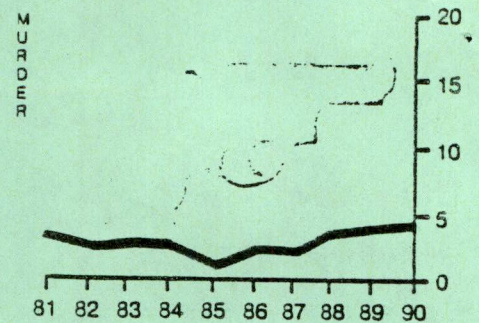
Two factors make Fairfax so safe: wealth and geography. Fairfax has the highest household income of any area jurisdiction, and it is considered one of the richest counties in the country. Residents are well educated, there is little urbanization, and rapid growth has provided plenty of jobs. And unlike Montgomery County, Fairfax County shares no border with the District.

The highest-crime areas in Fairfax are clustered along two transportation corridors in the southeast, Route 1 (Richmond Highway) and I-95 (Shirley Highway), and along the county's border with Arlington. Most of the rough neighborhoods—and much of the county's drug dealing, robbery, prostitution, and drunken fights—are in the Route 1 area.

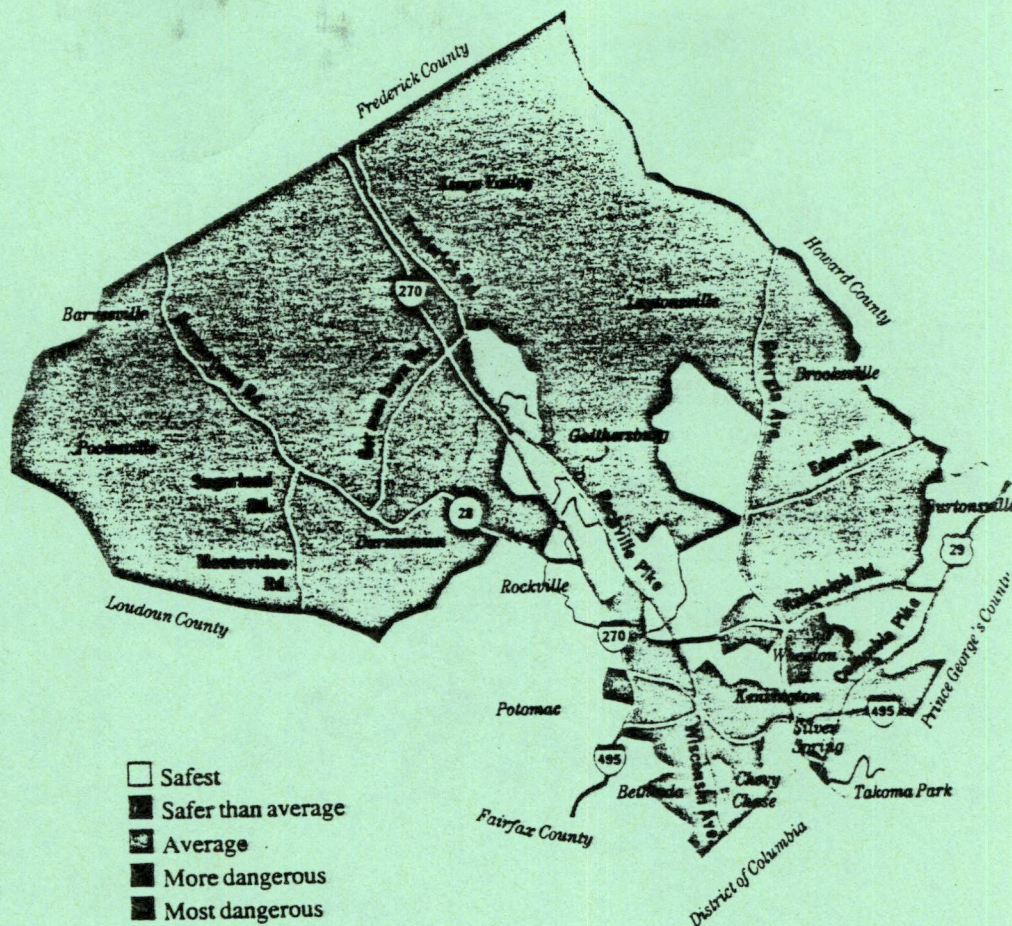
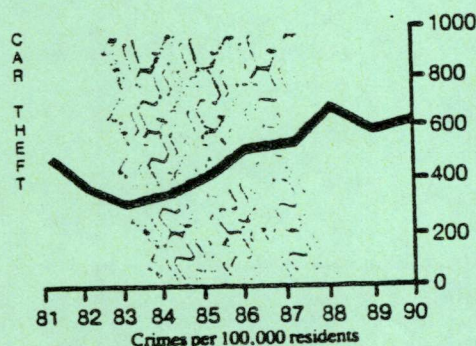
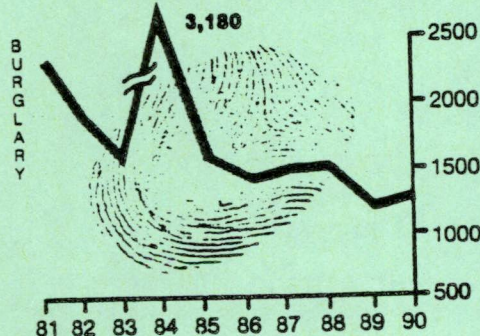
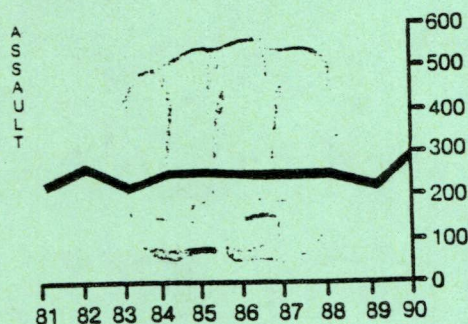
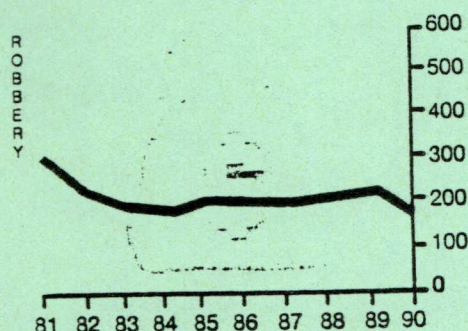
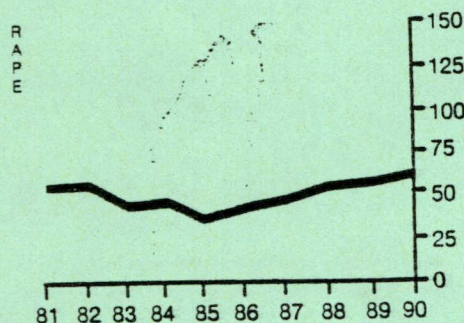
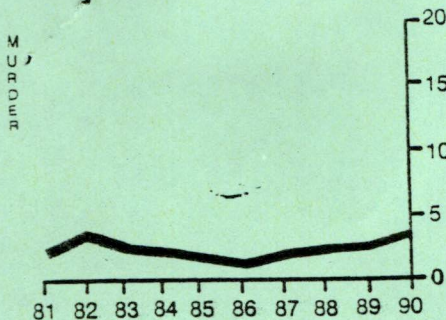
Parts of Reston, not far from Dulles Airport, are also drug-dealing areas.

Despite the low crime rate, two frightening crimes involving children have threatened Fairfax's peace of mind. In July 1989, ten-year-old Rosie Gordon was abducted from her Burke neighborhood in central Fairfax County and murdered. Five months later, five-year-old Melissa Brannen disappeared from a Christmas party at her apartment complex in Lorton. Melissa has not been found, and neither case has been solved. The abductions have led to fear among parents accustomed to thinking of Fairfax as a haven from crime.

There have also been at least nine violent "home invasion" robberies in the county's large Asian-immigrant community this year. Gangs of thugs, largely Vietnamese, prey on Asian residents in the county and in Falls Church, bursting into their homes, tying them up, and threatening, beating, and robbing them. Despite the brutality of the crimes, many victims in the tightly knit Asian community have been reluctant to talk to police.



Crimes per 100,000 residents



Montgomery County

Safe But Growing More Violent

Montgomery County is the second-safest of the area's six major jurisdictions. The District, Prince George's County, Alexandria, and Arlington County have higher rates of both violent crime and property crime.

But Montgomery has not escaped the area-wide rise in violent crime: Murder, rape, and aggravated assault are at their highest levels in a decade. Burglary and car-theft rates are up from last year, too. Of serious crimes, only robbery has decreased, by about 20 percent, from 1989.

Montgomery's robbery rate is still about 40 percent higher than that of Fairfax County, the area's safest jurisdiction; rape is 119 percent higher, and aggravated assault, 173 percent higher. Overall, residents of Montgomery County are twice as likely to be victims of violent crime as their Fairfax neighbors across the Potomac.

Both Montgomery and Fairfax counties have between 700,000 and 800,000 residents, and a largely well-educated and prosperous population. Both have

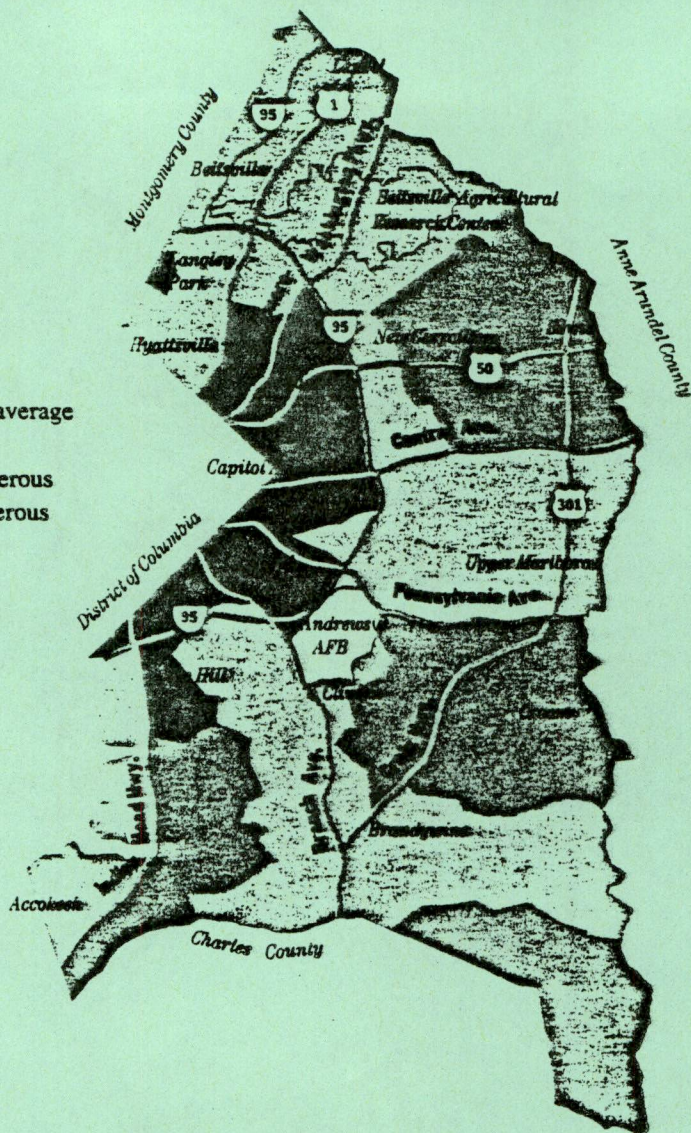
well-respected police departments.

But Montgomery County also has a densely developed commercial swath that starts on the border with the District, and follows I-270 and Rockville Pike north. It is along this ribbon—which takes in parts not only of Silver Spring but also of the Wheaton/Glenmont area, Rockville, and Gaithersburg—that much of the county's drug crime, burglary, theft, and violence are found.

Another crime corridor parallels Route 29 (Columbia Pike) near Montgomery's thirteen-mile border with Prince George's County. A series of unsolved rapes and sexual assaults has plagued the Route 29 area in both counties for more than two years. Police say that nearly twenty attacks may have been committed by the same person, a white man who wears a stocking over his head.

Despite the few dangerous areas, much of Montgomery County remains remarkably safe, especially along the Potomac River and near Rock Creek Park, north and east of Rockville.

- Safest
- Safer than average
- Average
- More dangerous
- Most dangerous



Prince George's County

The Most Dangerous Suburb

Prince George's County is more dangerous than any other suburban jurisdiction in the area.

With just 20 percent of the area's population, Prince George's was the site of about one-third of all crimes committed in the metropolitan area in 1989—20 percent of the murders, 28 percent of the robberies, 30 percent of the aggravated assaults and burglaries, 32 percent of the rapes, and 38 percent of the car thefts.

Most of the county's crime occurs in areas bordering the District, from Hyattsville and Riverdale in the north through Landover, Seat Pleasant, Suitland, Marlow Heights, and Oxon Hill in the south. These neighborhoods form an arc of crime as dense and dangerous as any in the metro area.

Here the signs of neighborhoods fallen victim to the drug trade abound: apartments fortified with gray metal doors, window bars, and steel fences; fast-food trash littering lawns and sidewalks; rusted-out cars parked among

flashy European sedans; streets largely deserted save for teenage dealers and their pre-teen assistants. Residents are fearful, suspicious, angry, and frustrated. Even when the streets are quiet, they are not peaceful.

Things are better outside the Beltway, but only a few parts of Prince George's County have crime rates lower than the area average. Police countywide are overburdened and hampered by equipment shortages.

One theory holds that area drug violence will subside as turf battles are settled. Early this year, homicides in Prince George's ran well behind last year's record-setting level. But an extremely violent summer and fall brought the number about even with last year's count—although that is an improvement after five years of a steadily rising murder rate.

Rape, robbery, and aggravated assault have increased this year at the same time that budget cuts have slowed police recruiting.

